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Statewise: Jurisdictional Fictions, Transnational Politics And Remaking The Nation State On The Chiapas-Guatemala Border, 1821-1899

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Approved by the Dissertation Committee:

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**STATEWISE: JURISDICTIONAL FICTIONS, TRANSNATIONAL
POLITICS AND REMAKING THE NATION STATE ON THE CHIAPAS-
GUATEMALA BORDER, 1821-1899**

BY

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DISSERTATION

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DEDICATION

This is dedicated to John and Steph. Of course.

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ABSTRACT

Statewise: Jurisdictional Fictions, Transnational Politics And Remaking The Nation State On The Chiapas-Guatemala Border, 1821-1899, focuses on the undrawn border between Mexico and Guatemala during the nineteenth century. I argue that this lack of national definition allowed social actors and state authorities in both Mexico and Guatemala to successfully negotiate alliances and competing territorial claims. In this space of "jurisdictional fiction," where the Mexican and Guatemalan governments' claims to authority were undermined by their lack of political, economic and military control, exiles could become political leaders, contrabandists could hold the keys and records to the customs house, displaced indigenous communities were granted land and widowed concubines received indemnities from both states. I call these shape-shifting actors "statewise": they understood the state as a source of authority and of resources which could nonetheless be manipulated for entirely local or regional, rather than centralized or national purposes. My work thus highlights the interdependence between regimes of discourse and law and places where these regimes collide, or are temporarily absent or ignored. I join post-colonialist scholars in arguing against unmitigated state hegemony. Like historians of crime and

criminology I understand state institutions and criminal organizations as overlapping and often symbiotic. Finally, like many cultural geographers and borderlands scholars, I argue for the social creation of space beyond that governed by the laws, authorities, institutions and discourse sustaining the state. Because of their positioning at both the margins of state power and at the crux of its expansion and redefinition, it was often the most marginalized of society that brought about legal and territorial transformations. In so doing, they became not only critical actors in the state-making process but also creators of an alternative space outside state auspices.

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Chapter 1

Introduction

State-wise: the Case of Simón Alvarado

Imagine a border refugee's claim to asylum that could raise suspicions of "invasion" in both Mexico and Guatemala, but at the same time suggest possible benefits for both nations as well as himself. Simón Alvarado made such a claim when caught crossing into Guatemala in 1879:

I've lived most of my life [in Mexico], but about four years ago I returned to live in my Republic [Guatemala] because there were no guarantees in [Mexico], principally in Soconusco [Chiapas]...I looked for asylum in my country which doesn't consider me an emigrant...¹

Alvarado had been caught, along with seventeen others, crossing back into Guatemala after a supposed attempt to "invade" the disputed territory of Soconusco, Mexico, to kill its leading political boss, Sebastián Escobar. According to his statement, Alvarado had originally returned to Guatemala four years previously, in 1875, to flee abuses perpetrated by Escobar. Alvarado's 1879 decision to return to kill this local strongman reflected the presence of what I am calling "jurisdictional fictions" along the Chiapas-Guatemala border. These were sites where the two governments both made competing claims to jurisdiction or temporarily suspended their claims, neutralizing governmental control and leaving space for a variety of local actors to reframe the law and notions of territoriality. The result was not only the political empowerment of more marginal figures like Alvarado, but simultaneously an ironic reaffirmation of state power and defense of the nation from its margins.

¹ Archivo General de Centroamérica (AGCA): "Invasión de Soconusco, 1879," Signatura B, Legajo 6448, folio 29.

As Alvarado's case makes plain, in eastern Soconusco and western Guatemala, the central governments of Mexico and Guatemala, as well as local strongmen and itinerant laborers, all made competing claims to authority. The fact that Alvarado was let go after his arrest, supposedly to be monitored by the Guatemalan government, suggests that citizenship and asylum policies, and national claims to territory, remained undetermined. Nonetheless, Alvarado's testimony during his trial, as well as Mexico and Guatemala's subsequent mobilization of troops on the border, suggest that Alvarado's case not only highlighted the Mexican and Guatemalan governments' lack of authority in the area but provoked a renewed presence of state power. Alvarado himself took a lead role in giving a nationalist spin to what could otherwise have been assessed by both governments as merely local political scuffles between disgruntled emigrants and transnationals. Alvarado's defense placed him between two potential jurisdictions as he argued sequentially for his right to make a living in Soconusco, return to Guatemala for refuge, go back again to Soconusco for revenge against Escobar, and finally to return to Guatemala for asylum. Alvarado's testimony not only secured his freedom from punishment but also heightened awareness, in the Mexican and Guatemalan central administrations, of the dire need to assert more authority in the Soconusco-western Guatemala region. Despite the fact that border negotiations between the two countries began in 1872, it was after a flurry of cases like Alvarado's, in 1879 and 1880, that led to the two administrations' final meetings in Washington and Mexico City.²

² Alvarado's invasion was followed by at least three more attacks in 1879 and two in 1880. The first two consisted in raids on Tuxtla Chico, a Mexican border town which had a history of feuding with surrounding Guatemalan landholders, merchants and authorities. In the second case, in December of 1880, the *jefe político* of San Marcos, Guatemala, accompanied by approximately two hundred neighboring residents, moved the border marker farther into Mexican territory, raiding a number of houses along the way. Border negotiations between the two countries were broken off, and by the end of 1881 Guatemalan representatives in Washington had convinced Secretary of State James Blaine that the U.S. should intervene as mediator in the treaty arrangements between Mexico and Guatemala.

Alvarado's insight into the key role of jurisdictional fictions--of the frailty of the Mexican and Guatemalan governments' claims to authority in the area-- made him statewise: someone who understood the state as a source of authority and of resources which can nonetheless be manipulated for entirely local or regional, rather than centralized or national purposes. Jurisdictional fictions pointed to the potential uses of both governments' anxieties over their lack of territorial control, while at the same time offering substantial latitude for a variety of political players, from low-level officials to contrabandists or itinerant laborers, to establish their own rules of action and claims to resources and political legitimacy. These sites of jurisdictional ambiguity thus could be used to both subvert state power--by placing it in the hands of unauthorized locals--and to reaffirm the function of law and its enforcement, by invoking the need for government oversight. Regardless of the fact that the Mexican and Guatemalan governments were far more interested in establishing their authority more generally than they were in curbing Escobar's abuses, their presence did provide an alternative authority in the region to which people like Alvarado and his comrades could turn. Alerting these governments to their own frailties in the area and to popular demand for intervention could only have aided people like Alvarado in gaining political leverage vis-a-vis their rivals for power in the area. In this sense, jurisdictional fictions played to the interest of locals hoping to use national representations of authority to their political advantage, as well as federal officials wanting to make claims to authority in regions where the reach of federal control was tenuous.

Alvarado's transnational status was critical to his ability to manipulate both governments, maintaining their rivalry to his advantage. Since Alvarado claimed legitimate rights on both sides of the border (for asylum, in Guatemala, and for work and self-defense,

in Mexico) he could exploit both governments' needs to flex political muscle in the area. Transnational actors like Alvarado both reaffirmed the existence of jurisdictional fictions and created those fictions anew, through their particular interpretations of how to enforce law and enact justice, and what rights they could assert, as well as their translation of these concepts into governmental responsibilities. In this sense jurisdictional fictions were sites of "performative" state authority: sites where governmental control was absent until called upon or performed through their enactment by locals.

The immediate outcome of Alvarado and his colleagues' arrest was the continued maintenance of jurisdictional ambiguity in the area, a vacuum of power which only thinly veiled the increase in attention and resources that the area would receive from the Mexican and Guatemalan governments. Alvarado and his cohort went unpunished, and in fact would repeat their attempts to attack Escobar the following year. In the meantime, "unattached" individuals like Alvarado would serve as a topic of heated diplomatic correspondence between the Mexican and Guatemalan secretaries of foreign affairs. Officials in Guatemala City insisted that Mexican authorities were letting Chiapans use *emigrados* (emigrants) as both a labor source and cannon fodder to wage their personal battles, inside Soconusco and beyond its borders. For their part, officials in Mexico argued that they could not act as extraterritorial police to every disgruntled Guatemalan that fled into Chiapas, nor could they be expected to guarantee *emigrados'* safety when they left Guatemala.³

Jurisdictional fictions, and the constant transnational circulation of emigrant populations in Guatemala and Chiapas, served the Guatemalan and Mexican governments as

³ See, for example, the exchanges between Guatemalan Secretary of State Fernando Cruz, and the Mexican Minister in Guatemala Federico Larraínzar, with regards to the attacks on fleeing Guatemalans and Chiapans by Mexican exile-turned-Guatemalan-military-officer Benito Melgar, in 1884 in AGCA: B Legajo 28674 exp. 151, f. 1.

well. Both governments would use incidents like the Soconusco invasion to extend their own nebulous claims to territory and resources in these areas. By 1881, Mexico had invoked the "dangerous behavior" of Guatemalan *emigrados* to justify the mobilization of Mexican troops on the border.⁴ In response, Guatemala sought support from the U.S., insisting that Mexico's aggression demanded outside "mediation" of the two countries' territorial dispute. More than merely guaranteeing "peaceful" negotiation, U.S. involvement was supposed to consolidate a broader Guatemala-U.S. alliance against Mexican expansionism, as evidenced by the fact that, in recompense for U.S. arbitration, Guatemalan president Rufino Barrios (1873-1885) offered the U.S. the entire territory of Soconusco (occupied by Mexico at the time).⁵ Payment for U.S. involvement was, in itself, an aggression against Mexico.

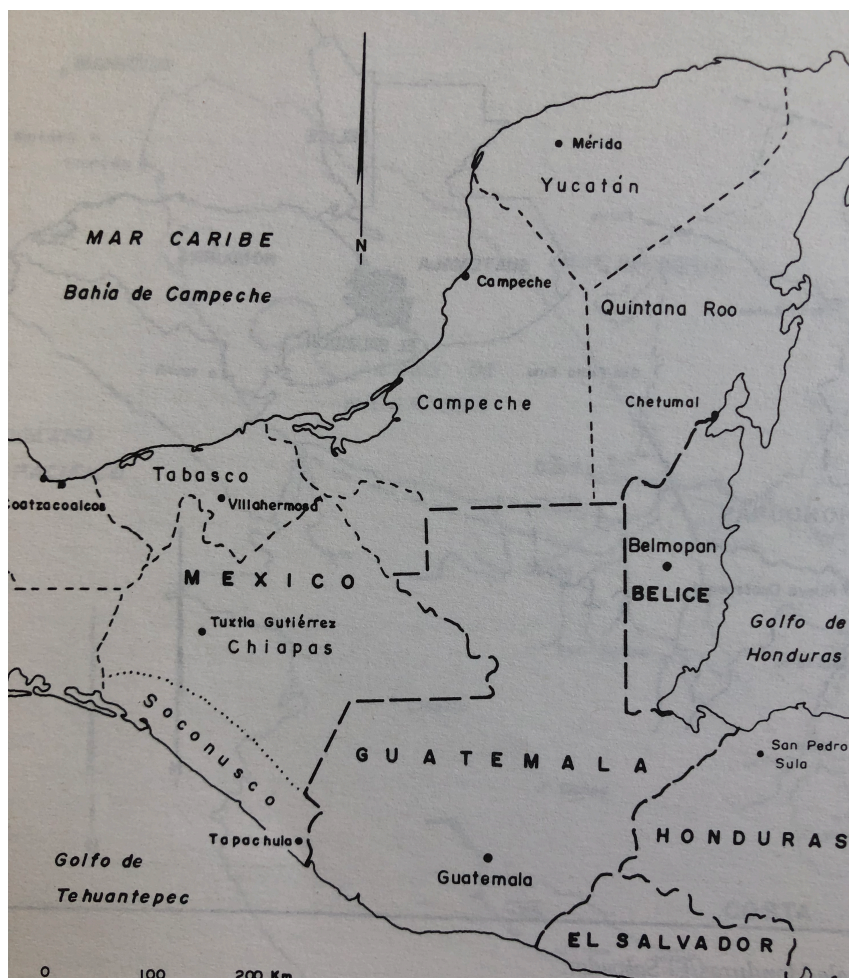
Throughout Chiapas and Guatemala--and stretching into Tabasco, Yucatan and Oaxaca to the west and to other Central American nations to the east--dozens of transnational historical actors carried with them similar affiliations to both countries. A long history of operating on both sides of the border existed for a variety of social actors of multiple classes,

⁴ "El General González, al abrir el 10 Congreso, el primer periodo del segundo año de sesiones, el 16 de septiembre de 1881," in *Los presidentes de México ante la nación. Informes, manifiestos y documentos de 1821 a 1966, XLVI Legislatura de la Cámara de Diputados*, Mexico: XLVI Legislatura de la Cámara de Diputados, 1966, Vol. 2, 107. The number of troops varies according to the documentation. According to Monica Toussaint, Manuel Herrera, Guatemalan Minister in Mexico City, reported 4,000 troops present in October of 1881 (Monica Toussaint Ribot, Manuel Ángel Castillo and Mario Vázquez Olivera, eds., *Espacios diversos, historia en común: México, Guatemala y Belice: la construcción de una frontera*, (México, D.F.: Secretaría de Relaciones Exteriores, 2006), 115). In November, Phillip Morgan, U.S. Minister to Mexico, reported to James Blaine, U.S. Secretary of State, that Ignacio Mariscal, the Mexican Foreign Minister, had said that there were "some troops" sent to the border in July of 1881 but that "the number was not large," whereas by November of that year the total number of Mexican troops had been rumored to be 5,000 in local newspapers (United States Department of State, "Mr. Morgan to Mr. Blaine, Mexico, July 19, 1881" and "Mr. Morgan to Mr. Blaine, Mexico, Nov. 2, 1881" in *Boundary between Mexico and Guatemala* (Washington: Government Print Office, 1884), docs. 25 and 34.

⁵ United States Department of State, "Mr. Montúfar to Mr. Blaine, Nov. 2, 1881" in *Boundary between Mexico and Guatemala*, doc. 45.

racas, and ethnicities. Indigenous agriculturalists from the Guatemalan highlands had traditionally crossed the border for a second harvest in the Chiapan lowlands. With the demand for labor on coffee plantations in the nineteenth century, many of these rural villagers, as well as other entrepreneurs, began to look for greater access to land and better labor conditions in Soconusco, resulting in either semi-permanent residency in Mexico (as in the case of Alvarado) or seasonal migration. Places like Quetzaltenango, Guatemala, and Comitán, Chiapas, had become key market towns precisely because of their command over a vast hinterland and their relative isolation from the regional centers of San Cristóbal and Guatemala City.⁶ As a result, they became border entrepôts, operating transnational routes of trade over which they continued to have a monopoly into the twentieth century (see Map #1).

⁶ Comitán and Quetzaltenango had traditionally served as the major hubs heading northeast and east from Guatemala City respectively. Both cities were thus critical entryways for goods into Chiapas, and their regional importance during the colonial period would support greater political and economic independence from both Guatemala City and the eventual capital of Chiapas, San Cristóbal, throughout the nineteenth century.



Map #1. Frontier zone, Southeastern Mexico, Guatemala, Belize (from Pascal Girot and Carlos Granados, "La cooperación transfronteriza y los nuevos paradigmas de la integración centroamericana" in *Las fronteras del istmo: fronteras y sociedades entre el sur de México y América Central*, ed. Philippe Bovin (Mexico: Centro Francés de Estudios Mexicanos y Centroamericanos, 1997) 308).

Finally, both Mexico and the countries of Central America used the punishment of exile, as well as amnesties from previous sentences of exile, as indispensable political tools, banishing or threatening political rivals in such a constant pattern throughout the century that there were few borderlands which did not boast a share of these exile communities. As a result, political change also often came from across the border in the form of a coup, and

neighboring countries had as much at stake in who rose to power in any given capital as if they shared the same country, since the repercussions would immediately be felt in the wave of exiles--as well as fugitives from war--which were soon to spread throughout the region.⁷

Alvarado and his nemesis, Escobar, operated in this area which I am very loosely calling the Chiapas-Guatemala borderlands. It encapsulated disputed sites on the undrawn border between Chiapas and Guatemala, as well as the locations beyond that border. These included sites where exiles hatched plots to stage coups in their previous country of residence, the less politically ambitious planned invasions like that of Alvarado, or laborers and entrepreneurs that travelled seasonally. These borderlands also facilitated circuits of contraband and arms that fed military actions and supported a variety of nearby as well as far-flung economies. Finally, they often encapsulated the continued circulation of dislocated peoples from both Mexico and Guatemala's ongoing civil wars and even foreign invasions. This process extended back into the late colonial period when mercenaries involved in the Napoleonic wars lead Guatemalan armies into Soconusco. Foreign officers in Mexico attempted to bring the ex-Captaincy of Guatemala, including the entire stretch of territory between Oaxaca to the west and Costa Rica to the east into the governmental sphere of the short-lived Mexican Empire of Agustín Iturbide, between 1821 and 1823. Central America, briefly a unified republic in the post-independence period, had broken up into the countries of Guatemala, Honduras, El Salvador, Costa Rica and Nicaragua after the mid-nineteenth century. For its part, Mexico's loss of fifty percent of its northern region to the

⁷ After Arce's attempted coup in 1831, Justo Rufino Barrios and fellow revolutionaries would organize coups in Soconusco and Comitán in the late 1860s and 1870s, finally succeeding in unseating Conservative president Vicente Cerna in Guatemala in 1871. In the case of Chiapas, ongoing disputes first, between centralists and federalists, and, from the 1850s through the 1870s, between conservatives and liberals, meant consistent patterns of Mexican politicians on the out taking refuge in Guatemala, building up resources, and returning to Chiapas, only to be chased out again. Finally, in both countries, the continuous use of political exile and the displacement resulting from wars would make for a continual flow in and out of neighboring countries.

U.S. at midcentury also almost included the Yucatán. Finally, both Mexico and Guatemala would fight over their mutual claims to Chiapas, the Petén and Belize until at least 1900.⁸

Within constantly shifting territorial, administrative, and political landscapes, sites of jurisdictional conflict like Soconusco and its disputed alliances proved critical both to legitimize government control and to provide community and individual opportunities for social and political mobility. Jurisdictional ambiguities placed regional actors like Alvarado, not clearly attached to any one national regime, at the heart of regional, national and international diplomacy. In this way, disputes over land, resources and access to economic and political mobility were often enacted by both governmental and non-governmental players through the manipulation of jurisdictional fictions or claims to jurisdiction which could not be sustained.

This dissertation argues that a key site for reaffirming the jurisdictional reach of state institutions and the importance of national territorial defense was paradoxically in those places where the presence of such institutions was weakest, and where national territorial affiliation was least clear. It was in these places and in the hands of a mobile, transnational community that empty representations of state power—borders that were ignored, customs houses that fomented contraband, and corrupt officials—were transformed into hotbeds of national defense and revolutionary movements for governmental change and the reinforced role of the executive in local life. An increased flow of national military and administrative resources to areas where governmental jurisdiction was weak responded not to lofty pursuits of sovereignty and defense of territory by government officials from the country capitals, but to local demand for tools with which to leverage national power in the area. The result was

⁸ After the Mexico-Guatemala border treaty of 1882, Mexico signed another treaty with Great Britain defining the Belize-Yucatan divide in 1897. For its part, Guatemala would continue to battle Great Britain over mutual claims to Belize and the Petén well into the 20th century.

increased military presence in these areas and the central governments' involvement in adjudicating local disputes and supplying protection against wrong-doers as defined by local residents. The case of Alvarado is one example of local complaints and "invasions" forcing central governments' military and political investment in these areas. Other examples include Mexican president Porfirio Díaz's creation of the Mexican border town of Frontera Díaz, in 1889, at the behest of Mexicans who complained that living on the Guatemalan side had made them targets of abuse.⁹ Under Guatemalan president Justo Rufino Barrios, borderland indigenous communities were given the green light to destroy Mexican harvests and land claims abutting those of Guatemala, in the name of defending the Guatemalan nation as well as the communities' collectively-held common lands.¹⁰

Prior to the 1870s, these ambiguously affiliated areas were also sites for political and territorial claims negotiated by non-governmental actors, or by government officials "gone rogue" or local political conspirators. Soconusco had been designated "temporarily neutral" territory by the Central American and Mexican governments from 1825 to 1842, an accord which included their agreement to keep the area officially open to political exiles from either republic.¹¹ Overlapping with this era of official neutrality in Soconusco, circuits of contraband and back and forth flows of partisans of the Liberal and Conservative parties kept the area alive with diverse claims to authority which rarely recognized the border at all.

⁹ Secretaría de Relaciones Exteriores de México, *Boletín oficial de la Secretaría de Relaciones Exteriores de México*, Vol. 1 (Mexico: Imprenta del Gobierno en el Ex-Arzobispado, 1895), 259-270.

¹⁰ This is discussed at length in chapter 3, primarily based on Matías Romero's accounts in his *Refutación de las inculpaciones hechas al c. Matías Romero por el gobierno de Guatemala* (Mexico: Imp. Poliglota de C. Ramiro y Ponce de León), 1876, especially 18-33.

¹¹ According to the 1825 agreement between the Mexican and Central American governments, "...open entrance will be granted to those who, because of political circumstances, have found themselves obligated to emigrate...[they will] not be asked to swear to any oath, nor will they be inconvenienced in any way in their person or in the exercise of their faculties...nor will any other but local authorities administer the law..." in AHSREM: "Correspondencia diplomática" (1824-1825), L-E-1623 [1].

Soconusco's neutrality enabled a number of exiles to rally others to attack the Central American government of Francisco Morazán in 1831, while military commanders claimed their right to "defend" Soconusco's neutrality or to pursue Central American exiles in the area (in direct contradiction of the two countries' asylum agreement).¹² Similarly, ecclesiastical authorities in and around Soconusco and elsewhere in Chiapas attempted to shield "their" communities from these abuses as well as from the sacrilegious government of Liberals in Guatemala and Chiapas, using churches as asylum for refugees and stages for their speeches excoriating politicians, which they also threatened to excommunicate.¹³ As I discuss in Chapter 3, many of these claims to regional authority made by diverse local contenders came together in the person of Juan Ortega, who used the call to Conservatism, the support of the Church on both sides of the border, and a respect for (and alliance to) Soconuscan strongmen to lead a prolonged revolt against the Chiapan state government, beginning in 1855 and continuing in repeated scuffles through to 1865.

¹² A number of government decrees from Mexico demanded the capture of expelled Spanish taking refuge in Soconusco in the 1820s and 1830s, while Guatemalan exile Manuel Arce used Soconusco to organize an attempted coup in 1831. See the various cases reproduced in Matías Romero's *Bosquejo histórico*, such as: "Informes sobre la situación del Soconusco. Mayo a julio de 1828" (695-696); "Documentación relativa al asilo de ciudadanos centroamericanos en el estado de Chiapas. Julio a octubre de 1828" (696-699); "Documentos relativos a la presencia de refugiados políticos centroamericanos en Chiapas, abril de 1827" (708-709); and "Documentos relativos a la presencia de refugiados políticos centroamericanos en México, octubre de 1829" (720-728). See, also, INAH-Chiapas: "Disposiciones del Sr. Gobernador del Estado de Chiapas, en vista de la 'situación comprometida en gran manera por los emigrados de Centro América" San Cristóbal, Sept. 17, 1832, Tomo IV, doc. 61; "El Gobernador del estado José Ignacio Gutiérrez informa a los chiapanecos sobre la autorización que le concede el Cuerpo Legislativo, para ejercer facultades extraordinarias en vista de las circunstancias actuales de la República, medida inspirada en la salvación del estado," San Cristóbal, July 8, 1832, Tomo IV, docs. 45 and 46.

¹³ As Juan Carlos Sarazúa Pérez recounts, Chiapan rebel Joaquín Miguel Gutiérrez's multiple attempts to recover his fleeting role as governor of Chiapas resulted in a consistent communication between Chiapan and Guatemalan subaltern forces and bandits in the 1830s. See, for example, Juan Carlos Sarazúa Pérez, "Bandoleros y política en Chiapas y Guatemala, 1825-1850" *Península* 13, no. 2 (julio-diciembre 2018): 43-67. Ecclesiastical authorities inserted themselves into these struggles in defense of Soconuscans generally, after Guatemalan attacks of civilians in 1826, and in defense against Conservative supporters especially in the 1850s (see, for example, the case of bishop Carlos María Colina in Chiapas).

Despite Ortega's popularity (he was supported not only by Guatemalans but by a majority of Chiapan departments) he was eventually captured and the Liberal party regained authority in Chiapas, Mexico and, soon after, Guatemala. Still, as is evidenced by the Alvarado incident as well as numerous others in the 1870s and 1880s, such political "resolutions" elsewhere did not lead to jurisdictional clarity in the borderlands, or within the continuous circuits of goods and people navigating new competing claims to local and regional authority on both sides of the border. Mexico and Guatemala's military mobilization in the area in the early 1880s, and even the two countries' ratification of a border treaty in 1882, only opened the border area to more local and international negotiations, disputes, kidnappings, invasions and cases of transnational vigilantism.¹⁴ Further, this "failure" of the two governments to gain control over the area seemed to be of little importance at the federal level as long as locals were willing to defer to these national governments (or a designated third party arbiter) as the final seat of authority and decision-making. After the final ratification of the 1882 treaty, Guatemalan President Barrios himself refused to be held responsible for the accord, firing the person who signed the document in his stead and reminding the Guatemalan National Assembly that they, not he, had the last word on the matter. In the press, Mexican President Manuel González's administration was commended for the treaty's ratification as a great diplomatic accomplishment, only to be contradicted by a flurry of border "invasions" and counter-invasions between 1884 and 1890.

As might be imagined, these local negotiations tended to benefit what Judy Bieber has termed "marginal elites," rather than the average subsistence farmer, petty contrabandist,

¹⁴ Examples of these cases include Simón Alvarado's invasion mentioned in the beginning of this chapter as well as subsequent retaliations against groups like his as well as repressive crackdowns by Escobar, the man Alvarado and his companions had intended to kill. These are detailed in chapter 4.

or itinerant laborer.¹⁵ Yet there are enough cases like that of Alvarado, and of other individuals and communities who were able to use governmental concern for at least an appearance of authority on the border to leverage their own fragile claims to render the concept of jurisdictional fictions a critical intervention in our understandings of local to centralized, and marginal to elite power negotiations. Jurisdictional fictions illustrate the continued disinvestment of the central governments in actively controlling communities except when politics on the border forced them to acknowledge the importance of the area to bolster federal authority. As we saw in the case of Alvarado, the central governments' attention to the area could benefit those marginalized politically while simultaneously opening up new opportunities for abuses against innocent local victims. Still, as becomes especially clear in my final chapter, this attention could also radically enhance the lives of marginalized people--such as destitute mothers widowed by cross-border invasions-- while simultaneously rendering the national governments of Guatemala and Mexico even less powerful in the borderland area. In this sense, the early stages of negotiating regional spheres of political power and territoriality, later ones of using "nationalism" and the border itself as tools for political leverage, as well as a final one which takes on authority and territoriality in the developing international system, all provided their own, albeit distinct contexts for reaffirming a pretense at federal power through the actions of a diversity of social and political actors on the ground.

Through the testimonies and actions of these local political players, and through the outcomes of their disputes, they demonstrate, and make us aware of what it is to be statewise: to be aware of the state's simultaneous absence, in terms of actually controlling behavior and

¹⁵ Judy Bieber, *Power, Patronage and Political Violence: State-Building on a Brazilian Frontier, 1822-1889* (Lincoln: University of Nebraska Press, 1999).

politics on the border, and its omnipresence, as an available metaphor for authority and key to resources. This awareness translates into the two key arguments of this dissertation. First, that the central governments of Mexico and Guatemala were not in continual pursuit of closing down their borders, but more often let locals decide where the borders were and what they meant. Second, transnational political alliances, rather than connections to the state or national governments, were the most important tools to managing political power in the area, even if nationalistic claims to defending territory were invoked.

Historiographical Interventions: States and Jurisdictional Fictions

This dissertation contributes to the historiography of nineteenth century Mexico and Guatemala, as well as studies of nineteenth century state-making more broadly, in three ways. First, I put transnational borderland residents at the center of the story of state-making, revealing how their local disputes over political power and resources translated into the reaffirmation of representations of state power on the periphery, while simultaneously undermining centralized control over this power. Second, I argue the importance of what I am calling jurisdictional fictions, or those places where governmental authorities made competing jurisdictional claims but failed to exercise control over political and economic processes on the ground. These spaces provided platforms for locals to acknowledge and even exploit federal authority while at the same time maintaining control over resources in local hands. Third, I argue that rather than jurisdictional fictions and empowered transnational borderland residents pointing to the Guatemalan and Mexican states' "weaknesses," the prominence of these seemingly decentralizing elements actually

functioned to grant the Mexican and Guatemalan governments tools for navigating the shifting economic, political, territorial and demographic trends reverberating through this region over the course of the nineteenth century. I argue that transnational political players were both sources of governmental instability in these regions and solutions to the same: they rendered control over the borderland area dependent on transnational circuitries of political and economic alliances, while also providing a way for centralized governments to utilize those alliances through supporting their protagonists and reassert state control over the area through these same actors' reaffirmation of the state's legitimacy.

My use of the term "state" functions as a backdrop to my discussion of being "statewise." Alvarado and other actors in this dissertation were statewise because they saw the state as something they could appropriate for their own uses. The state is a source of authority and of resources, functioning as a series of rules and representations of authority, as well as the institutions and resources controlled by that authority. The state was thus an ideal or a concept rather than a functioning entity. The example of Alvarado's attempt to move without permission between Guatemala and Mexico in a time of military mobilization on both sides of the border functioned as a call to state authority to intervene against Escobar on both sides of the border. More direct appeals to state authority occurred regularly in Chiapan newspapers and their reproduction in the Mexico City press, as well as through local and regional governments. In all these cases, plaintiffs, invaders or vigilantes are demanding the attention of the central governments of Mexico and Guatemala, without actually demonstrating an interest in fixing the border, stopping contraband or installing new authorities. Instead, they are looking for temporary solutions to their immediate problems.

In this dissertation, I sometimes separate the state from its various actors, as might Benedict Anderson, as an imagined "thing" with material and discursive representations with which people interact (laws, flags, borders, passports).¹⁶ On the other hand, to the degree that diplomats, bureaucrats, officials and military commanders enforce law and policy, they are also extensions of the state, and to interact with them is to interact with the state. Statewise actors act in the name of the state and justify their actions in the name of state policy, thus reenacting the state as a source of authority and control. At the same time, however, their actions may be undermining the degree to which jurisdiction is clarified on the ground and the degree to which the state has become the author of that clarification. By leading invasions into neighboring regions, stealing customs house records, moving border markers or planting national flags in new places, a variety of actors enacted the state and there by took actual political control into their own hands.

The state thus provided a scaffolding of authority within which historical actors functioned. Like Phillip Abrams, I argue that the state is not a reflection of politics but a target of political maneuvering, the "mask" which consistently accompanies political rivalries and purpose.¹⁷ The nineteenth century state in the Mexican-Central American borderlands was performative: it was made present by peoples' uses of material representations of the state and state-legitimizing discourse that reaffirmed and reenacted the notion of the state as the source of authority and material resources.¹⁸

¹⁶ Benedict Anderson, *Imagined Communities. Reflections on the Origin and Spread of Nationalism* (London/New York: Verso 1991).

¹⁷ Philip Abrams, "Notes on the Difficulty of Studying the State," *Journal of Historical Sociology* 1, no. 1 (Mar. 1988): 58-89.

¹⁸ This idea follows Henri LeFebvre's idea of space being made by the people that inhabit it (Henri LeFebvre, *The Production of Space*, trans. Donald Nicholson Smith, Oxford: Blackwell, 2004). I also incorporate here the ideas of Sue-Ellen Case, and Janelle G. Reinelt in their introduction to *The Performance of Power: Theatrical*

While most scholars have moved away from understanding the process of state-formation as something that can ever be completed or uncontested, thus suggesting the continual existence of places where state jurisdiction is being questioned, these spaces are still often seen as examples of a "weak" state. Looking at early modern European empires, Lauren Benton has focused on these spaces of lessened state regulation or control as threats to state power, suggesting empires' constant "search for sovereignty" which would enable an end to these gaps in their territorial control. In the case of Raymond Craib's work on nineteenth century Mexico, governmental control and identification of unknown localities is the primary project of late nineteenth century state-making, and the end product--maps--became a metaphor for the knowledge-production powers needed to consolidate centralized control over the entirety of Mexican territory.

In other cases, scholars have turned to the Marxist concept of "hegemony" to understand the relationship between the state and its negotiations with rivals to its control over power and territory. Roughly equivalent to the notion that culture is an inextricable component of political control and thus that cultural engagement is equivalent to political consent or agreement with the hierarchies and inequalities embodied in the political status quo, "hegemony" has played a key role in Latin American historiography as an analytical node around which states have been defined and their dynamics assessed. According to William Roseberry, hegemony describes a contentious process of negotiation between subalterns, the state and political society, in which subalterns use preexisting frameworks

Discourse and Politics edited by Sue-Ellen Case, and Janelle G. Reinelt, University of Iowa Press, 1991, ix-xix. According to Case and Reinelt, struggles over representation ("what is represented and who is authorized to represent it") is politics. They write: "We partake in the sign systems of the performance [of state] and legitimate its reenactment ...," xv;

(which support cultures of inequality) to press for new demands according to their specific interests.¹⁹

Yet, as anthropologist John Watanabe argues, even formulations like Roseberry's tend to move us away from focusing on the process, rather than the outcome of the interaction between representations of the state and popular actors, thus sidelining these actors' engagements with and within the outline of the state as that of victims rather than protagonists of movements and change, "assuming we already know what these interactions are always about."²⁰ For Watanabe, the methodological solution lies in focusing on what he calls "procedural culture," or the bureaucratic and administrative interactions between groups of unequal power, which highlights "the communicative, not just representational" function of these cultural interactions.²¹ It is within the procedural constraints imposed by governmental processes that we see more clearly where governmental control begins and ends, and how it is negotiated across boundaries of social and political difference. For Watanabe, analyzing peoples' interaction with and making of the state through analyzing reports, closely resembling questionnaires, on annual municipal inspections by ladino *jefes politicos* questioning mostly Mayan community leaders allows us to look more closely at "what messages are getting sent--and received--by whom."²²

¹⁹ Roseberry, "Hegemony and the Language of Contention" in *Everyday Forms of State Formation*, 360.

²⁰ John Watanabe, "'With All the Means that Prudence Would Suggest': Procedural Culture and the Writing of Cultural Histories of Power about 19th-century Mesoamerica," *Journal of Latin American Anthropology* 6, no. 2 (2008): 144.

²¹ Watanabe defines procedural culture as "images, arrangements, and practices that emerge from routinized interactions between, not simply within, groups that otherwise see themselves as mutually distinct and situationally unequal, whether by class, origin, or identity. Culture in this sense becomes not simply a marker of enduring difference, or of shared homogeneity within difference, but also any historically derived, lived nexus of experience, expectation, and expediency that informs meaningful interactions across difference" in Watanabe, "Procedural Culture," 136.

²² Watanabe, "Procedural Culture," 144.

My dissertation uses Watanabe's methodology in that much of my source base comes from criminal cases or cases brought before the Ministries of Foreign Affairs, in which common people, administrators, judges and police all respond to prescribed questions within multiple procedural constraints. In this way the state is present in a static way (through the procedural standards), by providing a platform for an exchange among political unequals. This can be analyzed in terms of each respondent's separate contribution and their interaction, highlighting the hegemonic process rather than any kind of synthesized result of dominance. Yet I also extend my use of these case studies to look more broadly at the dynamics of transnational politics and residents of the borderland with regards to state presence. In the case of the Mexico-Guatemala borderlands, residents of the area, the powerful as well as politically marginalized, seek engagement with the state and state authorities through appealing to the central governments for certain kinds of support and interventions. There is little evidence that the presence of centralized governmental representatives is ever forced upon the residents of this area, as in the cases Watanabe examines. Moreover, such a presence is almost always utilized to entirely local political ends rather than a broader aim to strengthen state regulation of the border or expand national territory.

I argue that the key to this shifted balance of power between popular classes and marginalized elites, on one hand, and governmental "technologies of power," on the other, is the role of ambiguous jurisdictions and transnational communities.²³ Like Peter Sahlins, examining the Pyrenees, between Spain and France, and Andrés Reséndes, looking at the

²³ For Foucault, as well as for other scholars of the state such as Corrigan and Sayer and James Scott, administrative and bureaucratic proceduralism is one of a number of techniques employed by state institutions to shape subjects, valorize items and actions, and assess and control all of these.

Texas-New Mexico borderlands, I see borderland communities as ambivalent about connections to any particular government or to any procedures directed toward securing their allegiance. Instead, their relationship to the state is primarily directed by their preferences in terms of economic, social and political benefits garnered by affiliating themselves with one government or the other.²⁴

By the same token, I understand the Mexican and Guatemalan governments' attitudes towards these ambiguous zones not as antagonistic or in search of dominance, but more compliant and supportive. Similar to Ana Alonso's recounting of the Díaz administration's nineteenth century use of Sonoran communities as informal border guards, I see the Mexican and Guatemalan governments content to let locals in their respective borderlands fight their own battles with the near certainty that this will simultaneously serve governmental interest. In his *Forbidden Lands: Colonial Identity, Frontier Violence, and the Persistence of Brazil's Eastern Indians, 1750-1830*, Hal Langfur also argues that colonial Brazilian authorities purposefully chose to leave the forests east of Minas Gerais as uncharted zones of statelessness, occupied by "enemy" indigenous groups, during the eighteenth and early nineteenth century, with the purpose of deterring smugglers from sneaking through this area to get from the mines to the coast. In all these cases, government inertia translated into a diplomatic and inexpensive way of controlling a local populace and simultaneously defending colonial or national territory as a whole.²⁵

²⁴ Peter Sahlin, *Boundaries: the Making of France and Spain in the Pyrenees* (Berkeley: Univ. of California, 1989); Andrés Reséndes, *Changing National Identities at the Frontier: Texas and New Mexico, 1800-1850* (Cambridge/New York: Cambridge University Press, 2005).

²⁵ Hal Langfur, *The Forbidden Lands: Colonial Identity, Frontier Violence, and the Persistence of Brazil's Eastern Indians, 1750-1830* (Stanford: Stanford University, 2006).

I take this relationship of accommodation between borderland residents and centralized governments one step further. I use the term jurisdictional fictions to emphasize the willingness of government authorities to maintain these borderland regions as places of jurisdictional ambiguities: to let disputes continue and to let locals decide when and how the central government will intervene. I also highlight borderland residents as protagonists. In the cases of northern Mexico and eastern Brazil, the outcome of the implicit agreement between centralized governments and borderlands residents to let local politics act as a borderland defense mechanism with limited intervention from government authorities generally resulted in abuse of borderland peoples' status as citizens only in the loosest of terms. In Mexico, many died defending the nation with little compensation, while in the case of Minas Gerais the forbidden forests were eventually penetrated and the native Botocudo living there were killed by colonists and troops. Similarly, along the disputed Mexico-Guatemala border many indigenous groups, families and fugitives caught between competing claims to authority by regional bosses died in skirmishes or were displaced, without ever having the opportunity to make official claims to rights and resources or even be considered citizens of any nation.

Yet my dissertation places a particular emphasis on those individuals who succeeded in playing rival authorities--local, regional, national or international--against each other in order to gain leverage in particular disputes. My most striking examples of "statewise" actors were those men, women and families who launched their claims against both the Mexican and Guatemalan governments in the 1890s, when a third party arbiter, the British Minister Sir Spenser Buckingham St. John, adjudicated suits brought by people caught in the cross-fire demanding indemnities for their material and personal losses. While these people

may not have consciously thought of themselves as empowered to define the parameters of the Mexican and Guatemalan governments' authority in an effort to defend their localized political interests, I argue that was in fact what they were doing and, thus demonstrating what it was to be statewise. In this sense, my actors appear more like the smugglers in Eric Tagliacozzo's *Secret Trades, Porous Borders: Smuggling and States Along a Southeast Asian Frontier, 1865-1915*.²⁶ Tagliacozzo argues that these contrabandists and their smuggling activities functioned to continually redraw and redefine borders, as well as to force the competing British and Dutch imperial apparati to continually readjust their policies towards crime within and outside of their frontiers. Like my jurisdictional fictions, Tagliacozzo's Anglo-Dutch frontier is riddled with patchy and shifting claims to jurisdiction, exacerbated by the fact that *Secret Trades* does not simply examine routes of illicit activity but does so at the interface of two different empires, a variety of different colonized peoples, and goods coming in and out of sources far outside of both areas (for example, contraband from Africa). Further adding to the sense of border contingency in his work, this permeability of the empires, and their constant leakages to important networks in the rest of the world, helps bolster the idea that the contraband ends up mapping out its own empires.

The state in my work supplies resources for wielding power. As we have seen in this previous section, how this power is redistributed and reformulated depended on the way piecemeal negotiations between locals and between these and regional authorities align with central governments' prerogatives--the degree to which local disputes reach the attention of central governments and what is the result of this communication. Political leveraging also depended on the ways transnational alliances along the border supported or undermined

²⁶ Eric Tagliacozzo, *Secret Trades, Porous Borders: Smuggling and States Along a Southeast Asian Frontier, 1865-1915* (New Haven/London: Yale University Press, 2005).

centralized concentration of authority. In the following section I give a general overview of the way transnational alliances and centralized governmental power worked together or in contradiction over the course of the nineteenth century in the Guatemala-Chiapas region.

19th Century Guatemala and Chiapas: States, Nations, Federations and Frontiers

Nineteenth century Central America, especially where it overlaps with Mexico and encounters the sticky question of British presence in Belize and Nicaragua, is particularly apt for studying how circuitries of people and goods, rather than abstract "states," determined national territorialities. This is not simply because the state in Central America was so often being reformulated during this period, but also because of prevailing tendencies towards local independence in both eastern Chiapas and western Guatemala, paired with a long-standing economic interdependence between these regions and their localities. What I am calling the Chiapas-Guatemala borderlands thus defied centralization under one authority, and instead was broken up into independent socio-political nodes that were nonetheless interconnected economically on their own terms, based on local markets and routes that were often untaxed and unmapped, and hence displaying two characteristics that typically signal a unconsolidated state.

Even in the colonial period, when what was to become the five nations of Central America included Chiapas, the area was governed directly by the Spanish Crown, as a "Captaincy" rather than a viceregal domain. Nonetheless, due to the Captaincy's lack of substantial mineral wealth or--other than in the highlands--indigenous laborers, the area was also characterized by its neglect by the Spanish administration, as well as an exposure to

piracy, smuggling and foreign attacks, and a persistent lack of transport and communications systems. The region was thus home to a variety of self-made enclaves, further balkanized by the topographical barriers provided by the sierra, the sea, volcanoes and earthquakes.

What developed in the latter half of the colonial period was the growth of a few important islands of urbanity and trade under the auspices of Spanish-born elite and creoles, most consistently in Guatemala City, which was then surrounded by powerful independent indigenous groups and a growing number of "castas," or people of mixed indigenous, African and European heritages. Thus, it was not in Guatemala City, at the site of the Audiencia's seat, that independence from Spain was first declared in 1821. This happened instead in Comitán (eastern Chiapas), which preferred to break off from the nearby Audiencia and ally with the distant new regime in Mexico City. Under the pressure of *provinciano* creoles, the royalist elite of Guatemala City gave in to the idea of independence, but not into the idea of sharing power equally with the other provincial capitals. Thus began Central America's ever-present battle between forming a confederation of states or independent nations, a battle further complicated by the enduring patterns of local independence within each of the five "national" regions. Comitán was one of a number of sub-regions include Soconusco (Chiapas) and Los Altos (Guatemala), both of which officially seceded from Mexico and Guatemala and were constantly attempting to assert their independence even when they were part of these nations; the Petén, which was claimed by both Mexico and Guatemala well into the nineteenth century; the Lacandon, also claimed by both Mexico and Guatemala but not actually penetrated by the administrations or citizens of either country until the last quarter of the nineteenth century; and Belize, claimed by Mexico, Guatemala and Britain until 1897 and

whose jurisdiction is still disputed between the now independent nations of Belize and Guatemala.

To this day, the relationship between Chiapas (as well as Yucatan and Belize) and Central America remains one in which differences based on "national" affiliation are far less determinant of one's identity and alliances than language, ethnicity, regional experiences of violence and exploitation, or economic convenience. After declaring independence from Spain, in 1821, the primary Chiapan municipal seats, along with the rest of Central America, united with Mexico under the "empire" of Agustin de Iturbide. Yet when that empire dissolved in 1823, Chiapans were unsure if they wanted to annex to Mexico or the new Republic of Central America. They instead chose to declare themselves arbiters of a free territory. After new plebiscites in 1824, most of the territory of Chiapas was annexed to Mexico, while Soconusco, on its southeastern periphery, remained undecided. Soconusco would later be designated as "neutral" by both Guatemala and Mexico, until annexed by the latter in 1842. The Petén, claimed by Mexico and operating under the archdiocese in Merida, Yucatan, until the mid-19th century, also functioned during part of the nineteenth century as an "in-between" territory, as did Belize. Belize had been given in "usufruct" rights to the British by Spain in 1786, rights which were then reiterated by Mexico in 1826 without consent from Guatemala (despite the fact that Belize and Mexico came to territorial agreements in 1897, Belize and Guatemala continue to disagree to this day on where their territories begin and end).

This study is primarily concerned with the ways these seemingly arbitrary national delimitations were constantly transgressed not only physically, by continuing exchange between and simultaneous residence in multiple regions at once; but also by social,

intellectual, political, and legal means. This was due to the fact that one of the more salient tactics of accessing political power in Central America was that of sending one's rivals into exile or gaining land and labor through forceful displacement and coercion. Between 1821 and 1844, both Mexico and Guatemala were continually at war, and civil unrest would continue in fits and spurts throughout the century. Regional boundaries were extended, curtailed, transgressed and made obsolete, and people too were being forced into exile or only being given limited citizenship. Passports, often necessary in regions of conflict in order to obtain safe passage, became sources of political and economic power for regional authorities who, despite being officially prohibited from issuing or restricting these documents, nonetheless bolstered their influence regionally and more broadly by doing so. By the same token, exiled elites, whose properties were confiscated by incoming regimes, sustained the costs of repeated waves of revolutionary governments. Meanwhile, burgeoning or waning routes of contraband, access to previous routes of commerce and the ability to collect taxes were all interrupted by these conflicts. Many of those dislocated by these changes began endless pilgrimages in and out of regions.

This political dynamic overlay yet another growing source of mobility and national ambiguity. Separated topographically by the Sierra Madre of Chiapas and the Cuchumatán mountains, on one hand, and the Pacific and Atlantic oceans on the other, both Chiapas and Guatemala had always been characterized by contrasting ecological and topographical niches which were not adequately connected by official roads. Nonetheless, historically these disparate ecological zones produced regional connections in the form of interdependent and mutually reinforcing indigenous markets and agricultural practices. In many cases highland

groups made seasonal migrations to the hotter lowlands to take advantage of a second harvest when the mountainous areas were too cold.

The depletion of cacao on the Pacific coasts in the 17th century; the boom of cochineal in western El Salvador and southern Guatemala in the 18th to the mid-19th century; and then the growth of coffee, also on the Pacific piedmont, from the 1860s through the 1900s, caused further dislocations and rearrangements of patterns of residency and commerce. Much of the population became almost permanently mobile, as labor demands forced them to the coast, to flee those demands, or to search for alternatives to traditional agriculture. Central America's ruling elites, too, alternated between jealously coveting their claims to particular regional influence and seeking allies and strategies of territorial domination beyond their respective territories, also resulting in the constant rearrangement of spatial dominion.

Despite the historically ambiguous meaning of national boundaries in Central America, scholars have nonetheless attempted to heed national borders in their assessment of economic or political patterns, such as the "boom" of coffee or the management of liberal economics. Out of these analyses come apparently coherent patterns of land use and political power, in which, for example, Guatemalan resources become controlled by an (often foreign) elite while indigenous groups were increasingly marginalized.²⁷ However, when one looks more closely at local battles for land, we see indigenous communities, foreign investors, local elite, and petty entrepreneurs, crossing ethnic, national, topographical and class borders.²⁸

²⁷ See, for example, Matilde González-Izás, *Modernización capitalista, racismo y violencia en Guatemala (1810-1930)* (Mexico: Colegio de Mexico, 2014).

²⁸ See, for example, René Reeves, *Ladinos with Ladinos, Indians with Indians: Land, Labor, and Regional Ethnic Conflict in the Making of Guatemala* (Stanford: Stanford University Press, 2006); Stacey Schwartzkopf, "Maya Power and State Culture: Community, Indigenous Politics, and State Formation in Northern Huehuetenango, Guatemala, 1800-1871" (Ph.D. dissertation, Tulane University, 2008); and Leslie McKean

As Edgar Chutan and Joel A. Hernández and have pointed out, the logic of private landholding is undermined by the continued existence of collective holdings in Guatemala despite legal and military enforcement of privatization. Write Chutan and Hernández,

Communal lands form an integral part of territories undergoing constant change and reordering, because of a diversity of social, economic, political, demographic, and technological factors. They represent rights, culture, surviving characteristics, well-being, and the history of the social being itself acting within a specific system of organization and functionality....[To study the history of collective land-holding] is to understand human elements as they have been integrated into this social institution, with possibilities of change, negotiation, [and] adaptation In this way, the adaptability of time and space have permitted communal lands to persist to this day, within the agrarian reality of Guatemala....²⁹

Despite laws promulgated to promote private property and reduce collective landholdings, as well as elites' ability to absorb collectively-held lands by force or other means, the socio-political logic underlying alternative, overlapping and contradictory understandings of territory has remained. Rather than adhering to the narrative of communal land loss and indigenous victimization by 19th century liberal economic trends and increasingly militarized states, a number of scholars have pointed to the success of indigenous communities and other collectivities to battle liberal privatization. There also has been a new emphasis on the failures of liberal legislation, promulgated by dictators such as Porfirio Díaz and Justo Rufino Barrios, to implement on the ground the radical changes they proposed.³⁰

Dow, "Ethnicity and Modernity in the Central Highlands of Guatemala" (Ph.D. dissertation, University of Michigan, 1981).

²⁹ Edgar Chutan, Joel A. Hernández, and Guisela Mayén de Castellanos, *Propiedades colectivas y comunales en Quetzaltenango, San Marcos, Sololá, y Totonicapán* (Guatemala: Waqib Aj, 2008), 12-13.

³⁰ In general, there are far more detailed studies of Guatemalan communities dealing with liberal land policies in the nineteenth century than studies covering Chiapan groups. See, for example, Greg Grandin, *The Blood of Guatemala: A History of Race and Nation* (Durham: Duke, 2000); Leslie McKean Dow, "Ethnicity and Modernity"; María Victoria García Vettorazzi, "Acción subalterna, desigualdades socioespaciales y

This context provides fertile historical ground to analyze the historical role of people without clear national affiliations, or who operated between or within multiple nations simultaneously. A century of disputes over the shared border between Mexico and Guatemala effectively rendered many people part of a fluid circuit of interaction between both of these countries. This included migratory agriculturalists as well as merchants and bandits; military deserters, and others fleeing law enforcement or economic pressures; mercenaries and political exiles; as well as French and Spanish-born residents expelled from Mexico and Guatemala due to their national affiliation.

Considering that over half out of all heads of state of the Central American Republic from 1820-1840 and in Guatemala between 1840 and 1900 experienced exile, or that Mexico had 30 different presidents between 1833 and 1855 while Chiapas had 27 changes in state governors during this same period, ambiguous jurisdictions and transnational actors were not marginal but central political forces in the region during the nineteenth century. Many of these peoples' stories of criminality and heroism, and the political utility of the legally ambiguous spaces that they occupied, have yet to be explored. From the historian's point of view, an analysis of the paper trail produced by their legal claims, provides an eye into these stories.

modernización: La formación de los actores y circuitos del comercio indígena en Guatemala, siglos XIX y XX” (PhD dissertation, Université Catholique de Louvain, 2010); and Stacey Schwartzkopf, “Maya Power and State Culture.” On the other hand, more scholarship has been produced on Chiapas' "modernization" under Díaz (and its failures) than on Guatemala's under Barrios. See, for example, Casey Lurtz, "Exporting From Eden: Coffee, Migration, and the Development of the Soconusco, Mexico, 1867-1920" (Ph.D dissertation, University of Chicago, 2014); Jan Rus, “Coffee and the Re-colonization of Highland Chiapas, Mexico: Indian Communities and Plantation Labor” in *The Global Coffee Economy in Africa, Asia and Latin America, 1500-1989*, ed. William Gervase Clarence-Smith and Steven Topik (Cambridge/New York: Cambridge University Press, 2003), 257-285; and Aaron Bobrow-Strain, *Intimate Enemies: Landowners, Power, and Violence in Chiapas* (Durham: Duke University Press, 2007).

Sources and Methodology

How are "national" spaces affected by individual choices? How are they affected by those choices as they relate to contexts that transcend national borders? How might we understand the effects of political pragmatism, corruption and ongoing debates over law and criminality on the scope of legal jurisdictions, especially compared to the "letter of the law"? How can the often hidden activities of fugitives, exiles, and itinerant merchants and workers be tabulated, and what were their effects on the battle for control over resources? How do the answers to all of these questions revise our understanding of Guatemalan and Chiapan histories of control over land, laborers and social order throughout the nineteenth century? How does one study a border's absence? In what follows I delineate how I intend to answer these questions.

In 1880, when Mexico and Guatemala found themselves on the brink of war because of mutual accusations of territorial "invasions" and violence against "their" citizens, the Guatemalan diplomat, Lorenzo Montúfar, pointed out that although the rule of law was the best resource to resolve their problems, in this border area it was impossible to enforce, because the question of jurisdiction was at stake. Montúfar's logic supports the methodology that I have used to understand why it took so long for Guatemala and Mexico to trace their mutual border--or, alternatively, why a border exists between these countries at all. The meaning of this border, and of other representations of state power and their interpretations, are impossible to understand based only on laws, maps or constitutions, because it is precisely the dispute over these forms of "paper knowledge" that provides a window onto the

historical function of such things as borders and bordered spaces.³¹ Instead, the arena of negotiation--where laws, agreements, and borders were creatively interpreted, ignored, or reframed because of their otherwise inadequate application-- shows whether they followed economic, political, propagandistic or some other kind of logic.

While an extensive documentation of international diplomacy, engineering and mapping provide the essential backdrop of this dissertation, assertions of knowledge and authority and the daily contacts they engendered by non-policymakers are the subjects of this work. I focus on conflicts that appear to have supported alternative legal regimes and their enforcement, which were inadvertently or directly supported by either the Guatemalan or Mexican governments, or both.

The archives of the Secretariats of Foreign Relations in both Guatemala and Mexico contain numerous testimonies of border residents that were called forth to support one or the other country's rights to property, resources, or authority over citizens themselves. Some of these are local scuffles that came to the notice of a higher court; others involve foreigners; others remained local issues until after 1875, when national interest in the border question, especially on Mexico's part, became much more earnest, and old cases were dredged up to support a variety of new claims.

Multiple, conflicting notions of law, administration and its enforcement can be gleaned from these cases. Some of them reflect the abuses and control of the area by a local strongman who had no actual administrative post, and against whom a groundswell of testimonies raged. Others involved the activities of emigrants, for whom no official authority

³¹ My reference to "paper knowledge" comes from the work of Lisa Gitelman, who argues that state-produced mechanisms of codification and, in Scott's words, "legibility" (such as governmentally-produced forms, censuses, etc.) have a "know-show" function, which, like maps and borders, codify knowledge and reality at the same time as it is produced, through the filling out of forms or "reading" or understanding maps. See Gitelman, *Paper Knowledge*, 3-4.

would take responsibility unless it was likely to enhance their local political influence--in which case they would deny responsibility even if they were involved with the emigrants' activities.

Overlapping with Guatemala and Mexico's own diplomatic squabbles over territory, some of these cases became part of the conflicts posed by Soconusco's contested status: they were claimed as reasons for Soconusco's "neutrality," or for "defending" or questioning that neutrality. Other cases were used to accuse one or the other government of not supervising its border authorities and for letting "pernicious foreigners" too close to the frontier. Yet these cases also reveal the roles of common residents, emigrants and other "outsiders" in forming international policy, ultimately determining where the border would lie and what that would mean for social, economic and political life far beyond the borderlands.

My foci on fiscal regulation and the contraband trade and its policing at mid-century emerged primarily from criminal records held in the Archivo General de Centro America, as well as the Archivo General del Estado de Chiapas, various digitized volumes of the tri-annual reports of the Treasury Minister (from 1885 to 1900) and newspaper reports of contraband incidents, the publication of decrees, infrastructure initiatives, and changes in taxation policy in both countries. The Ramo Criminal of the AGCA, organized by department, as well as governors' speeches and newspaper articles in Chiapas, reveal a veritable obsession with the contraband trade in *aguardiente* after 1870, as well as extensive evidence of arrests for this crime since the 1850s, in Huehuetenango, San Marcos, and Quetzaltenango. Following these circuits of corruption and illegality through newspaper reports and the startling case of Juan Ortega in the Mexican Ministry of Foreign Affairs

archives lead to my focus on the customs house, where contraband, state-making, national expansion, and local, regional and national jurisdictions coalesced and collided.

Finally, Mexico's Secretary of Defense archives, as well as parts of Guatemala's Ministerio de Hacienda y Guerra archives (in AGCA), also provided missives from military officers to their commanders describing the many problems they had to deal with in keeping troops and civilians in order, as well as discussions of how these problems would be solved, especially up to the 1850s. Such discussions, including various cases in which the primary enemy changed overnight because of a successful coup and officers on the field kept fighting for the wrong side, supplied yet another close look at the incongruities in the narrative of territorial consolidation.

These military reports also reflect the ways some officers were able to use situations of ambiguous national affiliation or status of the state to create regimes that actually subverted the aims of their commander in chief, as was the case of Joaquín Ignacio Gutiérrez, who was suspected of promoting Chiapas' annexation to Guatemala as late as the 1830s. In other cases, military officials became involved in issuing or refusing passports based on their own decisions about who deserved these documents, decisions that can be contrasted with the more legitimate route of passport issuance as revealed in the archives of Mexico's Foreign Secretary Lucas Alamán, housed at the Nettie Benson Library at Tulane University. In both cases, however, the passport-issuing process becomes strikingly central to the expediter's own maintenance of authority and political and military alliances.

Organization

The dissertation moves conceptually from a focus on a literal "place" of jurisdictional ambiguity (the "temporarily neutral" territory of Soconusco) to less palpable "sites" of jurisdictional negotiation, such as the "place" occupied by a revolutionary leader who steals customs house records, or that of a widow gaining indemnities from the Guatemalan government through a third-party British arbiter. I argue that the changing nature of jurisdictional ambiguity--from actual blocks of territory to less concrete sites where representations of state power and official and legal mandates are contradicted, undone, or reinvented by state and non-state actors--demonstrates not only the inevitable perpetuation and utility of these spaces but also the fallacy of the state's growing "maturity" or "capacity" over time. Below I provide a chapter outline of my main points and sources of documentary support.

Ch. 2: Between Jurisdictions: Soconusco's "Neutrality" and the Production of *Emigrados*

This second chapter documents Mexico and Guatemala's initial battles over Chiapas and Soconusco from 1820 to 1850, as well as the outpouring of emigrants and military deserters that were produced at this time. I use military correspondence from Mexico's Secretary of Defense Archives (SEDENA) and Guatemala's General Archives (AGCA), as well as the petitions for passports and diplomatic correspondence from Foreign Secretary Lucas Alamán's archives (Benson Library, Austin) and government circulars and speeches from the General Archives of Chiapas (INAH-Chiapas) to document how military authorities from both countries were able to extend their authority thanks to Soconusco's "neutrality" and the proliferation of emigrants and deserters. The "management" of these displaced

people, and "defense" of Soconusco's neutrality, enabled military commanders to insinuate themselves into local efforts to encourage loyalty to Chiapas, as well as region-wide attempts to control emigrants' access to passports and keep them at a "safe" distance from the border. By the same token, collusion between emigrants planning coups and military authorities ambitious to be part of a new regime was also encouraged, rendering Soconusco's neutrality and the proliferation of emigrants fruitful resources for early political leaders as well as their antagonists.

Ch. 3: Customs House Politics, 1820-1871

Chapter 3 focuses on the customs house as both a perpetually ill-defined jurisdictional space as well as a historically popular site for semiotic, military and even documentary proposals for change in government. I thus argue that customs houses embodied jurisdictional ambiguity, and that they functioned to mitigate changing relationships between national, state, regional, local and international governments, resources, laws and technologies of coercion and knowledge-production. In exploring the customs house as a possible stage of political change based on this jurisdictional ambiguity, I discuss the story of customs officer Juan Ortega. Upon being fired from his job by the new governor of Chiapas in 1855, due to supposed corruption, Ortega stole the customs house archives and stamp, flees to Guatemala, and gathers up enough followers to bring San Cristóbal, the capital of Chiapas, under siege, supported by a majority of the state's districts. Critical to this chapter are the official treasury reports found in the Chiapas General Archive (INAH-Chis), as well as Ortega's criminal report found in Mexico and Guatemala's Foreign Affairs archives (in the

AHSREM and the AGCA), and the many decrees on fiscal regulation and organization in both countries published in the official newspapers and the Gobernación section of AGCA.

Ch. 4: "Land Reform": Between Governmental Discourse and Fields of Corn

Chapter 4 investigates the ambiguous legal spaces opened up by an increasing interest in economic development along the Chiapas-Guatemala border between 1870 and 1880. In both Mexico and Guatemala, the early 1870s brought an end to many of the civil wars which had wrecked the two countries and, with peace, came national and regional schemes to enhance infrastructure and exploit ostensibly untapped natural and human resources. Yet, because no border treaty had been agreed upon yet, it was still unclear whether the land to be developed and the workers to be exploited were under Mexican or Guatemalan auspices, so both governments defended the land against exploitation by the other. Residents of the borderlands were, unsurprisingly, defensive of their territory and control over it, and national diplomats supported them. Thus, counter to much of Guatemala and Chiapas' late nineteenth-century historiography, land titling, labor recruitment and foreign entrepreneurs were all discouraged by national authorities at the behest of small rural communities and indigenous groups. A number of sources inform this chapter: documents of "invasions," territorial scuffles, disputes and diplomatic correspondence found in the Mexican and Guatemalan Secretary of Foreign Affairs archives (SRE and AGCA) and local newspaper accounts (HNDM, World Newspaper Archive); and Mexican Treasury Secretary and diplomat Matías Romero's voluminous "refutation" of claims lodged against his own attempts to start a coffee *finca* on the border with Guatemala.

Ch. 5: Performing Solutions: the 1882 Treaty

In this fifth chapter I show how the treaty-making process between Mexico and Guatemala, the text of the treaty itself, and early attempts to draw the border all inaugurated new options for evading either state's jurisdiction along the border, options which were then supported by the two governments. In an initial phase, in 1881, Guatemala's president, Justo Rufino Barrios, invited the U.S. into the treaty discussions as mediator (initially offering Soconusco up in recompense for U.S. mediation, as mentioned earlier). The choice to bring the U.S. in and then to send two different representatives to negotiate two differently-worded treaties in Mexico City and Washington D.C. gave Barrios the ability to play a number of different hands, a move he later legitimized by firing both negotiators and framing the Legislative Assembly's ratification of the treaty as an autonomous decision, thus removing his own responsibility from the highly unpopular outcome of the negotiations. The treaty not only formally honored Mexico's claims to the entirety of Chiapas including Soconusco, but also enumerated enough caveats to the final agreement to enable borderland authorities and individuals to organize and govern themselves as they wished until the border's final delineation, a process that would not end until 1899. Combined with a series of regional developments, such as the growth of logging in the Petén and Lacandon forests; Britain's insistence on its right to Belize; U.S. control over Pacific steamships and Guatemala's Northern Railroad; the treaty's loopholes and the continuing efforts of local residents to stymie the work of land surveyors further rendered the area a site for conflict and negotiation rather than agreement. My documentary sources for this chapter come almost entirely from the Mexican and Guatemalan Secretary of Foreign Affairs archives (SRE and AGCA), the

Belize Archives, the Campeche General Archives, and the published compilations of notes by the Mexican and Guatemalan surveyor teams.

Ch. 6: Outsiders in No-Man's Land: Outsourcing Arbitration, 1890-1899

This final chapter closes with Mexican president Porfirio Díaz's congratulatory letter to the cartographers who finally came out with a map of the border in 1899, a moment that, I argue, was far from signaling an end to the production of ambiguous jurisdictions. By the late 1880s, Mexico and Guatemala found themselves in a new international political context characterized by their quadrangulated relationship with the U.S., on one hand, and the rest of Central America, on the other; not to mention the continuing British efforts to maintain control over Belize. Such internationalization of borderlands politics led to increasingly internationalized jurisdictions, which attracted a variety of outsiders--speculators, engineers, diplomats, and their families--into the new jurisdictionally complex world of international law. These new arrivals would add to continuing disputes over extradition, as well as new understandings of extraterritoriality, all providing new opportunities for outsiders to capitalize on inter-governmental rivalries. The chapter focuses on three primary sites for these disputes: the first was international waters between Central America and Mexico in the Pacific, where Juan Martín Barrundia, ex-Minister of War under Barrios, had boarded an American merchant vessel to gain protection from Guatemalan troops on his way to El Salvador to find support for a coup. In a second instance, I examine the jurisdiction of the Binational Claims Commission, through which any person, company, community or family who had suffered losses due to the almost-century-long border dispute could claim indemnities, as granted by a combined panel of Mexican and Guatemalan representatives and

a "third party arbiter," Sir Spencer St. John of Britain. Finally, in the logging camps of the Lacandon, lucrative business enterprises, increasingly bringing profits to U.S. investors, were using still-unresolved territorial disputes to operate without licenses from either government. Details on all these cases rely on documents found in the Mexican and Guatemalan Secretary of Foreign Affairs archives (AHSREM and AGCA), although the Guatemalan archives contain far more on Barrundia (including newspaper clippings as well as his prior history as a corrupt minister) and the Mexican SRE contains the many volumes of the claims cases for the Binational Commission. Because Barrundia's widow later sued the United States for failing to protect her husband in his fatal shootout at the hands of Guatemalan police, I also relied on a number of U.S. newspapers and Congressional records for his case.

Conclusion

This dissertation aims not only to understand the state as it was imagined and performed in the nineteenth-century Chiapas-Guatemala borderlands, but also to document the social and political terrain opened up by the state's perceived "edge," and the transformative possibilities space beyond the state. I combine a study of laws, criminality, movement of goods and people, and political protest around particular points of dissent--secession, land-holding, commercial regulation, market rivalries, control over central government and, of course, international borders--to show that dispute, rather than solutions, were the source of both governmental and local ability to maintain and expand territory and other sources of political power. Furthermore, if an intermediate space of "solutionlessness" could be consistently maintained, then in many senses everyone won--a third-party arbiter resolved the

problem of the disputing authorities' fraying legitimacy and claimants got a chance to demand indemnities. Boundary treaties--in and of themselves studies in performative "solutions" that often had very little application or effect on the ground--often contained caveats that promised eternal jurisdictional and commercial mediation. In the case of nineteenth-century Chiapas and Guatemala, armed revolution--perhaps the ultimate example of statelessness--was an essential vehicle for the expansion of state institutions and their influence, at the same time that it guaranteed their drastic renegotiation.

In additional to the theoretical framing I propose, my work also makes a key contribution in the comparative breadth and depth of its archival base. I have examined a variety of genres of documents in Mexico, Guatemala, and the U.S.). Scholars tend to transpose the parameters of national territory to their archival searches, assuming the influence on their particular point of study stops at the borders. A number of excellent studies deal respectively with the Chiapan and Guatemalan sides of the shared border (see the work of Jorge Luis Cruz Burguete and Arturo Taracena Arriola) yet these are not transnational histories, nor do they, for the most part, deal with transnational processes.³² Instead they focus on a "Mexican" or "Guatemalan" phenomenon that demands that they look at some of what's occurring on the other side of the border. In contrast, I am arguing that it was precisely the jurisdictional ambiguity of these areas, and the national ambivalence of

³² For example, Jorge Luis Cruz Burguete, *Frontera sur: contexto histórico y regional de Comitán y Las Margaritas, Chiapas* (Mexico: Red Relaciones, 2006); and Arturo Taracena Arriola, *Invención criolla, sueño ladino, pesadilla indígena: Los Altos de Guatemala, de región a Estado, 1740-1850* (Antigua: Centro de Investigaciones Regionales de Mesoamerica, 1997). Though its main governmental focus on Mexico, Catherine Nolan-Ferrell, *Constructing Citizenship: Transnational Workers and Revolution on the Mexico-Guatemala Border, 1880 – 1950* (Tucson: University of Arizona Press, 2012) is an excellent study of how transnational actors negotiated national loyalty and affiliation with the government. More recently, Jeffrey Erbig has made the necessity of looking at a variety of archives from different countries one of the central arguments of his thesis, which aims to expose the complex relationships between borders, mapping, archives, and ethnogenesis. See Jeffrey Erbig, "Forging Frontiers: Félix de Azara and the Making of the Virreinato del Río de la Plata, 1680-1805." PhD dissertation, University of North Carolina at Chapel Hill, 2015.

these actors, that, enabled them to destabilize the understandings and functions of centralized governments, even while they reenacted these governments' authority for their own, non-national uses.

Chapter 2

Between Jurisdictions: Soconusco's "Neutrality" and the Production of *Emigrados***Introduction**

“Soconusco [is] the refuge for criminals that escape from the hands of justice [and]...become a true scourge on the population.”

--Manuel Larráinzar, born and raised in Chiapas, ambassador to the United States in 1852 and Mexican Minister of Justice in 1859³³

Larráinzar's observation that the territory of Soconusco, Chiapas, was merely a wasteland full of criminals was typical of the mid-nineteenth century, and may well be part of the reason that scholarly literature about the area is so scarce today.³⁴ Historically an

³³ Manuel Larráinzar, *Noticia histórica de Soconusco y su incorporación a la República Mexicana* (Mexico: Imprenta de J.M. Lara, 1843), 79-80.

³⁴ The literature on Soconusco can be divided between colonial and national periods, the latter occupied by studies which concentrate on the coffee economy and labor in the nineteenth century, and more recent studies on migration and labor. Janine Gasco's work dominates the colonial period, although Murdo MacLeod and Peter Gerhard are important contributors (see, among others, Gasco, "Cacao and the Economic Integration of Native Society in Colonial Soconusco, New Spain" [PhD dissertation, University of Michigan, 1989]; MacLeod, *Spanish Central America: A Socioeconomic History, 1520-1720* (Berkeley: University Of California Press, 1973; repr. Austin: University of Texas, 2008); and Gerhard, *La frontera sureste de la Nueva España*, trans. Stella Mastrangelo (Princeton: Princeton University Press, 1979; repr. Mexico: UNAM, 1991)).

For the most part, nineteenth century works ignore the first half of the century, with the exception of Aura Marina Arriola, María de los Angeles Ortiz Hernández, and Juan Pedro Viqueira Albán's research (Arriola, *Tapachula, "la perla del Soconusco": ciudad estratégica para la redefinición de las fronteras* [Guatemala/Mexico: FLACSO/Dirección de Etnología y Antropología Social del Instituto Nacional de Antropología e Historia, 1995]; Ortiz Hernández, "Formación histórico-política de la región del Soconusco, Chiapas. La oligarquía de Tapachula, 1842-1890" in *Concentración del poder y tenencia de la tierra: el caso del Soconusco*, eds. María de los Angeles Ortiz Hernández and Bertha Toraya Toraya (México, D.F.: SEP, Cultura, 1985), 38-42; and Viqueira Albán, "Indios y ladinos, arraigados y migrantes en Chiapas: Un esbozo de historia demográfica de larga duración" in *Caras y máscaras del México étnico. La participación indígena en las formaciones del estado mexicano*, ed. A. Roth Seneff (Mexico: Zamora, El Colegio de Michoacán, 2011), 221-270).

Daniela Spenser's work on Soconusco just before and during the Mexican Revolution, "Economía y movimiento laboral en las fincas cafetaleras de Soconusco" and "Soconusco en la Revolución" in *Los empresarios alemanes, el tercer reich y la oposición de derecha a Cárdenas*, eds. Brigida von Mentz, Verena Radkau, Daniela Spenser and Ricardo Perez Montfort, Vol 1 (Mexico: CIESAS, 1988), among others) remains an important source for more recent works, such as Catherine Nolan-Ferrell, *Constructing Citizenship: Transnational Workers and Revolution on the Mexico-Guatemala Border, 1880-1950*, (Tucson: University of Arizona, 2012) and Casey Lurtz, "Exporting From Eden". Yet, apart from these and a variety of local narratives, Soconusco has been as ignored by historians as it has by many federal authorities and their initiatives.

important source of cacao and thus wealth for Mesoamerican empires, upon the Spaniards' arrival Soconusco quickly became depopulated by disease, becoming a "province of the Crown" around 1530. Being a "province of the Crown" meant Soconusco's governor answered to the Crown directly (this would be the case until 1790, when it became a *subdelegación* in the *intendencia* of Chiapas). An important provider of cacao and locus for the traffic of goods on the *camino real* between New Spain in the west and Guatemala City and the isthmus in the east prior to the conquest, Soconusco, with its flat coastal plains, continued to be ideal for the movement of trade and people between Oaxaca (and Mexico City) and the Central American isthmus from the colonial period onward. Further, by the end of the 17th century, cacao had lost much of its economic importance.³⁵ Although subordinated administratively to Ciudad Real, the capital of Chiapas, in 1790, Soconusco was almost unreachable from Ciudad Real due to the enormous barrier of the Sierra Madre. The imposition of the Bourbon *intendencias* at the end of the colonial period in Spanish America amounted to a reorganization of local territorial and political organization, reminiscent of the French reorganization during the revolutionary period. Colonial governors (*corregidores*), who in most cases had purchased their posts, were replaced by royal representatives, and territorial organization became more uniform while the number of authorities answerable to the Audiencia (or regional royal court) multiplied. Depending on the area and the particular intendant in question, the installation of *intendencias* could bring in numerous local changes

³⁵ Soconusco's cacao production was in decline since the beginning of the colonial period, despite an initial demographic drop and later rise in population, see Janine Gasco, "Una visión de conjunto de la historia demográfica y económica del Soconusco colonial," *Mesoamérica*, 10:18 (1989): 374-376. According to MacLeod, between 1570 and 1605 "the officials of Soconusco presented a series of ingenious plans" to revive cacao production, all of which failed; this would coincide with production's rise in Guayaquil and Venezuela in the 1620s, MacLeod, *Spanish Central America*, 145, 152. MacLeod attributes the decline to the fact that vast numbers of laborers had left or died, soils were depleted and schemes to revive the trade received little support from the Crown.

to how funds were disbursed or what economies received greater support.³⁶ Bordered to the south by the Pacific, it nonetheless suffered from a lack of viable ports for trade until well into the 19th century. Historically without an *encomendero* class and suffering from indigenous demographic fluctuations due to disease and migration, Soconusco had always attracted an important number of less easily socially-identifiable groups, who in many ways used the region as a "refuge," as Larráinzar claimed, but also established a firm base for commerce in the area, however petty or illicit. These groups were often merchants, both itinerant and resident, as well as the "castas"--indigenous *naboríos* (free laborers), mulattos and blacks.³⁷

Larráinzar's disdain for the area very likely also originated from its history of intermittent secession from Chiapas and Mexico. Independence from Spain had led to Chiapas' break from the Captaincy of Guatemala and its eventual annexation to the new Republic of Mexico in 1824. Soconusco opted out of the path followed by the rest of the ex-intendency. Instead, plebiscites held in Soconusco's capital city of Tapachula oscillated, first in support of annexation to Mexico and then favoring affiliation with the new Central American Republic.³⁸ Military forces from both Mexico and Guatemala vying for Soconusco's annexation transformed the region into a powder keg from which both Mexican and Guatemalan authorities prudently backed away. A shaky, unofficial agreement between the two republics to designate Soconusco as temporarily "neutral" in 1825 remained in place

³⁶ In Guatemala and Chiapas the intendencies were institutionalized between 1786 and 1790.

³⁷ Gasco, "Una visión," 378.

³⁸ Instituto Nacional de Antropología e Historia, Archivo Historico de Chiapas, Biblioteca Manuel Orozco y Berra (INAH-Chiapas): "Decisión del pueblo de Tapachula de quedarse con Guatemala o incorporarse a México, oct. 26, 1821," Tomo II, doc. 5; "El ayuntamiento de Tapachula remite dos actas (que en dos números siguientes se menciona) oct. 30, 1821," Tomo III, doc. 19.

until 1842, though it hardly put an end to the military skirmishes between the two countries. For Larráinzar, this must certainly have been the most vexing aspect of Soconusco's profile, one that would continue to present barriers to amicable relations between Mexico and Guatemala well into the second half of the nineteenth century.

Yet Larráinzar himself fit into a broader pattern of collusion between post-independence Chiapan elites and Chiapan and Guatemalan military commanders as well as the Soconuscan "criminals" Larráinzar so detested. All of these historical actors collaborated to perpetuate the inability of Soconuscan authorities to impose the rule of law, not least because they had no police or military forces to enforce it, nor judges, lawyers or courts to interpret it. Guatemalan forces invaded on a number of occasions, and committed violations that went beyond infringements on Soconusco's "neutrality." This resulted in complaints by Soconusco's inhabitants that became fodder for political squabbles between Mexico and Guatemala. In 1838, the mayor of Tapachula asked for "refuge in the protection of the government of the Mexican nation," suggesting that Soconusco's capacity to self-govern was close to nil.³⁹ Further, the "temporary neutrality" granted to Soconousco between 1825 and 1842 was neither imposed nor upheld on terms decided by Soconusco authorities. As *soconusquenses* refused to take sides with Mexico or Guatemala in the debate over territory, Mexico and Guatemala reached an agreement about Soconusco without consulting locals. Soconuscans, for their part, refused to pay taxes, participate in elections, or provide military support to either Mexico or Guatemala until the end of the century. Territorial conquest and contest included the production of multiple spaces like Soconusco from the late colonial

³⁹ Archivo Histórico de la Secretaría de Relaciones Exteriores de México (AHSREM): "Administración pública en el Soconusco, Chiapas, de Tapachula, Chiapas se informa del deplorable estado de dicha administración" (1838), L-E-1628 (1).

period until the mid-nineteenth century. Larráinzar's excoriation of Soconusco's exiles, fugitives, and other "non-patriots" was part of a broader trend in which regional political leaders and even politically humble residents would boost their own claims to authority and superiority by calling attention to what Soconusco lacked: namely, a Republic to which it could claim membership. Yet Soconusco's ambiguous jurisdiction also allowed it to become both a refuge and source of political leverage for many of those who became nationless or transnational through flight or forced exile. In contrast to Chiapas and Guatemala, Soconusco provided the perfect place to absorb unused land, insert oneself into an alternative political hierarchy and social community, and to hatch revolutions.

Soconusco's status as neither sovereign nor part of any other sovereign entity proved eminently useful for a variety of socio-political actors. For Larráinzar, Soconusco was akin to an errant child, over which the Chiapan government had every right to exert authority, to invade, or to use as leverage against the territorial claims of Guatemala, as needed. By the same token, Guatemalans could use both Chiapan attitudes towards Soconusco and this region's presumed "victimization" by Mexican bullies as justification for Guatemalan mobilization of troops and intermittent occupation of Soconusco. Finally, elites, petty entrepreneurs, and landless peasants alike in Soconusco could use both Mexican and Central American rivalries to acquire territory, military support, and commercial connections to both regions, while simultaneously remaining obligated to neither. Under the guidance and through the activities of a number of residents and sojourners, this is precisely what many of those living in Tapachula and to its west, did.

In this sense Larráinzar as well as the "criminals" he claimed to detest made use of Soconusco's lack of functional government, as well as the ever-present territorial aspirations

of the Central American and Mexican federal governments. By triangulating the jurisdictional flexibility of Soconusco with the dual presence of Guatemalan and Mexican troops and diplomats, these statewise actors could create transnational spaces of political arbitration that did not wed them to one state regime or another. Simultaneously, however, references such as Larráinzar's to Soconusco and the borderland areas as ungoverned supported the at least rhetorical aspiration that a government step in, in the process rendering people like Larráinzar political authorities in the area and diplomatic liaisons to the national governments. Similarly, immigrants, exiles and mobile communities of all kinds, precisely the people that kept places like Soconusco "ungoverned" (and ungovernable) were being produced by governmental policies and could use their status to perpetuate administrative chaos and political shifts in the area, all the while keeping governmental authorities sufficiently aware or ignorant of their practices as was useful in a particular moment. Soconusco was, in this sense, a jurisdictional fiction: it was a space where the two governments competed for jurisdictional authority but rarely acted unless called upon by local residents. The fact that it was located at the borders of both Mexico and Guatemala further belies Larráinzar and others' claims that these aspects of Soconusco were entirely undesirable. If that were truly the case, it is unlikely that Mexico or Central America would agree to open Soconusco to emigrants of all kinds, a policy passed in 1825.⁴⁰

Soconusco and Competing Territorialities in Early Mexico and Central America

By 1823, the earliest surges of Mexican and Central American fights over territory were at a crisis point. In 1821, news of the independence of New Spain from Spanish control

⁴⁰ AHSREM: "Correspondencia diplomática" (1824-1825), L-E-1623 (1).

had spread southward to the Captaincy of Guatemala, encompassing the current countries of Guatemala, Nicaragua, Honduras, El Salvador, Costa Rica and Belize, as well as the state of Chiapas. The call for independence was quickly seconded by many of the provincial seats in Chiapas, such as Comitán and Ciudad Real, as well as just over the Chiapas border in Huehuetenango and Quetzaltenango. In a fast-spreading pattern, other provinces of the ex-Captaincy of Guatemala would declare their official break from Spain.

Central American scholars of the late colonial and early independence period tend to agree that the essentially peaceful turn towards independence from Spain in the ex-Captaincy came primarily from a desire for autonomy vis-à-vis Guatemala City. The merchant *consulado* (guild) in Guatemala made sure that all trade went through Guatemala City, where it taxes were collected before goods were shipped off via an Atlantic port or elsewhere in the Americas, to the increasing benefit of the *consulado*. This practice raised the ire of ranchers in Honduras and Nicaragua and the indigo plantation owners of El Salvador, who would have preferred more numerous outlets for their goods and the freedom to trade directly with each other and New Spain.⁴¹ The *consulado*'s restrictions ran counter to the Bourbon Reforms (1715-1790s), which liberalized commerce between the colonies. These reforms allowed indigo planters to create their own association in order to control prices, rather than the

⁴¹ On the *consulado*, see Troy Floyd, "Guatemalan Merchants, the Government, and the *Provincianos*, 1750-1800," *Hispanic American Historical Review* 41:1 (Feb. 1961): 90-110; Ralph Lee Woodward, "Economic and Social Origins of the Guatemalan Political Parties (1773-1823)," *Hispanic American Historical Review* 45:4 (Nov., 1965): 544-566; and, Ralph Lee Woodward, "El Consulado de Comercio" in *Historia general de Guatemala*, ed. Jorge Luján Muñoz, Vol 3 (Guatemala: Asociación de Amigos del País Fundación para la Cultura y el Desarrollo, 1995; repr. 2005), 313-322. Mario Rodríguez, *The Cádiz Experiment in Central America, 1808-1826* (Berkeley/London: University of California Press, 1978) discusses the regional effects of and disputes raised by the Bourbon Reforms. Rodríguez notes that indigo, lighter than cacao and supported by the growing European textile industry, became endangered by rival British producers in India by the end of the eighteenth century (Rodríguez, *The Cádiz Experiment*, 14).

consulado.⁴² New ports were made available on the Caribbean shores to provincial merchants, enabling them to avoid Guatemala City altogether, and cattle ranchers were now able to sell their goods on a liberalized market.⁴³ During the period of the *Cortes*, the call to appoint deputies further enabled provincial demands to be heard and considered alongside those of Guatemala City.⁴⁴ Quetzaltenango, a province of the Captaincy and thus governed via Guatemala City, for example, requested that the *corregidor*, or appointed magistrate, be ousted and replaced by a provincial governing junta, and that all the "Indians" be assimilated to Spanish culture via a reinforced missionary campaign, thereby pushing for creole dominance and political autonomy well after independence.⁴⁵ Leaders and locals within the Captaincy had experienced important changes as a result of economic and political reforms since the end of the 18th century, and they were deeply invested in retaining the freedoms

⁴² Rodríguez, *The Cádiz Experiment*, 15.

⁴³ Rodríguez, *The Cádiz Experiment*, 16.

⁴⁴ Initially, in 1809, the Audiencia was asked to produce one representative to attend the meetings in Spain, selected after all of its municipal councils had nominated three individuals each. For the parliament of 1810-1812, each "province" in the colonies was to produce a representative. As historian Jorge González explains, the term "province" was variously understood in the Americas, and the Guatemala City leaders of the Captaincy chose to interpret it as a reference to the intendencies (established in 1790) resulting in six Guatemalan representatives being sent to the *Cortes*, and twelve representatives by 1812. See Jorge González, "A History of Los Altos Guatemala: A Study of Regional Conflict and National Integration" (PhD dissertation, University of California, 1992), 192; and Rodríguez, *The Cádiz Experiment*, 107. All the town governments not only participated in voting for these representatives, but they were also invited to write up "instructions" for the representative to bring to the new parliament. These included complaints, observations and suggestions for change relative to each region.

⁴⁵ González, "A History of Los Altos," 196-197; and Arturo Taracena Arriola, *Invencción criolla, sueño ladino, pesadilla indígena: Los Altos de Guatemala, de región a Estado, 1740-1850* (Antigua: Centro de Investigaciones Regionales de Mesoamerica, 1997); and Arturo Taracena Arriola, "Génesis del movimiento separatista en Los Altos de Guatemala, 1806-1829," *Revista de Historia* 17:29 (enero-junio 1994): 7-60. Mario Vázquez Olivera makes similar observations of this process in Ciudad Real and Comitán, Chiapas, in which representation during the period of the *Cortes* led to greater autonomy from Guatemala City (see Mario Vázquez Olivera, "Un remedo para los antiguos atenenses," in *Poder y gobierno local en México, 1808-1857*, eds. María del Carmen Salinas Sandoval, Diana Birrichaga Gardida, Antonio Escobar Ohmstede (Toluca/Zamora/Zinacantepec: El Colegio Mexiquense/El Colegio de Michoacán/Universidad Autónoma del Estado de México, 2011), 51-76; and, with Amanda Torres Freyermuth, "La participación en las Cortes españolas y el despertar autonomista de Chiapas, 1813-1821," *Mesoamérica* 52 (enero-diciembre 2010): 62-86.

gained. Such freedoms included strengthened local governments, lessened religious fees and taxes, and end to tribute for indigenous residents. The administrative and economic policy changes promoted by the Bourbon Reforms in the late eighteenth century; the crisis of legitimacy of the monarchy produced by Napoleon's invasion of Spain in 1808; the liberal "Cortes" (parliament) instituted during this period (1810-1814 and again in 1820) and the colonies' participation in the production of the short-lived Constitution of Cádiz, all combined to loosen Guatemala City's long-hated hold on the surrounding provinces.

The first *ayuntamiento* of the Captaincy to declare independence from Spain, and thus Guatemala, was Comitán, located on the northern end of what would become the border of Mexico and Guatemala, setting an example of autonomy and initiative that other provinces would quickly follow.⁴⁶ Still, the 1821 declarations of independence were only the beginning of more entrenched battles over political autonomy in Central America. In September of that year Agustín de Iturbide, a royalist-turned-revolutionary fighting in New Spain, had taken control of the government of New Spain and declared independence from the empire. The call then went out to the provinces of the Guatemalan Captaincy to join in his movement. Attached to this alliance would be adherence to Iturbide's own, new empire ("President" Iturbide became constitutional "Emperor" in 1822) and Iturbide's promise to uphold the constitution of 1812 gained support from a number of the Captaincy's provincial leaders. Yet by the summer of 1822, the new policies of now Emperor Agustín I alienated Captaincy provincials and set them against him. Iturbide had rearranged Central American

⁴⁶ Sergio Nicolás Gutiérrez Cruz, "El proceso de independencia de la provincia chiapaneca: una visión desde las conformaciones territoriales y los nacionalismos" in *Estado Nación en México: Independencia y Revolución*, eds. Esaú Márquez Espinosa, Rafael de J. Araujo González, María del Rocío Ortiz Herrera (Tuxtla: UNICACH, 2011); Enrique Santibañez, *Comitán: Su independencia y su anexión a México* (Mexico: Tip. Artística, 1902), 13; and Mario Vázquez Olivera, "Chiapas, Centroamérica y México (1821-1824): Nuevos elementos sobre una antigua discusión" in *Chiapas: De la Independencia a la Revolución*, eds. Mercedes Olivera and María Dolores Palomo (Mexico: Publicaciones de la Casa Chata, 2005), 53-72.

territories militarily against their will, pressured them into supporting foreign policies, and forced them to pay for their own representation in far-off Mexico City, without providing substantial infrastructural or commercial gains in exchange.⁴⁷

By the time Iturbide's representative, Vicente Filísola, arrived in Guatemala early in 1823 with a small military force to "convince" the newly independent Central American provinces to favor Mexican tutelage under Agustín I, antagonism towards Mexican imperialism was growing in Central America. After organizing plebiscites and military contingents, Filísola, along with his Mexican forces and reinforcements from the ex-Captaincy, led an attack on San Salvador, the province that had most aggressively opposed annexation to the Mexican empire.

Yet even as Filísola was immersed in these empire-making activities, his patron Iturbide was losing his hold on the empire within Mexico, at the hands of the so-called Army of Liberation, led by Mexican commander Antonio López de Santa Anna. Upon his return to Guatemala City following the battle against San Salvador, Filísola did not encounter a well-organized constitutional assembly of Central Americans in support of the Mexican emperor. Instead he faced a loosely-knit throng of secessionists advocating different versions of republicanism, all noticeably antagonistic towards Iturbide, Mexico, and Filísola himself. Word of Iturbide's imminent fall, renewed conflict between the leaders of the reunited provinces, and a vacant treasury helped sour Filísola's imperial mission, and made him the favorite scapegoat of Central America's "anti-mexicanistas."

⁴⁷ Mario Vázquez Olivera, *El Imperio Mexicano y el Reino de Guatemala: proyecto político y campaña militar, 1821-1823* (México, D.F.: Fondo de Cultura Económica: Universidad Nacional Autónoma de México, Centro de Investigación sobre América Latina y el Caribe, 2009); and Mario Vázquez Olivera, "Chiapas, Centroamérica y México (1821-1824). Nuevos elementos sobre una antigua discusión" in *Chiapas: De la Independencia a la Revolución*, 53-72; and Rodríguez, *The Cádiz Experiment*, 177-181.

Filísola would be further deflated upon his prompt retreat from the new "Republic of Central America" through Chiapas, which had been the first Central American province to join the Mexican Empire in 1821. During the interim between Chiapan union with Iturbide's empire in 1821 and Mexico's takeover by Iturbide's enemies in 1823, the Chiapans had decided that Filísola's true goal was to push them back into the Central American fold, under the hated auspices of Guatemala, as a prelude to forcing them to join the new Mexican Republic. Filísola barely managed to escape from a hostile Chiapas in October of 1823, when he was replaced by a new commander, Felipe Codallos.⁴⁸

Within the ex-intendency of Chiapas, where Soconusco was located, opinions were divided, and would continue to be so well into the nineteenth century. Chiapans were unable to reach a consensus on whether they should unite with Mexico or Central America. Instead, through a plebiscite, they stood behind a new (though temporary) status as a "Free State," totally independent of either territory, from 1823-1824. Mexican Minister of Interior and Exterior Relations, Lucas Alamán, refused to accept the Chiapan reversal of opinion and their choice of independence, leading to Ciudad Real's occupation by federal forces and the pursuit of *Chiapas Libre's* troops.

Establishing Neutrality

The federal response only served to further anti-Mexican sentiment, leading to fierce protests from Chiapans, Filísola's reassignment to Oaxaca, the continuation of military

⁴⁸ Filísola nevertheless continued a long military career in the service of Iturbide's rivals and successors in what would become the Mexican Republic. After fighting for Mexico in Texas in the 1830s and in the Mexican-American War of the 1840s, Filísola's end finally came in 1850, when he died of cholera in Mexico City. Vázquez Olivera, *El imperio mexicano*, 304-305.

conflict, and the eventual reenactment of the plebiscite. Soconusco's plebiscite results in May of 1824 favored annexation to Mexico, while a second round of ballots taken in July resulted in a majority of pro-Central American votes. When Chiapan authorities refused to accept the latter results, the mayor of Tapachula, Soconusco's capital city, refused to back down. Chiapas annexed itself to Mexico while Soconusco floated in the balance.

Soconusco was both politically divided and militarily weak. According to a report commissioned by Mexican Minister Alamán, the military force in Soconusco's capital city of Tapachula consisted of only eighty-four men, "undisciplined and with only twenty-five rifles, possibly old ones," who Mexican forces could easily defeat.⁴⁹ On the other hand, commissioner José Xavier de Bustamante pointed out that because of the military support that would likely come from Quetzaltenango and Totonicapán (western Guatemala), and the difficulties posed by poor roads and the long distance from the interior, Mexican occupation of Soconusco was inadvisable.⁵⁰

Soconusco thus represented a rift in the territorial integrity of both the Spanish Empire and its republican successors. Other regions in Chiapas and Guatemala also remained deeply ambivalent about the new political alliances and territorial assertions, but it was Soconusco that came to reflect the limits of compromise between local aspirations and national alliances. Partitioning the regions with the tightest economic connection to Mexico City and New Spain, and those connected to Guatemala City and the rest of Central America, Soconusco was also divided internally between its eastern and western economies.

⁴⁹ "Oficio de José Xavier de Bustamante, Comisionado Mexicano en Chiapas, a Lucas Alamán. Ciudad Real, 24 de octubre de 1824," reproduced in *Bosquejo histórico de la agregación a México de Chiapas y Soconusco y de las negociaciones sobre límites entabladas por México con Centroamérica y Guatemala*, Matías Romero (Mexico: Imprenta del Gobierno, 1877), 432-433.

⁵⁰ "Oficio de José Xavier de Bustamante," 432-433; as well as Bustamante's communications with Alamán throughout the summer of 1824. Reproduced in Romero, *Bosquejo histórico*, 587-597.

By 1825, Soconusco had thus been transformed into a political powder keg and a critical tool of territorial negotiation, despite the fact that it was by most accounts peripheral politically and economically. Despite Tapachula's declaration in July and September for annexation to Central America, Soconusco was still written into the Mexican constitution in late December 1824. The following May, Guatemalan forces under the foreign colonel José Pierson occupied Tapachula and the nearby ex-capital city of Escuintla, overrunning the area and prompting Chiapan officials to ask for military reinforcements from Mexico.⁵¹ In July of that year, hearing of Mexican commander Juan Pablo Anaya's arrival in Tonalá, at the western extreme of Soconusco, Pierson too received reinforcements.⁵² In an effort to avoid a full-blown military confrontation, Juan de Dios Mayorga, Central America's representative in Mexico, suggested that the two countries agree on the "temporary neutrality" of Soconusco, guaranteed by Guatemala's removal of its troops from the area.⁵³ For his part, Lucas Alamán promised that Mexican troops would not advance eastward beyond Tonalá, in effect sealing the binational accord to leave Soconusco's jurisdiction to its own local authorities.⁵⁴

State-Making and Neutrality in Dialogue

⁵¹ Nettie Benson Library, The Lucas Alamán Papers, 1598-1853 (NBL-LAP): Lucas Alamán, "Carta a D. Juan de Dios Mayorga, Ministro Plenipotenciario de la República de Centroamérica, México, 9 de marzo de 1825."

⁵² NBL- LAP: Anaya, Juan Pablo, "Carta a Lucas Alamán sobre las malas condiciones en que se encuentra el territorio contiguo a Guatemala sobre el Mar del Sur. Tonalá, julio 10 de 1825," doc. 123.

⁵³ AHSREM: LE-873.

⁵⁴ NBL-LAP: Lucas Alamán, "Carta a D. Juan de Dios Mayorga."

In the history of the Guatemala-Chiapas borderlands, Soconusco stands out as a particularly clear example of what I am calling a place of "jurisdictional fictions." Like Comitán (Chiapas) and Quetzaltenango (Guatemala), Soconusco had a history of political and economic autonomy from both Mexico and Guatemala, and the region depended heavily on the maintenance of cross-border socio-political and economic networks for its survival. Yet its official designation in 1825 as neutral territory, by both Guatemala and Mexico, even in the face of Chiapas' legal allegiance to the Mexican Republic, sets Soconusco apart as an especially transparent example of a territory entirely separated from centralized state authority. As framed in Foreign Minister Lucas Alamán's letter to his counterpart in Guatemala in 1825:

...the troops and military authorities of the United Provinces of Central America will evacuate the territory of the district of Soconusco, without authorities from any other states crossing the same border in any way...⁵⁵

The history of Soconusco further exemplifies the second part of my thesis, in which I argue that not only were spaces of ambiguous jurisdiction maintained and cultivated by numerous actors but that it was also done so with an eye to keeping centralized authority at arms length, to be called in when needed but as leverage in local, rather than international disputes. This is especially clear through the political production, use, and leadership of *emigrados*, or emigrants, as well as their discursive role as "social problems." Alamán, in an 1825 letter to Mayorga, made special mention of emigrants' status in this new nationless space:

...open entrance will be granted to those who, because of political circumstances, have found themselves obligated to emigrate...[they will] not be asked to swear to any

⁵⁵ AGCA: "Documentación relativa a la cuestión del Soconusco en 1825," B 2488.

oath, nor will they be inconvenienced in any way in their person or in the exercise of their faculties...nor will any other but local authorities administer the law ...⁵⁶

While *emigrados* were produced by Mexican and Guatemalan policies of exiling political rivals, they were also most often the leaders of coups. The governments of Mexico and Central America (and later Guatemala) sent political exiles, displaced agriculturalists and, indirectly, military deserters and criminals into the “no man's land” of Soconusco's coast. There was common collaboration in creating this space as a repository of refugees from the wars of independence, the subsequent civil wars in Central America and Mexico and, in the last quarter of the nineteenth century, the jostling for power among Liberal dictators. These emigrants then became fodder for continuing assertions by both governments that authorities of one nation were abetting the conspiratorial activities of the other. Military and diplomatic correspondence, as well as newspaper and governmental reports throughout the nineteenth century, describe Soconusco as either overrun with criminals and evil-doers or devastated by intrusive mercenary military officers of little ethical backbone.

Ambiguous jurisdictions were created and maintained primarily by this population of “unattached” individuals, which became particularly common one one or the other side of disputes among borderland residents.

Complaints about Soconusco's economic or military insecurity primarily emanated from the national and regional authorities that aspired to control Soconusco. Mexican and Guatemalan newspapers throughout the 19th century also depicted Soconusco as a lawless backwater, reminiscent of Larráinzar's summation of the area.

⁵⁶AHSREM: “Correspondencia diplomática” (1824-1825), L-E-1623 (1).

Yet a closer look at these complaints and subsequent justification for enhanced military presence in Soconusco suggests that, if this was a lawless backwater, it also was a useful one, for criminals, deserters, and exiles as well as military and political authorities and Mexican and Guatemalan diplomats engaged in territorial disputes. Soconusco and its *emigrados* enabled conflicting territorial, legal, economic and social regimes to coexist alongside each other, not only providing a complex and shifting version of society to evolve, but mediating the ways Mexican and Guatemalan military actions, law and policing could actually be applied, and what consequences would result.⁵⁷ Further, A variety of newly emergent merchant groups sustained by these post-independence economic and political transformations also thrived on Soconusco's ease of transit to Guatemala and Mexico, which enabled western Guatemalans to access closer Pacific ports (the most western-lying port in Guatemala was, until 1871, San José) and Soconusquenses to develop a brisk transport business to and from the frontier and the coast.⁵⁸

Making Nations and Their Enemies: Exile in Mexico and Central America

⁵⁷ INAH-Chiapas: "Disposiciones del Sr. Gobernador del Estado de Chiapas, en vista de la 'situación comprometida en gran manera por los emigrados de Centro América" San Cristóbal, 17 de septiembre, 1832, Tomo IV, doc. 61; "El Gobernador del estado José Ignacio Gutiérrez informa a los chiapanecos sobre la autorización que le concede el Cuerpo Legislativo, para ejercer facultades extraordinarias en vista de las circunstancias actuales de la República, medida inspirada en la salvación del estado," San Cristóbal, July 8, 1832, Tomo IV, docs. 45 and 46.

⁵⁸ Further, as I will discuss more deeply in Chapter 3, traditional economic exchange between the Guatemalan highlands and the Soconusco lowlands, and between sparsely settled communities on Mexico and Guatemala's Pacific coastline, also sustained an ongoing ebb and flow of border crossers in this area.

In creating exiles, the nascent nations of Central America and Mexico produced some of the greatest threats to their stability even as they solidified their regimes, their borders, and their constituencies. Prior to the formation of nation-states, *destierro*, or banishment, was a useful tactic that had enabled imperial states to isolate and neutralize criminals or malcontents without having to pay for the manpower or infrastructure to maintain jails or surveillance. In colonial Latin America, banishment could also provide corps of forced labor, potential colonizers of disease-ridden or dangerous areas, or even military “recruits,” as was the case during the Bourbon era (the 1760s until independence, in 1821).

Yet the wars of independence injected a political element to banishment that had been absent previously. Between 1821 and 1899 hundreds of political exiles streamed out of Central America and Mexico, due to the prevailing practice of sending dissenters against successive coups into exile. Upon his rise to power in 1829, the second (and last) leader of the Central American republic, Francisco Morazán, exiled droves of Guatemalans, including all senior officers of the previous government, the bishop, and about forty friars. Anyone associated with the previous government at any time between 1826 and 1829 was considered a traitor, and prominent Conservatives within the general population were subject to property confiscation and forced loans, also leading to Conservative flight. The Central American Federal Assembly took similar measures, sending senior officers or European-born militia members of the previous regime into perpetual exile, along with “all non-naturalized Spaniards who had voluntarily taken up arms in the service of that government, and judicial officers who confirmed the death sentences ordered by the military council.” Less senior

political and military officers were exiled for two to eight years. The federal Assembly also granted the state governments “extraordinary powers” to confront “opponents of the state.”⁵⁹

By ordering these expulsions, Morazán and others were merely repeating a political strategy that had existed in the region for years and would continue throughout the 19th century. As early as 1825, in both Honduras and El Salvador, anyone who did not swear loyalty to the new Central American constitution faced execution, leading to one of the first waves of Central American migrations out of the region.

Mexico's track record in terms of producing exiles was little better. In May of 1826, a decree declaring Mexican autonomy from Spain stipulated that anyone who suggested otherwise was a traitor, and would be punished.⁶⁰ Between 1827 and 1836, five national laws expelling the Spanish from the Mexican Republic were issued, resulting in the displacement of about 5,000 people.⁶¹ Expulsion was a time-tested form of displaying authority, recruiting followers, raising revenues (from the evacuated properties) and censoring criticism.

Brian Loveman's observation that many Latin American constitutions were actually designed to support the military rule rather than legislative mediation or popular representation could thus be considered superfluous in the case of Mexico and Central America.⁶² Constitutions clearly played only one part in determining how the relationship

⁵⁹ Ralph L. Woodward, *Rafael Carrera and the Emergence of the Republic of Guatemala, 1821-1871* (Athens: University of Georgia Press, 1993), 38.

⁶⁰ AHSREM: L-E-873, f. 39.

⁶¹ According to Harold Sims, about 5,000 of Mexico's “Spaniards” left as a result of these decrees (Sims, *The Expulsion of Mexico's Spaniards, 1821-1836* (Pittsburg: University of Pittsburg Press, 1990) 207-220).

⁶² Loveman, *The Constitution of Tyranny. Regimes of Exception in Spanish America* (Pittsburg: University of Pittsburg Press, 1993), especially 3-7 and 91-105.

between citizen-making, territorial delineation, and policing mechanisms looked on the ground.⁶³ This was especially the case in an atmosphere of constantly changing regimes and civil war, for example in Mexico, between 1823 and 1867, and Guatemala, between 1826 and 1851. Both the Mexican and Guatemalan constitutions of the 1830s can be said to be belated reactions to the political openings unleashed in the early 1820s, hardening citizenship requirements already inaugurated on the ground, especially towards indigenous communities, as a number of authors have suggested.⁶⁴

In contrast to Mexico's liberal constitution of 1824, the constitution of 1836 is striking in its failure to define citizenship, despite the silencing of much of the anti-Spanish sentiment by then. Various kinds of national belonging existed, and few knew how to distinguish among them, complicating the acquisition and defense of the rights of citizenship. According to Marcello Carmagnani, in the various state constitutions of Mexico there appeared three different designations: “natural” (native), “vecino” (resident), and “ciudadano” (citizen). Only the last could participate politically (vote or be voted for),

⁶³ Antonio Annino, writing about the political processes and institutions of the early Spanish American republics, tends to emphasize their similarities to European counterparts, rather than differences, in an effort to combat a) the generalized lack of serious studies of political culture in Spanish America during this period and b) the assumption that these institutions were developed in a far more chaotic atmosphere than that of Europe (see, for example, Annino, introduction to *Historia de las elecciones en Iberoamérica, siglo XIX: de la formación del espacio político nacional*, Buenos Aires: Fondo de Cultura Económica, 1995). This dissertation takes a less reactionary approach to the period and its historiography, emphasizing the importance of continued civil war, expulsion, and the “suspension” of constitutional guarantees through martial law and the imposition of “extraordinary powers” as critical ingredients to the way politics, elections, and constitutions affected people's everyday lives.

⁶⁴ See, for example, Peter Guardino, *The Time of Liberty: Popular Political Culture in Oaxaca, 1750-1850*, (Durham: Duke University Press, 2005); William Griffith, “El gobierno de Mariano Gálvez,” in *Historia general de Guatemala*, Tomo IV, 75-84; and Catherine Andrews, “In the Pursuit of Balance. Lucas Alamán’s Proposals for Constitutional Reform (1830-1835),” *Historia Constitucional* no. 8 (2007): 30-31.

contingent upon property ownership and employment, according to the 1836 and 1857 constitutions.⁶⁵

Beyond constitutions and their interpretations, however, in early independent Mexico there existed the dynamic of “pronunciamiento politics,” or politics based on a declaration of political opposition often followed by military revolt.⁶⁶ The political landscape was so unstable that one could transition unwittingly from patriot to traitor overnight. An example from Chiapas is the case of commander Gabriel Durán, who wrote to the Ministry of War in February 5, 1829, recounting his adventures attacking the “santanistas” (supporters of Antonio López de Santa Anna) in that state, only to receive a response from his superior three days later expressing “surprise...because...I see that you ignore the absolute harmony which the Supreme government of the federation now has with General Santa Anna...[and] that all the states are in perfect union...”⁶⁷ Patriotic zeal could be as dangerous as treason when the tides changed. Benito Juárez’s 1862 decree, which defined as a traitor anyone who supported the foreign intervention of Maximilian of Habsburg between 1862 and 1867, was then recycled against its originator, when Maximilian took control and imposed it on Juárez’s men. Maximilian was then executed by orders of Juárez in 1867.⁶⁸

⁶⁵ Marcello Carmagnani, “Del territorio a la región. Líneas de un proceso en la primera mitad del siglo XIX,” in *Cincuenta años de historia de México*, comps. A. Hernández Chávez and M. Miño Grijalba (Vol. 2, Mexico: Colegio de Mexico, 1991), 222-228.

⁶⁶ Recently, Will Fowler has made use of the notion of “pronunciamiento politics,” or the genre of politics based on these declarations, in his *Independent Mexico: The Pronunciamiento in the Age of Santa Anna, 1821-1898* (Lincoln/London, University of Nebraska Press, 2016) and *Forced Negotiations: The Origins of the Pronunciamiento in Nineteenth Century Mexico* (Lincoln/London, University of Nebraska Press, 2010). In contrast to some historians (such as Antonio Annino) who focus on the “legality” or “progressivism” of one type of political action versus another, Fowler here takes the semi-informal, semi-institutionalized strategy of *pronunciamientos* seriously, as a combination of popular, elite, “licit” and “illicit” political action and fora for “democratic” negotiation.

⁶⁷ Archivo de la Secretaría de la Defensa Nacional de México (SEDENA): XI/481.3/578, ff. 15-18.

⁶⁸ Juárez’s Law for the Punishment of Collaboration, January 25, 1862. This decree was originally directed

The power of such decrees and pronouncements reverberated as far as Mexico's southeastern border with Guatemala. In 1828, the Ley Sobre Pasaportes (Passport Law), which supported the expulsion of the Spanish from Mexico, resulted in Soconusco being flooded with Spanish refugees, along with the exiles from Guatemala.⁶⁹ In Guatemala, Rafael Carrera's rise as president between 1838 and 1844 in many ways represented a backlash to anti-Spanish sentiment, as he insisted on restoring colonial traditions such as separate political and legal institutions for indigenous communities and the clergy.⁷⁰ Simultaneously, however, Carrera was renowned for his promotion of the "death to the foreigner" motto, and immigration policies that reflected a reignited nativism against all other outsiders.⁷¹ Born in a rural section of the eastern part of Guatemala, Carrera saw his community deeply affected by the rise of Morazán's liberal program and especially the policies of Mariano Gálvez, head of the Guatemalan state between 1831 and 1838. Roused

against the allied forces of the Spanish, French and English, declared treasonous any collaboration with these powers, and established the death penalty as punishment. See Juárez's *Manifiesto justificativo de los castigos nacionales en Querétaro* (Guadalajara: Tipografía de S. Banda, 1879), 55-56. Similarly, Antonio López de Santa Anna's 1853 Law Against Conspirators gave his newly-allied supporters in local governments license to strip all of his predecessor's both of their governmental posts and their property, which he nationalized. See Will Fowler, *Independent Mexico*, xix and 200-205.

⁶⁹ See the various cases reproduced in Matías Romero's *Bosquejo histórico*, such as: "Informes sobre la situación del Soconusco. Mayo a julio de 1828" (695-696); "Documentación relativa al asilo de ciudadanos centroamericanos en el estado de Chiapas. Julio a octubre de 1828" (696-699); "Documentos relativos a la presencia de refugiados políticos centroamericanos en Chiapas, abril de 1827" (708-709); and "Documentos relativos a la presencia de refugiados políticos centroamericanos en México, octubre de 1829" (720-728). Interestingly, Maximilian's colonization policies were critiqued by many Mexicans (and Unionists in the U.S.) as too open, since they included an opening to Confederate slaveholders, and their ability to maintain slavery intact. See Shirley Jean Black, "Colonization in Mexico During the Reign of Emperor Maximilian, 1864-1867" (MA thesis, University of Oklahoma, 1969).

⁷⁰ Though Carrera could arguably be said to have had military control over Guatemala from 1838 onward, he remained military commander, rather than president, until 1844. 1838 marked the end of Liberal rule in the entirety of the isthmus, as well as the secession of the federation's various states. In the meantime, President Mariano Rivera Paz governed the new nation of Guatemala, which nonetheless would not produce a constitution until 1851.

⁷¹ His "anti-foreign" stance was clearly a reaction against the highly unpopular policies of his predecessor, Morazán, who, according to Woodward, handed "nearly all of [Guatemala's] public lands" to foreign colonization companies between March and August 1834 in Woodward, *Rafael Carrera*, 51.

by anger against Gálvez's attacks on Church property and Church control over marriage and education, and by Morazán's efforts to implement these policies and a new head tax in indigenous communities, Carrera led a rebellion, reputed to have started with the call of "death to the foreigner, long live religion." The uprising later converged with conservative elite interests to oust Morazán, eventually leading to Carrera's appointment as chief military commander, then president of Guatemala, and the end of the Central American Republic, between 1838 and 1844. Until the 1850s, he was notably closed to foreign intervention or collaboration, and his policies on immigration into Guatemala were also stringent.⁷²

Managing *Emigrados*, Managing Power

The wartime production of emigrants, deserters and refugees, their transformation into transnational citizens (or, worse, criminals), and their management by military officials enhanced the power of local military commanders, who often doubled as governors. The popularization and institutionalization of the term "emigrado," or emigrant, during the 1820-1850 period in Central America and Mexico reflects the transformation of the exile from an individual ostracized from his or her community during the imperial era to a political criminal of far greater magnitude in the national period.⁷³ The term appears consistently

⁷² For his policies on immigration specifically, see William Griffith, "Attitudes Towards Foreign Colonization: The Evolution of Nineteenth Century Guatemalan Immigration Policy," *Applied Enlightenment: 19th Century Liberalism*, 23:4 (1972): 73-110. It should be noted that Carrera did not really consolidate his presidency until 1851, since he continued to fight Liberal forces through the 1840s and was forced into exile from 1848-1849.

⁷³ As Luis Roniger points out, despite the fact that "colonial authorities used deportation, relocation and expulsion as part of their policies of settlement and defense, and by extension, as a mechanism of social control...it was only in the national period, after the wars of independence, that banishment (*destierro*) acquired its specifically political role...as supplementary to prison or execution" in Roniger, "Antecedentes coloniales del exilio político y su proyección en el siglo XIX," *E. I. A. L.* 18:2 (2007): 31-52.

throughout the period between 1820 and 1850 in military reports, diplomatic correspondence, and newspapers in Mexico and Guatemala to designate, most often pejoratively, exiles flowing in and out of either country.⁷⁴

On one hand, the term *emigrado* appears to soften the kind of “social death” implied in the colonial term *destierro* (banishment), in that it merely refers to a foreigner within society's midst, rather than what might be understood as an individual's rejection by the moral community by which he was defined. Yet in reality the post-independence *emigrado* was ostracized differently. Possibly more pernicious than post-1821 decrees of expulsion, the term *emigrado* had a generalized understanding as synonymous with the suspicion of political, legal, economic, or military disloyalty.

Further, because of greater popular participation in politics and a greater number of *emigrados*, expulsion became a common political tool. Many leaders considered it a useful mechanism to garner votes, especially during the anti-Spanish waves of the late 1820s and early 1830s, when the Spanish attempted to retake power in both Mexico and Central America. In the words of José María Luis Mora, one of Mexico's early advocates for liberalism in the 1820s and himself a later exile in Paris, expulsion was “nothing but [an] act of banishment...[emanating from] hatred and rancor, passions as base as impetuous, [which] blind men...and lead them to ... harm those they consider their enemy ...pay[ing] no attention to the injuries they cause...”⁷⁵

⁷⁴ AHSREM: “Correspondencia del Ministro de México en Centroamérica, con respecto a Soconusco” (1834), L-E-1627 (8); “Facciosos emigrados de Chiapas. El Ministro de México en Centroamérica, el G. José María del Barrio, informa que se han distado disposiciones para retirar de la frontera los citados facciosos” (1836), L-E-1627 (10); “Sobre informe del comandante militar de Chiapas” (1837), L-E-1627 (11); and “Sociedad Mexicana de Geografía e Historia,” *El Universal (Mexico City)*, 9 de noviembre, 1850, 2.

⁷⁵ José María Luis Mora, *Obras sueltas* (México: Editorial Porrúa, 1963), 149.

As in the case of today's "immigrant," common usage of the term *emigrado* in nineteenth century Guatemala and Chiapas tended to blur differences between political exiles, refugees, or people who lived transnational lives in towns that straddled the still ambiguous border between Guatemala and Chiapas. They shifted from either side of the border seasonally, or historically had roots in both places. Added to these residents were military deserters, bandits, contrabandists, and other itinerant and shifting sojourners coming out of the wars of independence and the Central American civil wars that followed. According to his 1842 report on the Chiapas-Guatemala frontier, geographer and interim governor of Chiapas, Emeterio Pineda, highlighted not only the problem of a prolific border trade in contraband goods, but the impossibility of controlling such a trade, or imposing governmental authority in the area generally. Wrote Pineda,

The frontier extends at least seventy-five leagues, with four principal points where clandestine items are introduced. The first is the southern coast, in Soconusco; the second is that of [the volcano] Tacaná and the ...[Guatemalan highlands]..the third is Comitán and all of its neighboring points; and the fourth is Palenque...If the force needed to guard these points was raised,...[Chiapan] taxes would not be sufficient even for half the salaries....⁷⁶

The term "emigrado," often lumping migrants, foreigners, exiles, fugitives and contrabandists together, was used as a pejorative in the immediate post-independence period. Added to their assumed criminal status, "emigrados" were also considered antagonistic to the cause of nation-making generally. The wars leading up to and immediately following independence, as well as the uncertainty around ideas of national belonging, combined to render citizenship and nationalism as evolving and confusing concepts. Nonetheless, a number of scholars have argued that these concepts were consistently painted with the brush

⁷⁶ Emeterio Pineda, *Descripción geográfica del departamento de Chiapas y Soconusco* (México: Fondo de Cultura Económica, 1842; repr. 1998), 117.

of military morality and honor. According to a study by Gabriela Tío Vallejo and Victor Gayol, despite the fact that military morale was reported to be consistently low (and desertion high) during the late eighteenth and early nineteenth centuries, a hegemonic discourse of military virtue was successfully established, a discourse that had very specific implications for popular attitudes towards political legitimacy and evolving notions of and prerogatives of citizenship.⁷⁷ Attempts to project the virtues of valor, fidelity and military preparedness, or at least condemn their absence, are certainly apparent in documents in Mexico's Secretary of Defense archives, concerning Chiapas and Guatemala during the early to mid-19th century. These included complaints that civilians and voluntary troops were unprepared, easily intimidated, and often prone to stealing or ignoring their duties⁷⁸; debates about loyalty and how military officers should be given greater authority to punish traitors⁷⁹; and finally, seemingly excessive efforts to demonstrate personal bravery, patriotism and potential as a model citizen. As one officer wrote in 1840,

The enemies of order do not sleep, nor do I; they sense every opportunity to cause disturbance; and although I have continued my system of not pursuing anyone because of their opinion, not even those who are known conspirators, they are restrained by merely knowing that I am resolved to teach them a lesson, as I have said to some of them at the point when, by whatever means, they attempt to disturb the public peace [of Chiapas]....⁸⁰

⁷⁷ "Hacia el altar de la patria. Patriotismo y virtudes en la construcción de la conciencia militar entre las reformas borbónicas y la revolución de la independencia," in Juan Ortiz Escamilla, ed., *Fuerzas militares en Iberoamérica, Siglos XVIII y XIX*, (México/Xalapa/Zamora: El Colegio de México, El Colegio de Michoacán, Universidad Veracruzana, 2005), 111-138. See also, Salvador Broseta Perales, "La construcción de la imagen del héroe en la prensa insurgente," in *De súbditos del rey a ciudadanos de la nación* (Centro de Investigaciones de America Latina, Barcelona: Universitat Jaume I, 2000), 273-284.

⁷⁸ SEDENA, XI/481.3, Exp. 1619, ff. 72-73.

⁷⁹ SEDENA XI/481.3, Exp. 1531, ff. 13, 15, 27-28 and 31.

⁸⁰ SEDENA, XI/481.3, Exp. 1619, ff. 107-108.

In many of these military epistles and reports, *emigrados* were portrayed as the very opposite of upstanding citizens.⁸¹

Tracking down exiles, verifying their expulsion, keeping tabs on their movements outside of the country, and guarding against the “threat” that exile populations presented inside national borders initially fell to military commanders or their subordinates and provided opportunities for the expansion of personal authority. In a revealing exchange with the Central American leader Francisco Morazán, the chief military commander in Chiapas, José Martínez appeared to embrace Morazán’s rise to power, and with it their mutual management of the dangerous *emigrados*. Beyond their shared complaints of the droves of “conspirators” that had come to occupy southeastern Chiapas’ border with Guatemala, and Martínez’s proud reflections on Mexico’s recent “law of salvation” expelling the Spanish (in 1829), the Chiapan commander’s open correspondence set the stage for his own political ascent.⁸²

Martínez, the provincial commander of a frontier state, had become a key player in the management of international diplomacy while rubbing elbows with the man who would hold the reins of the Central American government for the next decade. Yet the political and bureaucratic dynamics surrounding the management of exiles would also enable Martínez to make decisions about the legal status of particular individuals while influencing popular understandings of what it meant to be a member of Chiapas and even Mexico’s national community; that is, his personal authority shaped the contours of local and national

⁸¹ See, also, Manuel Chust Calero’s discussion of the militia’s efforts to distinguish themselves from civil life in “Milicia, milicias y milicianos: nacionales y cívicos en la formación del Estado-nación mexicano, 1812-1835,” in *Fuerzas militares*, 179-198.

⁸² SEDENA XI/481.3, Exp. 578, pp. 86-88, 88-89; 92.

citizenship, and, by extension, of the middle ground between citizenship and criminality.

Upon Morazán's request, Martínez took control over the management of passports in order to stifle any attempts by Morazán's most entrenched enemies to escape from his forces, while also fortifying the two nation's frontiers against mutual enemies.⁸³

In exerting control over passports, Martínez was not only defining the rights of exiles and emigrants, but also drawing the boundaries of citizenship while claiming his own legitimacy as a political leader. Martínez's collegiality with Morazán, and his ability to expand on his own patriotism through their correspondence, also had the crucial function of enhancing his value as an officer and political leader. Further, given the ongoing flow of exiles into and out of Central America, such policing powers actually translated into the ability to define citizenship. In these early years especially but also later on, military commanders' control over passports was crucial to legalization as an individual. They could also claim particular personages were dangerous, and identify them as conspiratorial exiles against which troops and the civil population alike had to be warned. Not only during these early Central American wars, but also during periods of martial law in both Chiapas and Guatemala throughout the 19th century, passports could be collected from anyone at any time, depending on the whim of the various military corps charged with patrolling the area, especially the border. Military commanders were also in charge of *internación* (moving suspicious exiles away from the borders to central cities), a kind of extension and reversal of the strategy of *destierro* as played out in the national period. Finally, granting "amnesties" to

⁸³ SEDENA XI/481.3, Exp. 578, pp. 94-95. In his famous *Incidents of Travel in Central America, Chiapas and Yucatan* (New Brunswick: Rutgers University Press, 1841; repr. 1949) John Lloyd Stephens dedicates a considerable number of pages to his anxiety over getting passports, having them accepted, and keeping them legitimate during his personal experience of Central America's continuous civil wars (see Stephens, *Incidents*, 35-37, 75; 80-84; 209).

previously exiled allies (or as conciliatory measures to supposed enemies) simultaneously demonstrated and reproduced the political power of these local authorities. In particularly complex political situations, such as when Ángel Albino Corzo was attempting to enforce Mexico's unpopular anti-clerical yet victorious liberal constitution of 1857 in Chiapas, authorities could elect to execute a combination of these strategies, such as expelling key players while granting amnesty to possible future adherents.⁸⁴

Emigrados in Charge

Emigrados, however, were by no means merely victims in the political processes put into motion by the factional use of expulsion and exile. Instead, they were some of the most powerful expansionists and territorial defenders along the Guatemala-Chiapas border. Policies like *internación* or the management of passports required mutual agreement and collaboration between national governments and regional authorities in both Mexico and Guatemala, something which, in this early history of the two countries, was fairly rare. Even extradition agreements would be a long time in coming; petitions for extradition for

⁸⁴ While on one hand Corzo expelled outright a number of priests and monks who were refusing entrance into churches or access to the last rites to anyone who supported the liberals, he was more diplomatic toward the popular bishop Carlos María Colina. Despite his anti-government activism encouraging people not to follow the new liberal laws authorizing secularization of education and the auctioning off of Church lands, initially Colina was not expelled. Instead, in 1856, Corzo prohibited the circulation of Colina's writings and imposed a fine on the bishop. Finally, in 1859, Colina, along with other ecclesiastic officials, was ordered to leave the state within 24 hours. Similarly, after a decisive defeat of the Conservative rebel Juan Ortega's forces in 1860, Corzo offered amnesty to any of his followers below the level of sergeant (Manuel Trens, *Historia de Chiapas, desde los tiempos mas remotos hasta la caída del Segundo Imperio* [2nd ed., Mexico: (publisher not identified) 1957], 600, 616, 639, and 643).

individual cases would continue in a constant flow until the 1850s, at which point an agreement was attempted, but not finalized until 1894.⁸⁵

In contrast, exiles, refugees, and other borderland residents often had firm control of cross-border networks and sources of collaboration. Some of the more notorious examples include Rafael Carrera, exiled in 1848, who was able to sell off many of his assets before his opponents could confiscate them, thus funding his year-long stay just across the border in Comitán, Chiapas. Upon being demoted from his job by the incoming liberal government, Juan Ortega, customs house administrator in Comitán, fled to Guatemala carrying the customs house records, and then returned to Chiapas some six times to attack the capital and obtain Conservative support, eventually bringing the majority of the state's provinces into his camp.⁸⁶ In 1874, in Soconusco, jailed Guatemalan emigrants were able to convince the local Mexican military regiment and customs house officials to assist in a jailbreak with the

⁸⁵ AGCA: "El ministro de estado y del despacho de relaciones de la República da instrucciones a don José María del Barrio, ministro plenipotenciario y enviado extraordinario cerca del gobierno de México, para formalice un tratado provisional para lograr que los emigrados residentes en Soconusco y en otros lugares fronterizos sean reconcentrados a la capital de México o se les haga salir de aquella república" (18 de diciembre 1829) B 99.2, exp. 33000, leg. 1412, fol. 13; "Extradition treaty between Mexico and Guatemala, signed May 19, 1894," *The American Journal of International Law*, 1:3 (July 1907) 284-290; and "Documentación relativa a la petición de José María del Barrio de extradición de militares sublevados contra el gobierno de Guatemala. Diciembre de 1826 a junio de 1827," reproduced in Matías Romero's *Bosquejo histórico*, 681-686; and *Legislación Mexicana* 30 de noviembre, 1850, 757. Despite the fact that Felipe Neri del Barrio, the Guatemalan representative in Mexico, had been sworn in as early as 1829, continuing conflicts between the two countries meant that his diplomatic services were essentially shut down until the 1840s, after Mexico annexed Soconusco and the two countries ceased to be at arms against each other. In 1849, an attempt was made to work out a treaty of commerce and extradition between the two countries, but Mexico failed to ratify it. Another attempt, in 1854, also failed, since at that point Carrera and his administration insisted on a version of Chiapas' territory to which the Mexican Extraordinary and Plenipotentiary Minister, Juan Nepomuceno Pereda, did not get permission to ratify. Carrera would become increasingly adamant in his claims to Chiapas in the following years. See *Memoria sobre la cuestión de límites entre Guatemala y México* (Guatemala: Centro Editorial "José de Pineda Ibarra," 1931), 110-111; and Luis Zorrilla, *Relaciones de México con la República de Centroamérica y con Guatemala* (Mexico: Porrúa, 1984), 277-281).

⁸⁶ AGCA: B99, Legajo 6714 (1855, 1856); AHSREM: "Correspondencia de Juan N. Pereda, Guatemala, 1857" L-E-1626; "Filibusteros de Guatemala en Chiapas" (1855) L-E-1631; "Sección de operaciones. Gobierno del Estado de Chiapas," *El Monitor (Mexico City)*, 7 de septiembre, 1856, 2; "Chiapas," *La Sociedad (Mexico City)*, 13 de diciembre, 1860, 3; "Invasión de Ortega en favor de la causa del orden," *El Constitucional (Yucatán)*, 23 de marzo, 1859; "Invasión de Ortega en Chiapas," *El Monitor (Mexico City)*, 7 de octubre, 1862.

intention of staging a coup against the then Guatemalan president Justo Rufino Barrios, and with secondary intentions to bring down a famous Soconusco political boss, then exiled in Guatemala, who was rumored to be planning an invasion in a plot to overthrow the Chiapan governor.⁸⁷ In 1875, that same regional boss, Sebastián Escobar, was able to lobby for an end to his *internación* in Guatemala, resulting in his crossing back into Chiapas and seizing the Chiapan governorship in 1878.⁸⁸

Many migrants viewed exile as a potential refuge, and the existence of an exile community provided a favorable environment to plan the next coup. For example, after being ousted from power in 1829, Manuel José Arce sought refuge in Mexico and the U.S., where he was targeted by anti-Morazán forces from Guatemala as a possible co-conspirator in an upcoming revolt. By fall of 1831, Arce had rallied four hundred men to his cause (though he was rumored to have far more) and had landed in Soconusco, from whence he would execute his attack on Morazán's government via Guatemala. After his own ouster by Rafael Carrera, in 1840, Morazán fled to Costa Rica, then returned to El Salvador to gather troops, attempting to reunite the Central American Republic upon his return to San José (Costa Rica). President Carrera, in power after Morazán, was forced out of Guatemala between 1848 and 1849, returning to consolidate his rule in Guatemala soon after. Finally, during the Guatemalan liberal coup of 1871, three different leaders in exile joined forces to bring down the government of Carrera's hand-picked successor, Vicente Cerna, and establish liberal rule until into the 20th century. They were Serapio Cruz, exiled to El Salvador in 1867 but

⁸⁷ AHSREM: exp 13-9-57, ff. 7; 28-6-1 (V), ff. 537; 13-9-57; Andrés Dardón, *La cuestión de límites entre México y Guatemala* (Mexico: Imprenta de I. Escalante, 1875), 136; AGCA: B99, Legajo 6714 (1876).

⁸⁸ AGCA: B99, Legajo 6714 (1875); see, also, Zorrilla, *Relaciones de México*, 357-358.

ending up in his prior recruitment base in the Chiapan border town of Comitán; Manuel García Granados, a high-level politician then only recently sent into exile by the conservative regime; and Justo Rufino Barrios, borderland contrabandist, landowner and early coffee entrepreneur.

Mercenaries of European birth could experience both great gains and losses through this cyclical system of exile and return. Nicolás Raoul, a liberal French military adviser to the Central American congress, refused to accept the choice of conservative Arce as chief commander of the Central American army in 1826. In 1827, Arce convened a new Guatemalan state assembly to elect Mariano Aycinena in 1827, thus inaugurating a conservative takeover until Morazán's rise to power in 1829. Raoul, as well as two other liberal foreign officers, Isidore Saget and José Pierson, were declared outlaws. Despite the fact that these men initially were able to flee to Chiapas in May 1827, Pierson, who was the only one granted extradition, was turned over to Guatemalan authorities on the border and immediately executed by order of the Guatemalan state governor Aycinena.⁸⁹

Raoul, however, remained in Chiapas. Renewed civil war broke out between Guatemala, El Salvador and Honduras. With liberal triumphs in 1828, Central American commander Arce turned the presidency over to Vice President Beltranena and was forced into exile when he attempted to retire to El Salvador. Raoul was then recruited to fight on behalf of Morazán, Central American president from 1829 to 1838, whose administration had a particular interest in bolstering its military position against the emigrés on the border. Morazán organized a draft and formed two militia battalions in Los Altos, in the western Guatemala highlands, resulting in protest and flight among the populace. Raoul's solution

⁸⁹ AHSREM: L-E-873, ff. 72-75.

was draconian: he declared Quetzaltenango, the principal city in Los Altos, a war zone. This allowed him to put suspected conspirators in jail and demand forced loans from the citizens. Raoul also went so far as to suggest a permanent state of siege be declared in the area for five years, maintained by a 150-man military garrison in Quetzaltenango, with auxiliary forces in nearby San Marcos and Totonicapán, and a military tribunal to try political dissidents.⁹⁰ He followed with the suggestion that 1,000 vagabonds be removed from the city “200 ... to the port of Iztapa, 200 to the San Felipe fortress, and the rest would be sentenced to forced labor on haciendas.”⁹¹ According to Guatemalan constitutional historian Luis Mariñas Otero, foreign mercenaries or “foreign adventurers whose desire was only personal gain” were the “primordial factor in promoting civil war” in Central America from 1826 onward.⁹²

Emigrados were also deft managers of Soconusco's neutrality, not only in order to organize coups and avoid national courts but also to use their uniquely protected position to play the authorities of one rival nation off one another. The story of Manuel José Arce's exile and attempts to return is an excellent example of this kind of transnational political maneuvering. Arce and his followers had been expelled from Guatemala upon Morazán and the liberals' rise to power in April 1829, at which point Arce began his exile by travelling throughout Mexico and to the United States. Along with pro-Spanish supporters in Cuba, he had agreed to collaborate in attempting to bring Morazán down, through an attack via Escuintla, Soconusco. The fact that Arce was busy raising forces to invade Central America

⁹⁰ Jorge González, “A history of Los Altos,” 340-345.

⁹¹ Jorge González, “A history of Los Altos,” 345. Raoul had originally been one of the officers Napoleon had taken with him into exile on the Isle of Elba in 1814. See his bibliography by Adam Szaszdi, *Nicolás Raoul y la República Federal de Centro-América* (Madrid: Universidad de Madrid, 1958).

⁹² Luis Mariñas Otero, *Las constituciones de Guatemala: Recopilación y estudio preliminar* (Madrid: Instituto de Estudios Políticos, 1958), 80-81.

was not a secret. Yet, as Arce assured Mexican Foreign Minister Lucas Alamán, in a letter in December of 1831:

...Soconusco is a country, which is today independent, and its administration is run only by local authorities; I have been able to arm myself there, having gained those authorities' permission...⁹³

Arce's assertion of Soconusco's autonomy was provocative, perhaps deliberately so. Having spent three years as the Central American president and two years in exile in Mexico and the U.S., where he had acquired men and arms, Arce was fully aware of how both Mexico and Central America were using Soconusco to maneuver their claims to Chiapas and thus the extension of Guatemala's control over Central America generally. During Arce's exile, Morazán had written Mexican Foreign Minister Alamán hoping for some collaboration in restraining Arce's military buildup in Mexico.⁹⁴ Yet no extradition strategy had been agreed upon. For his part, Arce's choice to write Alamán directly to defend the legitimacy of his presence in Soconusco, using precisely Alamán's own proposal of neutrality to justify his acts, pressured Alamán to either refrain from intervening against Arce or to go against a policy of his own making.

In an effort to support Alamán and the Mexican government generally against any claims on Morazán's part that they had supported Arce's preparations of a coup, Arce also took pains to assure Alamán that he had not made any preparations for war in "Mexican territory," but instead in the "neutral" territory of Soconusco. "I say this," wrote Arce, "so that at no time may those who now hold power in Central America complain of Your

⁹³ AHSREM: "Correspondencia en Soconusco examinada por individuos enviados por Guatemala" (1831), L-E-1627 (5).

⁹⁴ "Documentos relativos a la presencia de refugiados políticos centroamericanos en México, octubre de 1829," reproduced in Matías Romero's *Bosquejo histórico*, 720-728.

Excellency's government..."⁹⁵ These carefully-worded epistles were instrumental in framing any reprisal from Morazán against Arce as simultaneously an assault on Mexico, at least if it happened before Arce set foot in Guatemala.

In the end, Morazán's forces took Soconusco by storm, and, though Arce escaped, many of his followers did not. Others found support and refuge from Morazán in Chiapas.⁹⁶ Still, Soconusco's neutrality had served a political purpose for Arce, who had gained favor in Mexico and Chiapas against Morazán, who, in contrast, was increasingly seen as violent and underhanded in Soconusco, where residents saw their own claim to neutrality as a call to arms against such attacks.⁹⁷

Conversely, the Mexican government came out of the debacle to claim the moral high ground, since even Morazán himself chastised his commanders for their reckless assault on Soconusco civilians, an assault that bolstered the claims of Morazán's own critics in Central America. Yet the Central American government and invading forces also defended their attack of Arce in Soconusco in February of 1832 as the only option left to them, since their appeals for Arce's extradition had gone unanswered by the Mexican government.

In 1842, at the height of Guatemala's own struggles against rebels in the western highlands of Quetzaltenango, Mexican president Antonio López de Santa Anna occupied Soconusco with substantial forces and officially annexed the area as part of the Mexican state of Chiapas. Despite claims from many Soconuscan authorities that this was a voluntary

⁹⁵ NLB-LAP: "Arce, Manuel José. Carta a Lucas Alamán anunciándole su llegada a México, procedente de Nueva Orleáns. Veracruz, mayo 4 de 1830" doc. 155; see also, Secretaría de Estado y del Despacho de Relaciones Interiores y Exteriores, Estados Unidos Mexicanos, *Memoria de la Secretaría de Estado y del Despacho de Relaciones Interiores y Exteriores* (Mexico: Imprenta del Aguila, 1832), 14-15.

⁹⁶ AHSREM: "Tropas de Guatemala en Soconusco. El cura de Escuintla informa sobre vejaciones" (1832), L-E-1627 (6).

⁹⁷ AHSREM: "Tropas de Guatemala," 6.

annexation, there is substantial evidence that numerous dissenters remained in the territory.⁹⁸

Mexican nationalist histories of the Mexican-Guatemalan dispute over Soconusco often cite the report from the mayor of Soconusco's capital city, Tapachula, sent to Mexican federal authorities in 1838, which asserts that

[the entirety of Soconusco]...is in a state of complete abandonment, exposed to every danger and a thousand hardships, [and is] seeking refuge in the protection of the government of the Mexican nation so that, at last, it will lend them the help that is so needed in these present circumstances, and to put an end to all the misfortunes unleashed on this region...⁹⁹

Yet such accounts are offset by popular declarations in favor of Guatemala or against Mexican authorities before and after the annexation, and for ongoing strategic complaints from Soconusco to Guatemalan and Mexican authorities.¹⁰⁰ Further, according to Tapachula's 1847 administrative report to the Chiapan state government, the region still suffered from "the most complete debasement" as a result of the "imperfect neutral regime" they had been forced to sustain.¹⁰¹ Evidence that annexation to Mexico had been of little

⁹⁸ INAH-Chiapas: "Manifiesto. Reincorporación a la Nación Mexicana, de varios pueblos como parte integrante del Depto. de Chiapas," 18 de agosto, 1842, Tomo V, doc.18; and "Manifiesto espontáneo de los habitantes del Distrito Sud-Oeste para reincorporarse al Departamento de Chiapas y a su vez a la república mexicana," 21 de agosto, 1842, Tomo V, doc. 19.

⁹⁹ AHSREM: "Administración pública en el Soconusco, Chiapas, de Tapachula, Chiapas se informa del deplorable estado de dicha administración" (1838), L-E-1628 (1). Luis Zorrilla's *Relaciones de México* is one example of a historical text that nonetheless engages in the debates over which country "deserves" Soconusco based on such examples.

¹⁰⁰ AHSREM: "Pronunciamiento en Soconusco a favor de Guatemala" (1840), L-E-1628 (2); "Ocupación del Soconusco por México. Reclamación de las autoridades del Soconusco por la introducción de tropas mexicanas" (1840), L-E-1628 (8).

¹⁰¹ Government of Chiapas, "Informe dado al Supremo Gobierno del Estado de Chiapas" (Tapachula: Imprenta del Supremo Gobierno del Estado Libre y Soberano de Chiapas, 1847), 1. Other documents reiterate these complaints and the miserable state of Soconusco's government and resources generally. See, for example, INAH-Chiapas: "Informe dado al supremo gobierno del estado de Chiapas por don José Cristóbal Salas, sobre el resultado de la visita general del depto. de Soconusco, que como prefecto constitucional práctico en los meses de abril y mayo del presente año," 1847, Tomo V; "Manifiesto del C. gobernador del estado a sus habitantes, sobre la urgencia de que todos los habitantes contribuyan para auxiliar a los pueblos de Tonalá y Soconusco, por la destrucción que sufrieron a consecuencia de los fuertes temporales," San Cristóbal, Oct. 26, 1846; and "Boletín de la Sociedad Mexicana de Geografía y Estadística sobre la descripción geográfica del departamento

benefit was paired with a continuation of pre-annexation occupations and political and military jousting between local and state governments, regional political bosses, and national authorities. Throughout the century, Soconusco continued to play the role of jumping off point, or as a later report to the Ministry of Treasury called it, a “free zone” for clandestine trade, political processes, and military preparations that alternately sustained and threatened the integrity of the Guatemalan and Chiapan administrative and legal systems.¹⁰²

Conclusion

Maintaining a neutral, semi-autonomous space between Mexico and Guatemala was a convenient way for the states of Mexico and Guatemala to maintain territorial claims in a period of constant demographic, economic, and political fluctuation. Yet this strategy of encroachment hinged on the existence of *emigrados*. *Emigrados* helped sustain and reinforce these jurisdictionally ambiguous spaces, not simply by occupying these areas, but by taking on the risky roles of revolutionaries, capable of rising to the height of power or being denigrated as the worst of criminals. Further, *emigrados* like Manuel José Arce, as well as countless others, also used stateless space to manipulate the rivalry between Mexico and Guatemala to support their personal interests. Exiles, refugees, contrabandists and deserters could use places like Soconusco not only to find refuge, but to effect political changes on their regions of origin, by engaging in coups but also by supporting rival political interests.

de Soconusco" Chiapas, 1853, Tomo VI, doc. 1. Pineda's 1842 report also emphasizes Soconusco's general state of destitution upon its incorporation into Mexico (Pineda, *Descripción geográfica*, 94.)

¹⁰² Secretaría de Fomento, Estados Unidos Mexicanos, *Informes y Documentos relativos a Comercio Interior y exterior agricultura e industrias*, Vol 2, no. 1 (enero 1886), 140.

Ironically, these transnational actors controlled the future of the area along the undrawn Mexico-Guatemala border far more than did the governments that fought over this control.

Chapter 3

Customs House Politics

Introduction

If the ability to levy and collect taxes is constitutive of state power, then tax evasion, corruption, negligence or ignorance of laws and regulations suggest spaces where jurisdiction is contested, subverted or ignored. Such spaces of ambiguous jurisdiction were beneficial to both the government and the governed, especially in mitigating the rigidity of law on paper with the ever-changing reality of social, economic, and political life. This chapter focuses on customs houses, a specific locus of governmental regulation of the economy that overlapped with federal efforts to establish territorial boundaries over contested zones like the Chiapas-Guatemala border, the location of which was not officially agreed upon or even mapped. Customs houses on the Chiapas-Guatemala border embodied jurisdictional fictions on multiple levels. First, they asserted the presence of governmental authority and national jurisdiction where it was most fragile and open to attack: on its periphery. Second, customs houses represented an assertion or even expansion of national territory while simultaneously making that territory and the information and resources it guarded (in the form of records, archives and monies) far more vulnerable to misappropriation.¹⁰³

Customs houses exacerbated the ongoing competition over Guatemala and Mexico between regional officials (of states like Chiapas or departments like Huehuetenango) and the

¹⁰³ In contrast to the colonial period, when customs houses and their income tended to fall under the auspices of whatever royal governor the region pertained, and generally was controlled by an elite merchant guild (the *Consulado de Comercio*), in the national period the income from customs houses was one of the federal government's few exclusive sources of funding, aside from monopolies over tobacco or *aguardiente*, among other items.

central administration in Mexico City or Guatemala City, respectively. Closely linked to this conflict were generalized disputes about who should be taxed, when and in what quantity. For the entire nineteenth century positioning in these debates helped to define political parties and gain popular support for those parties. Establishing monopolies, offering tax exemptions in cases of natural disasters or market crashes, and extending tax incentives to export-based enterprises all were governmental strategies directed at supporting constituencies and filling national treasuries. These strategies were at least partially determined by the balance of exports and imports through the frontier and maritime customs houses. The question of taxation of indigenous communities implied more complex questions about whether traditional commerce between towns (often across borders) could be taxed or even considered exports; or whether, instead, legislatures should rely on a head tax, vagrancy laws, or other forms of taxation on internal commerce. These issues linked debates around Mexico and Guatemala's socio-political organization with taxation policies and customs houses' regulation of those policies.

Mexico and Guatemala's mid-century history of repeated coups and military conflicts further rendered the customs house a flexible instrument to be wielded in support of or against the central government or as an indirect plea for freedom from governmental oversight altogether.¹⁰⁴ The customs house, therefore, mitigated the ever-changing nineteenth-century dynamic between the local, regional and national.

¹⁰⁴ The port of Veracruz in Mexico was blocked by the Spanish in 1823-1824, 1828-1829, and again in 1861; by Santa Anna in 1832; by the French in 1838 and 1861; and by the U.S. from 1846-1848. In the case of Central America, maritime ports, especially in the Atlantic, were frequently taken over by the British throughout the first half of the nineteenth century. Once the Central American Republic disintegrated, in the early 1840s, Guatemala would make frequent overtures with the British regarding a combined effort to build a road linking a port in southern Belize to Guatemala City. Meanwhile, Guatemalans relied on the Atlantic port of Izabal, which was located on an inland lake that had to be reached by shallow skiffs, and a port on the Bay of Tomás, which eventually become colonized by a Belgian company; the port of Livingston is now located at the mouth of the Río Dulce on the Gulf of Honduras. Iztapam (also called Iztapa), the conquistadors' original port on the Atlantic coast, was similarly unable to accommodate deep-keeled vessels, and went essentially unused from the

The customs house was also a hybrid administrative space encompassing national, state and local dimensions. Though central governments dictated the salaries of customs house officials and determined mechanisms of supervision and regulation, local authorities beholden to the state government could implicate customs house administrators by bringing legal cases against them. Further, local authorities were required to be present during reviews and to sign the books, try offenders and otherwise facilitate the administrator's tasks and carry out customs house regulations. Finally, locals' knowledge of roads, merchant practices and other particulars was essential to distinguish contraband from legal movement of goods. As such, local authority could only be partly supplanted by customs house officials' status as federal authorities. Thus, the customs houses provided a vehicle for the kinds of paralysis or collusion which made centralized governmental authority either powerless or contradictory.

The overlapping jurisdictions located within the customs house could become even more complicated under the many regime changes taking place in Guatemala and Mexico at mid-century. Probably the most salient example occurred when Mexican President Antonio López de Santa Anna declared that all state revenue would be controlled by the central government and all state governors would be appointed by the central administration, during the years from 1836-1846 and 1851-1853. Though customs officials and their activities changed very little in a formal sense during these periods, the meaning of the customs house for local, regional and national politics and economics was transformed. Rather than representing an uncontested source of national income and authority, they became one more example of national tyranny over local and regional resources during the centralist periods. The customs house thus became a

mid 1600s until it was moved in the mid-1800s and reestablished as the port of San José in 1853 (see Alfredo Guerra-Borges, "Comunicaciones internas y puertos," in *Historia General de Guatemala*, Vol. 4, 548).

powder keg for regional protest, both in Guatemala and Mexico.¹⁰⁵ It was in these frontier checkpoints that merchants confronted seemingly arbitrary federal support for specific economic endeavors, regions, or classes.¹⁰⁶ Customs house personnel were themselves regularly caught in a tug of war between their supposed officialdom and their undeniable need to garner the support of local authorities and interests. They were also victims to a national treasury system that was continuously being overhauled and re-staffed.

The locations of regional customs houses, which encouraged commercial exchange and national investment, also generated energetic public debate about the relationship of particular

¹⁰⁵ The role that taxation played in Guatemala in determining frontier residents' attitudes towards governmental power was slightly different, in the sense that efforts towards tightening tax collection and organizing the infrastructural changes needed often fell to the Consulado de Comercio, rather than the government itself. The Consulado was an elite merchant guild that controlled much of the most lucrative trade in and out of Guatemala. Ralph Woodward has argued that it was the Consulado's monopolistic, elite and materialist interests that kept Guatemala so far behind in terms of infrastructure, because as long as the Consulado controlled trade through Belize and Izabal it was content to let all other roads and checkpoints languish (see for example, his *Rafael Carrera*, 352-370, and "Merchant Guilds (Consulados de Comercio) in the Spanish World," *History Compass* 5:5 (2007): 1576-1584). Others, such as Moisés Ornelas Hernández, have argued against this emphasis on the Consulado's power, suggesting that Carrera's administration was far more active in promoting economic and infrastructural change ("Los asuntos fiscales en el discurso de la *Gaceta* de Guatemala. De la guerra de la Montaña a la presidencia vitalicia. Estabilidad económica igual a gobernabilidad? (1847-1858)," in *Repensando Guatemala en la época de Rafael Carrera: el país, el hombre y las coordenadas de su tiempo*, coordinated by Brian Connaughton, 249-324 (México: Universidad Autónoma Metropolitana, Unidad Iztapalapa; Barcelona: Gedisa Editorial, 2015). In the examples we have for Guatemala regarding the Huehuetenango checkpoint en route to Comitán, who precisely was in charge of extending tax collection to the border was unimportant. Instead, like the Mexican case under Santa Anna, the national government's greater organizational and administrative reach into frontier areas after mid-century transformed what had been a fairly benign state presence into one that chafed against local power structures, economics, and customs. In general, Jordana Dym (for Central America) and Luis Jáuregui and José Antonio Serrano Ortega (for Mexico) have argued for a regionalization and even a municipalization of political (and military) power and allegiance in the post-independence period, with local elites holding sway over taxation, land distribution, military organization and other developments. See Dym, *From Sovereign Villages to National States: City, State and Federation in Central America, 1759-1839* (Albuquerque: University of New Mexico Press, 2006); and Luis Jáuregui and José Antonio Serrano Ortega, eds., *Las finanzas públicas en los siglos XVIII y XIX* (Mexico: Instituto Mora, 1998). According to Carlos Marichal and Daniela Marino, fiscal agents generally also tended to be subordinated at the regional level to *jefes políticos* and militia leaders. Marichal and Marino also argue that the "federalist" version of taxation (before the mid-1830s and Santa Anna) tended to cause rivalries among various administrators. See Carlos Marichal and Daniela Marino, eds., *De colonia a nación: impuestos y política en México, 1750-1860* (Mexico: Colegio de México, 2001), 44-45).

¹⁰⁶ Along the Guatemala-Chiapas border, the trade in *aguardiente* (from both sides of the border), beef from Comitán, and wheat from Huehuetenango was particularly coveted by locals and often suffered interventions, regulations and prohibitions from the central administrations in both countries.

regional economies to the greater economic wellbeing of both the region and the nation. Yet beyond regional and national factionalism, customs houses functioned as places where government power could be contested and subverted. I argue that customs houses were established following a logic similar to the declaration of Soconusco as a neutral territory: to assert state jurisdiction which belied the multiple overlapping and contradictory regulations in place, as well as the role of non-state actors in exerting power in the area. Yet, customs houses differed from Soconusco's "neutrality" in that Mexican and Guatemalan governmental claims over customs houses enabled them to assert their presence and liability without intervening in local affairs, especially the case for Mexico. Moreover, in Soconusco, Mexican and Guatemalan claims to neutrality disguised these governments' consistent involvement in the region's politics. Guatemala's more historically well-established maritime customs houses, in Izabal and Iztapa, had always been a source for concern for the Guatemalan national government and that of the Central American Republic as well. Throughout the 1840s, there is plenty of evidence in the *Gaceta* (the official paper of Guatemala) of governmental efforts to keep a closer register of what is coming into and leaving these ports. This does not, however, change the fact that government action vis-a-vis these ports was very much limited. Instead, it sheds light on the dangers of subversion these ports presented, for example in the form of smuggling through El Salvador, Belize or Honduras into and out of Guatemala. However, along the Guatemala-Chiapas border, control over smuggling and related activities did not become so much of a concern for the Guatemalan government until the second half of the nineteenth century, as Mexico's hold on Chiapas became more firmly established. At that point, Mexico's efforts to curb the consumption of Guatemalan wheat without a corresponding prohibition of *aguardiente's*

export out of Chiapas pushed the Guatemalan executive to attempt greater regulation in cross-border trade in the west.

The National Customs Houses at Mid-Nineteenth Century: An Empty Signifier?

In 1842, Mexican forces occupied Soconusco and established a customs house in Tuxtla Chico, located at the eastern extreme of the district, at the divide between Mexico and Guatemala. As a Guatemalan *Gaceta* writer lamented "[the Mexicans want to] interrupt the commerce which has always been freely practiced with [Soconusco, which] pertained to the Kingdom of Guatemala...." According to the Mexican commander in charge of the Soconusco occupation, his forces had arrived to offer "unification with the powerful and magnanimous Mexican nation, under whose protection we have come to put [them]...fixing with an omnipotent hand the borders of the patria, and [in so doing] punishing its usurpation [by Central America]..."¹⁰⁷

Installing a customs house a month after Mexico's initial occupation of Soconusco was more than merely an effort at commercial regulation. It was a performance of possession and jurisdiction, and signaled a challenge to Soconusco's "neutrality." For Soconuscans, it was also a clearly-stated reversal in their relationship to their own territory and to Chiapan, Guatemalan and Mexican officials. From being designated the "sole authorities" of their region, Soconuscan officials were transformed into mere recipients of "the will of the Illustrious General Santa Anna, the caudillo of the patria, and the most solid foundation of its hopes."¹⁰⁸

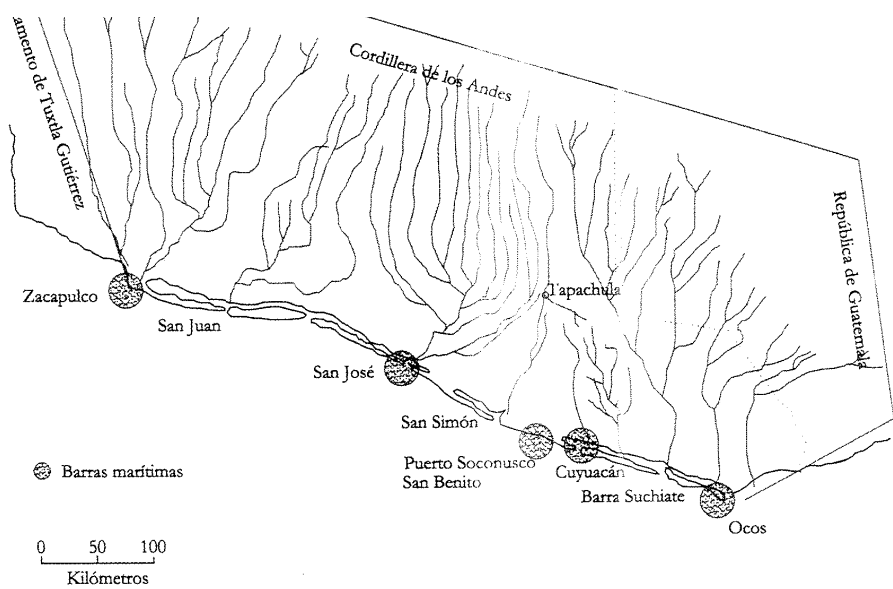
¹⁰⁷ Apendice: "Soconusco" *Gaceta Oficial (Guatemala)*, 19 de septiembre, 1842.

¹⁰⁸ Apendice: "Soconusco" *Gaceta Oficial (Guatemala)*, 19 de septiembre, 1842.

In reality, in the face of the machinations of Mexican and Guatemalan officials and military forces, Soconuscans never had ultimate authority over their territory. Still, the jurisdictional change was significant in that the site for negotiation between these various interests--the local, regional, national and international authorities and residents--had shifted. More than the territory of Soconusco itself, it was the customs house, erected between Soconusco and the neighboring department of Quetzaltenango (Guatemala) that now symbolized the lapse between governmental claims to regulation and official action. A departure from Guatemala and Mexico's simultaneous claims to "neutrality" and control over Soconusco between 1825 and 1842, the customs house now represented the Mexican government's bid for control and where that control most often would be undermined.

As a later *Gaceta de Guatemala* article pointed out in December of that year, Mexico's annexation of Chiapas and Soconusco required these regions to maintain a new military detachment on the border, besides "a thousand onerous contributions...for everything they suffer exactions which they had not known before, when they were united with Guatemala..." The author also pointed to the commercial isolation that Chiapas would suffer from the newly asserted boundary. Not producing its own textiles and unable to acquire them freely from Guatemala, Chiapas would be forced to pay import duties on these, "in order to protect those [textiles produced in] Orizaba, Puebla and elsewhere [in Mexico], thousands of miles' distant, not allowing the poor [of Chiapas] any blankets with which to cover themselves." Wheat flour, which in Soconusco and Comitán also had been acquired from Guatemala, would similarly lie out of reach. Though it was produced in San Cristóbal, bad roads and the Sierra Madre mountain range made transportation costs prohibitive. Consequently, many Chiapans were "going without

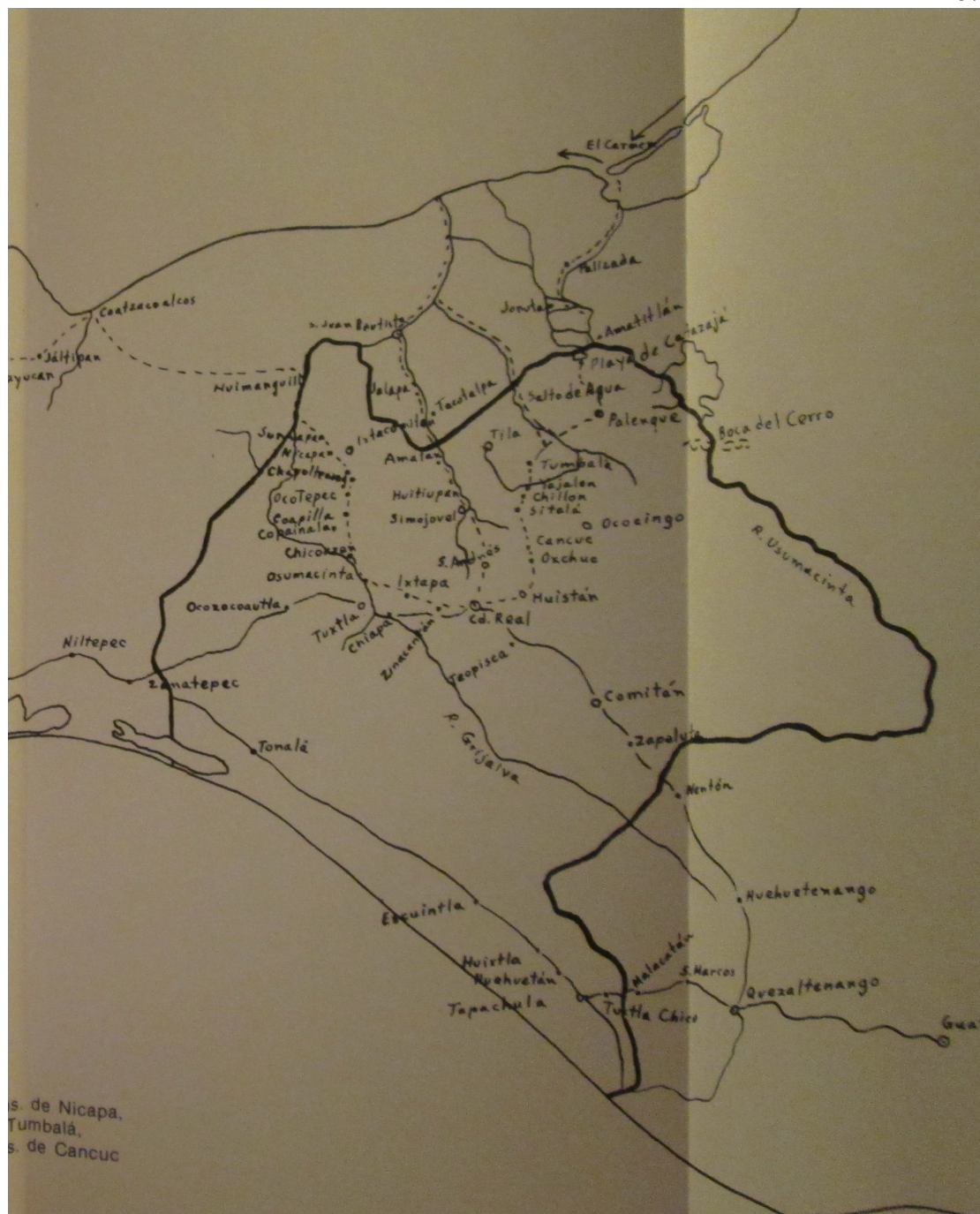
bread."¹⁰⁹ Emeterio Pineda, the Chiapan naturalist who also served as interim governor of the state on various occasions in the 1830s, agreed. According to a report he prepared for the federal government in 1842, some parts of Chiapas were forced to import flour from the U.S., 2,750 miles away, because it was easier than acquiring it from San Cristóbal, at about 166 miles' distance.¹¹⁰ Even depending on these imports meant relying on a combination of mediocre port facilities and poorer roads. The Bay of Campeche in the north lay prohibitively far away for Soconuscans, and the local Pacific ports of San Benito, San Simón or Tonalá were fed by launches, and from there muleteers, since neither port had facilities for deep-keeled boats (see Map #2).



Map #2: The ports of Soconusco, Chiapas' Pacific coast, ca. 1870 (from Julio Contreras Utrera, "Comercio y comerciantes de Chiapas en la segunda mitad del siglo XIX" *Secuencia: Revista de Historia y Ciencias Sociales* 60 [Sep.-Dic. 2004], 67).

¹⁰⁹ Apéndice: "Soconusco" *Gaceta Oficial (Guatemala)*, 19 de septiembre, 1842.

¹¹⁰ Pineda, *Descripción geográfica*, 94; INAH-Chis: "Informe del Ilustre Ayuntamiento de la Capital de Chiapas, apoyando la exposición de varios vecinos, contra la solicitud del prefecto del Distrito del Sur, sobre introducción de trigo extranjero. abr. 7, 1854," Tomo V, doc. 36.



Map #3. Routes of communication through Chiapas in 1821 (from Zorrilla, *Relaciones de México*, 11).

In contrast, imports from Guatemala flowed fairly easily along the old *caminos reales*, one in the north through Chiapa de Corzo (just south of San Cristóbal) and one in the south through Soconusco (see Map #3).¹¹¹

According to Pineda, this economic isolation encouraged contraband, not legitimate trade. His 1842 report alleged that the main activity of the armed forces of Chiapas was to keep guard over the frontier with Guatemala and stop contraband, entering primarily through Soconusco. There were various routes – via the coast (through both the Soconuscan ports of San Benito and San Simón and the Guatemalan port of San José) or the Tacaná volcano; through Comitán; and through Palenque, north of Comitán and bordering on Tabasco, Mexico.¹¹² Soconusco did not have its own military detachment until the 1870s. Before that time, the Mexican government made few efforts to supervise or enforce the rules of trade in Soconusco, while the Guatemalan government benefitted from the border's permeability, since western Guatemalans could use the Soconusco port and continue a long tradition of trade with eastern Chiapas and maintain fluid (and often undertaxed) landholding policies.¹¹³

¹¹¹ The northern *camino real* originally went through Chiapa de Corzo and then southward towards Guatemala City, along the Grijalva River. However, the road was eventually diverted slightly northward to run through San Cristóbal and then directly to Comitán.

¹¹² Pineda, *Descripción geográfica*, 117.

¹¹³ Though the early post-independence social history of Soconusco remains somewhat obscure, Arturo Taracena and María de los Ángeles Ortiz and Bertha Toraya have highlighted the familial and economic alliances between elite western Guatemalans and Soconusco's early oligarchy. See Taracena, *Invencción criolla, sueño ladino, pesadilla indígena: Los Altos de Guatemala, de región a estado* (3rd ed., Guatemala: Biblioteca Básica de Historia de Guatemala, 2011); and María de los Ángeles Ortiz and Bertha Toraya, *Soconusco: concentración de poder..* By the 1850s, we have documentary evidence of one of Soconusco's leading patriarchs controlling politics and economics through his personal and familial hold over many of the government offices in the region as well as the customs house (see, for example, INAH Chiapas: "Manifiesto que los alcaldes constitucionales 1º. Y 2º. de la Ciudad de Tapachula hacen de su inocencia y de la arbitrariedad del prefecto del departamento del mismo nombre don José María Chacón. San Cristóbal Las Casas," Nov. 27, 1850, doc. 23; and AHSREM: L-E-1632). According to the testimony of Mexican Treasury Minister Matías Romero, people like Justo Rufino Barrios, landowner from San Marcos, held Mexican land without getting the necessary title or paying the necessary taxes (Romero, *Refutación*, 71).

As a result, the regulatory power of the new customs house in Tuxtla Chico was minimal. Tuxtla Chico's combined identification as international checkpoint and gateway for contraband gave it an ambiguous status as, in the words of one 1880s report, a "free zone," opening onto "a stretch of land that [serves] as a repository for the merchandise which in any given moment might be imported into the state, mocking the vigilance of the customs house guards."¹¹⁴

In the case of the Comitán, Chiapas, and Huehuetenango, Guatemala divide at the northern end of the border, contraband trade had long been tolerated. According to Mario Ruz, a letter from the bishop of Chiapa and Soconusco to the Bourbon king in 1778 commented on how difficult it was to find priests in Comitán, but "how common contrabandists were."¹¹⁵ According to John Lloyd Stephens, writing in 1840, Comitán was "a place of considerable trade,

and has become so by the effect of bad laws, for, in consequence of the heavy duties on regular importations at the Mexican ports of entry, most of the European goods consumed in this region were smuggled from Belize and Guatemala. The proceeds of confiscations and the perquisites of officers are such an important item of revenue that the officers are quite vigilant, and the day before we arrived twenty or thirty mule loads that had been seized were brought into Comitán; but the profits were so large that smuggling was a regular business, the risk of seizure being considered one of the expenses of carrying it on. The whole community, not excepting the revenue officers, were interested in it, and its effect upon public morals was deplorable.¹¹⁶

Comitán's greatest source of trade was Guatemala and the steadily growing region east of San Cristóbal, which it supplied with Guatemalan goods (such as wheat) in exchange for its own

¹¹⁴ Secretaria de Fomento, Estados Unidos Mexicanos. *Informes y Documentos*, January, 1886, 140. On the problem of contraband's free flow through Soconusco, see, also: INAH-Chis: *Boletín de la Sociedad Mexicana de Geografía y Estadística sobre la descripción geográfica del departamento de Soconusco*. Chiapas, México, 1853, Tomo VI, doc. 1; Gobierno de Chiapas, "Informe dado al supremo gobierno del estado de Chiapas por don José Cristóbal Salas, sobre el resultado de la visita general del depto. de Soconusco, que como prefecto constitucional práctico en los meses de abril y mayo del presente año 1847," Tomo V, doc. 64; and "'Al Pueblo Mexicano', insertando documento enviado por corresponsal en Soconusco. San Cristóbal, 22 de septiembre, 1856," Tomo VI, docs. 102 y 103.

¹¹⁵ Mario Humberto Ruz Sosa, *Savia india, floración ladina: apuntes para una historia de las fincas comitecas (siglos XVIII y XIX)* (México: Consejo Nacional para la Cultura y las Artes, 1992), 230.

¹¹⁶ Stephens, *Incidents*, Vol 2, 211-212.

products, such as *aguardiente*. Additionally, Comitán imported goods from Quetzaltenango, such as textiles, wheat flour, and foreign goods, and also provided access to the Petén, notorious as a site for the movement of untaxed goods from Belize and the Yucatan peninsula.¹¹⁷ Finally, Comitán communicated, further north, with Tabasco and the frequently pirate-controlled region of Laguna de Términos (on the Mexican Gulf) where the bustling port of Frontera would develop in the national period. The Usumacinta river, which ran from the Cuchumatán mountains in northeastern Guatemala and continued generally northeast through the edge of Chiapas, into Tabasco and emptied into Laguna de Términos provided a conduit for illegal goods and piracy during the colonial period and after.¹¹⁸

The exclusivity of Comitán's access to Guatemalan goods gave it a distinct advantage in the Chiapan market, despite the fact that it had only very difficult access to ports. The state's capital, San Cristóbal, was at a high elevation and fairly self-sufficient. Because its connections to the west, north and south were underdeveloped until better roads were built, San Cristóbal had secured a monopoly of goods flowing in and out of the main plaza and surrounding villages.¹¹⁹

¹¹⁷ The connection to Quetzaltenango was especially vibrant during Quetzaltenango's economic boom in the third quarter of the eighteenth century, when it benefitted from a strong internal market in cheap local goods due to the bustling indigo trade occupying workers in other parts of the Audiencia (see Jorge González, "A History of Los Altos," 119-120).

¹¹⁸ During the colonial period, Spanish settlers traded Tabascan cacao and alcohol illegally in Chiapas and Guatemala. They also often became agents and guides of European pirates established in the Laguna de Términos, helping them navigate the many rivers that led towards Chiapas and Guatemala. See Mario Ruz and Jorge Ramón González-Ponciano, eds., *Paisajes de río, ríos de paisaje: navegaciones por el Usumacinta*, (México: Universidad Nacional Autónoma de México; Villahermosa: Consejo de Ciencia y Tecnología, Estado de Tabasco, 2010), 111-112, 122.

¹¹⁹ According to Gloria Pedrero Nieto, it was in San Cristóbal that most of the merchants lived and many different items were produced, but because of bad roads these goods did not generally circulate beyond San Bartolomé, in the east, and Ixtacomitán, in the west, and even in those cases the commerce was fairly minimal. Instead, in San Cristóbal merchants depended on indigenous customers coming to them from the highland towns nearby, which they apparently did unwillingly, especially since they were often charged too much or paid too little (Pedrero Nieto, "San Cristóbal y Tuxtla, capitales de Chiapas en el siglo XIX," *Anuario, Centro de Estudios Superiores de México y Centroamérica, Universidad de Ciencias y Artes del Estado de Chiapas*, (1999): 101-105; see, also Pineda, *Descripción geográfica*, 415-416).

Yet San Cristóbal's commercial influence did not extend farther east than San Bartolomé de los Llanos, thus allowing Comitán a broader range outside of the capital to barter its goods. Though farther from Guatemala City than Soconusco, Comitán served as a more practical gateway to the Chiapan market since it was not confined, as was Soconusco, by the Pacific Ocean on one hand and the Sierra Madre range on the other.

Though a "frontier" customs house was installed in Comitán in 1837, a national checkpoint came later in Guatemala (which was not technically a "nation" until 1844 and which would continue claiming jurisdiction over Chiapas long afterwards). The 1837 *Ley orgánica de hacienda* for Central America contemplated the establishment, where "deemed appropriate," of frontier customs houses "in the Petén and the frontiers with Mexico." Goods coming into Guatemala were to be taxed and any gold, silver or jewels leaving Guatemala would also be taxed.¹²⁰ Based on the lack of records of any such customs houses in the Petén or at the Chiapan border until after the rise of Carrera's conservative regime, it is highly likely that ongoing wars and treasury deficits prevented the establishment of any such checkpoints before 1850.

Scholars of early Central America have rightly attributed Central America's failure to establish any workable frontier customs houses, especially along the still-disputed border with Mexico, to on-going civil war within Central America as a whole, as well as disputes between the Central American Federation's states over how taxation and commerce would be regulated. The Conservative forces of the president of the Central American Republic and Guatemalan, Salvadoran and Honduran Liberal leaders waged civil war between 1826 and 1829. Wide-spread popular rebellions against the Liberals' reforms in the 1830s then gave

¹²⁰ República Federal de Centroamérica, *Ley orgánica de la hacienda federal de la República de Centroamérica, año de 1837* (San Salvador: Imprenta Mayor, 1837), cap. 5, secc. 1, art. 57.

way to all-out civil war between 1838 and 1842. As a result, commerce and tax collection had been almost completely cut off between 1820 and 1840.¹²¹ In 1830 the new governor of Guatemala under Morazán, Mariano Gálvez, complained that he could not present any real statistics in his fiscal report of Guatemala, because during the prior conflicts (1826-1829) the administrative system and the federal functionaries had disappeared (along with, of course, the taxes) since tax records had been alternately appropriated by the various sides taking over each area.¹²² The Constituent Assembly's 1829 demands that quotas be paid from each state in recompense for military expenses during the conflicts of 1826-1829, as well as for President Francisco Morazán's continuing need to "defend Central American unity," fell on deaf ears.

Morazán responded by raising taxes on foreign goods circulating among the Central American states, decreasing state armies, reducing state employees' pay, and instituting a new head tax in 1837.¹²³ Unsurprisingly, the new tax was so difficult to collect that it was probably not worth the manpower. Rural revolts against Morazán's regime and the presence of his officials demanding taxes and military support in outlying villages were among the reasons for the growing number of revolts in 1837 and 1838.¹²⁴ According to some historians

¹²¹ Miles Wortman, *Government and Society in Central America, 1680-1840* (New York: Columbia University Press, 1982), 232-233. For the 1830s in particular, see Luján Muñoz, "El gobierno de Manuel José Arce," in *Historia general de Guatemala*, Tomo IV, 43-60, as well as the classic works for this period, from which all later scholars borrow: Alejandro Marure, *Bosquejo histórico de las revoluciones de Centro América desde 1811 hasta 1834* (Guatemala: Tipografía de El Progreso, 1877); and Marure's *Efemérides de los hechos notables acaecidos en la República de Centro-América desde el año 1821 hasta el de 1842* (2nd ed., Guatemala: Tipografía Nacional, 1895).

¹²² Wortman, *Government and Society*, 233.

¹²³ Sandra del Carmen Mérida, "Hacienda Pública," in *Historia General de Guatemala*, Tomo IV, 585-587.

¹²⁴ Del Carmen Mérida, "Hacienda Pública," 587; see, also, Woodward, *Rafael Carrera*, 61-71; and Julio Pinto Soria, *Nación, caudillismo y conflicto étnico en Guatemala (1821-1854)* (Guatemala: Instituto de Investigaciones Políticas y Sociales, Escuela de Ciencia Política, Universidad de San Carlos de Guatemala, 1996).

of rural Guatemala during this early period (1820-1850), taxation was not avoided so much as local control over it coveted. Thus, for example, in the early Central American Republic, many of the previous "provinces" of the Captaincy--El Salvador, Honduras, Costa Rica, and Nicaragua--never actually paid the required taxes to the seat of the Republic in Guatemala, thereby manifesting their continual drive for a more independent relationship vis-à-vis Guatemala City.¹²⁵

Rafael Carrera, the new Conservative leader of Guatemala (by 1844 its own nation within the ex-federation of Central America), had been forced to flee Guatemala in 1848 after only four years in power. By 1849 he was back as chief military commander; in 1851 he was made president, and in 1854 "president for life." Relative political stability enabled central administrations to regulate the economy and collect taxes more successfully. Slowly but surely, as the first president of Guatemala as a nation, Carrera was able to make his presence felt in more far-flung areas. In part, this was because of the image he cultivated as "king of the Indians," as well as his efforts to protect indigenous land, culture, and relations through local clergy. Carrera re-institutionalized Church involvement in marriage and education and reinstated separate legal and political systems for indigenous and non-indigenous communities.¹²⁶

¹²⁵ See, for example, a number of Central Americanists' discussions of taxation and changing attitudes towards it between 1810 and 1840 (Ralph Lee Woodward, "Economic and Social Origins of the Guatemalan Political Parties (1773-1823)," *The Hispanic American Historical Review*, 45:4 (Nov., 1965): 544-566; Julio César Pinto Soria, *Centroamérica de la colonia al Estado nacional, 1800-1840* (Guatemala: Editorial Universitaria, 1989).

¹²⁶ According to the Decree no. 76 of 1838, under the new Conservative government of Guatemala, "Although all men have by nature equal rights, their condition in society is not the same...those people who because of their sex, age or lack of sufficient capacity and enlightenment are unable to protect their own rights will be protected. Since the indigenous people find themselves in this last condition, the law should protect them...." (Section 2, art. 3, cited in Mariñas Otero, *Las constituciones de Guatemala*, 378). The conservative administration reestablished the office of "Protector de indios," which provided a special advocate to take on indigenous complaints. The Laws of the Indies protecting indigenous communities were also to be reinstated ("as long as they did not go against the Guatemalan Constitution"); this included special efforts against delaying their cases; that in cases between indigenous claimants due process was avoided and instead they were

In indigenous communities, Carrera simultaneously institutionalized more localized and centralized forms of social and political regulation, through his appointment of loyal *corregidores* as rural watchguards at the departmental level overseeing *gobernadores* of indigenous towns.¹²⁷ In this way, the *corregidores* bridged the state, the periphery, and its center. According to Daniele Pompejano, it was Carrera's combination of "public and private" policies, provided through his pared down central administration, his paternal aim to "protect" indigenous groups (and to hear their personal complaints), and his simultaneous lack of local intervention beyond appointing his own hand-picked officers, that enabled him to achieve an unprecedented reach of the state into local life in the early 1850s.¹²⁸

A flurry of legislation and advisories published in the *Gaceta Oficial* under Carrera demonstrated how his more extensive national reach translated into fiscal regulation. In August of 1853, the *Gaceta's* editors declared that "a great vacuum" existed in "our customs laws and the treasury laws which guide them."¹²⁹ By November of that same year, officials at the port of San José were advised to take special care to limit the underhanded activities of muleteers taking goods from the port to the general customs house. According to the *Gaceta*, a fine of five pesos

"summarily determined, 'once the truth was known,' all done in 'keeping with traditional customs' (Mariñas Otero, *Las constituciones de Guatemala*, 378).

¹²⁷ According to the Decree no. 63 of 1838, the "gobernador," would be reinstalled "as they were before," presented to the *corregidor* by the town and then receiving the "vara" (staff) of authority from the *corregidor*. Besides the town *alcalde* (mayor) and a visiting priest, no other authorities shared the gobernador's authority, which extended to all aspects of town life, from collecting, locking and keeping record of town funds; settling disputes; creating patrols (*rondas*); making sure no one was being lazy; preparing for any natural disaster or epidemic; and making sure households were clean and families' lives were peaceful. Copies of these decrees can be found in Estrada Monroy, *Datos para la historia de la iglesia en Guatemala*, Vol. 2 (Guatemala: Sociedad de Geografía e Historia de Guatemala, 1979), 692-709.

¹²⁸ Danielle Pompejano, *Crisis del antiguo régimen en Guatemala (1839-1871)* (Guatemala: Editorial Universitaria, Universidad de San Carlos de Guatemala, 1997), xiii, as well as Ralph Lee Woodward, "Social Revolution in Guatemala: The Carrera Revolt," in *The Applied Enlightenment: 19th Century Liberalism*, ed. Mario Rodríguez (New Orleans: Tulane, 1972), 45-68.

¹²⁹ "Informe con que la comisión encargada de formar un nuevo proyecto de aranceles presentó sus trabajos al Ministerio de Hacienda," *Gaceta de Guatemala*, 5 de agosto, 1853, 1.

per bundle should be charged to carriers if the customs seal or cord was in any way ripped.¹³⁰ In June of 1854, customs administrators were again warned against signs of fraud, taking special care that bundles were "not changed or switched in any way, making note of any change in their ties or stamps...."¹³¹

Carrera also successfully reinstated the state monopoly over *aguardiente*. Since the administration of Mariano Gálvez (1831-1838), the production, sale and consumption of *aguardiente* had been regulated, at least in theory, by laws that limited consumption to central towns, fined its accompaniment by games and music, and demanded that merchants purchase licenses from the state and have their product periodically regulated.¹³² The cost of licenses and fines helped fill empty state coffers, and Conservatives and Liberals alike believed that drunkenness was a source of violence, crime and lack of industriousness. Unsurprisingly, then, state monopoly over the production and sale of *aguardiente* continued under Carrera, a sort of "popular" tax, that, together with the *alcabala marítima* (charge on imports), became the primary means in attempting to build state solvency during the mid-century period.¹³³

¹³⁰ "Funcionarios públicos," *Gaceta de Guatemala*, 18 de noviembre, 1853, 1.

¹³¹ "Acuerdo mandando trasladar la administración de rentas de Chiquimula a la villa de Zacapa," *Gaceta de Guatemala*, 23 de junio, 1854, 1.

¹³² Pompejano, *Crisis del antiguo régimen*, 49.

¹³³ With the important added factor of British loans. See, for example, Robert Naylor, *Influencia británica en el comercio centro americano durante las primeras décadas de la independencia, 1821-1851* (Guatemala: CIRMA, 1988). Besides the archival records in the AGCA, a number of documentary sources give us an eye into the aguardiente monopolies during Carrera's administration: Gobierno de Guatemala, *Reglamentos aprobados por el Supremo Gobierno, que deben observarse por el Resguardo de Comisarios de seguridad de esta capital, y para la persecución del aguardiente clandestino*, Guatemala: Imprenta del Gobierno, 1847; Jose Luis Reyes Monroy, Alejandro Marure, Andres Fuentes, eds., *Catálogo razonado de las leyes de Guatemala*, (Guatemala: Tipografía Nacional, 1945); Gobierno de Guatemala, *Acuerdos del Supremo Gobierno sobre el remate de estancos de aguardiente y chicha para los años de 1862 y 1863* (Guatemala: Gobierno de Guatemala); and the many decrees published in the *Gaceta* for the years 1840-1865.

Carrera also had begun to institutionalize the use of a customs checkpoint in Huehuetenango, targeting goods linked to the Comitán market. In his 2008 doctoral dissertation, "Maya Power and State Culture: Community, Indigenous Politics, and State Formation in Northern Huehuetenango, Guatemala, 1800-1871," Stacey Schwartzkopf cites one of the earliest archival mentions of state intervention in Huehuetenango. It recounts the 1853 arrest of a three-community cohort which was smuggling *comiteco* (the agave-based version of *aguardiente*, or cane liquor, made in Comitán) across the Chiapas-Guatemala border. The *huehueteco* defendants testified to being stopped by a member of the Guatemalan frontier patrol who confiscated all of their Comitecan *aguardiente* on their way back from Comitán, forcing them to travel all the way, first, to Nentón, and then to the town of Huehuetenango, in order to appeal the confiscation.¹³⁴ According to the accused "smugglers," the liquor had been demanded by their *principales*, or town elders, and was required for upcoming fiestas. Therefore, they had no intention of reselling the *aguardiente*. Additionally, they had been travelling on the open *camino real*, so they saw no reason why their goods should have been confiscated, especially if they were ready to pay the required taxes, once apprised of the regulations in force. According to the testimony of a local merchant with twenty years experience in border trade, anyone having procured a *guía* (manifest) in Comitán could enter Guatemala and pay any commissioner on hand.¹³⁵

¹³⁴ The border guard in this case was a soldier, theoretically connected to the central government but also clearly working for private interests, those of the proprietors of the local *aguardiente* monopoly, which would have been bought in a state auction. According to Schwartzkopf and Reeves, these kinds of overlaps of authority occurred frequently around the control of *aguardiente* and were part of the reason for contraband and corruption's proliferation. See Stacey Schwartzkopf, "Consumption, Custom and Control: *Aguardiente* in Nineteenth Century Maya Guatemala," in *Distilling the Influence of Alcohol. Aguardiente in Guatemalan History*, ed. David Carey (Gainesville: University Press of Florida, 2012), 17-41; and René Reeves, *Ladinos with Ladinos, Indians with Indians: Land, Labor, and Regional Ethnic Conflict in the Making of Guatemala* (Stanford: Stanford University Press, 2006), 103-130).

¹³⁵ Schwartzkopf, "Maya Power," 391-394.

Beyond revealing the obvious chasm between town customs (as asserted by the *principales*) and national commercial regulations, the Guatemalan case also reaffirms the disjuncture between local realities and federal understandings of these realities. In response to the *huehuetecos*' efforts to appeal their arrest, the state comptroller reminded the department of Huehuetenango *corregidor* (the highest provincial official) that, according to new regulations issued in 1850 (and signed by all the local officials), all Chiapan merchandise had to pass through the route from Nentón to San Martín where it would be registered, all other paths being those "of indigenous [people] and smugglers."¹³⁶ Yet, if we are to trust newspaper reports at the time, as well as later treasury records, the "trade of smugglers" and legitimate merchants were in many cases indistinct. Further, it would be almost impossible to separate "indigenous trade" from "legitimate" trade between Huehuetenango and Comitán. Indigenous towns, especially in Huehuetenango, were central to the principal trade through this area and contributed significantly to cross-border traffic. Much of this trade, however, was not taxed, or at least not legally. Since the colonial period, indigenous trade was not taxed, except on certain listed items, such as *aguardiente*, or through the payment made for a license to sell in certain central markets--a payment few *huehuetecos* bothered with. After independence, when new tax regimes were instituted in Mexico and Central America and indigenous tribute abolished, new questions arose as to when and how indigenous communities were to be taxed. For the most part, keeping the price of common trade goods down was to everyone's advantage (most especially to the non-Indians who often went from town to town buying items to be later resold in regional markets).¹³⁷

¹³⁶ Schwartzkopf, "Maya Power," 391-394.

¹³⁷ In 1838, the new Conservative government in Guatemala decreed that taxes affecting the poor would be reduced or suppressed, and that any departments (districts) of Guatemala that found themselves in economic straits could be

Yet, the trade of *aguardiente* outside state channels was illegal in Guatemala, and under Carrera began to be more strictly targeted for confiscation, as can be gleaned from the list of arrests for contraband in Huehuetenango between 1853 and 1870. By 1860, trade in *comiteco* specifically was prohibited outright, in an effort to encourage consumption of nationally-produced *aguardiente*.¹³⁸ While most of the arrests for contraband in Huehuetenango between 1853 and 1870 listed Spanish surnames, others implicated entire Mayan towns (such as Soloma, in 1854), in a pattern similar to that seen in 1853 and recorded for later periods, when contraband became a much more widely recorded offense.¹³⁹ In other cases, such as that of Francisco Yoc and Pioquinto Chimujá, the surnames of arrestees indicated Mayan heritage.¹⁴⁰ Despite the fact that these arrest records cannot be considered either particularly comprehensive or reliable, they

freed from paying taxes (see Sandra del Carmen Mérida, "Hacienda pública," 588). In Chiapas, the high indigenous population resulted in an early decision by the Chiapan state Congress to apply a head tax to everyone rather than an *alcabala*, or sales tax, at least until 1857, since this would allow for what amounted to a continuation of tribute. See Sánchez Santiró, *Las alcabalas mexicanas, 1821-1857. Los dilemas en la construcción de la Hacienda nacional* (Mexico: Instituto Mora, 2009), 148). Still in the 1870s, indigenous merchants selling basic goods that were not included on the list of prohibited or taxed goods were not supposed to be taxed either in Mexico or Guatemala. This did not, however, protect them from corrupt officials demanding the sales tax, or import/export tax (if they were crossing the border) from them (see Romero, *Refutación de las inculpaciones hechas al c. Matías Romero por el gobierno de Guatemala*, Mexico: Imp. Poliglota de C. Ramiro y Ponce de León, 1876, 79). As many scholars have pointed out for Latin America more generally, indigenous people often paid "taxes" in a variety of new forms in the national period, in forced labor or services, for example if they were accused of "vagrancy." See, for example, in the case of Yucatán, Robert Patch, "Decolonization, the Agrarian Problem, and the Origins of the Caste War, 1812-1847," in *Land, Labor and Capital in Modern Yucatán: Essays in Regional History and Political Economy*, ed. Gilbert Joseph and Jeffrey Bannon (Tuscaloosa: University of Alabama Press, 1991), 51-82; and Jorge Castillo Canché, "El contramodelo de la ciudadanía liberal: la vagancia en Yucatán, 1812-1842" in *Encrucijadas de la ciudadanía y la democracia: Yucatán, 1812-2004*, ed. Sergio Quezada (Mérida: Universidad Autónoma de Yucatán: H. Congreso del Estado de Yucatán, LVII Legislatura, 2005), 112-148.

¹³⁸ "Decreto del Gobierno prohibiendo la introducción de aguardiente con el nombre de comiteco," *Gaceta de Guatemala*, no. 95, Tomo I, cited in *Catálogo razonado de las leyes de Guatemala: (contiene adiciones al de don Alejandro Marure, que lo dejó hasta 1850, al del licenciado Andrés Fuentes Franco, hasta 1856 y su continuación hasta 1871)*, ed. José Luis Reyes Monroy (Guatemala: Tipografía Nacional, 1945), 41.

¹³⁹ AGCA, Ramo Criminal, Huehuetenango, Legajo 4. Rates of contraband arrests in Huehuetenango skyrocketed between 1880 and 1899 (see AGCA, Ramo Criminal, Huehuetenango, Legajos 18-38).

¹⁴⁰ AGCA, Ramo Criminal Huehuetenango, Legajos 9 and 11. Of course, this list does not take into account all the contrabandists that did not get caught.

are supported by Schwartzkopf's study of contraband in *comiteco* among the huehueteco Maya (for the most part K'anlojobal-speaking, but also including the Mam and Chuj).¹⁴¹

A study of the Comitán customs house at mid-century demonstrates a different kind of disjuncture between governmental initiatives and local responses, reflecting a community far more accustomed to confronting and circumventing governmental regulations. At the end of January 1851, contrabandists attacked customs house officers in Comitán and later retrieved an embargoed cargo of illicit goods by force. The criminals audaciously brought their recuperated merchandise directly to the main plaza of Comitán. Comitán's prefect commanded various residents to pursue, not the criminals, but the customs house guards, who themselves were pursuing runaway contrabandists. According to the guards, they had been threatened with "severe punishment" if any shots were heard within the area or any contrabandists were mistreated, suggesting collusion by the town prefect. Finally, two of the apprehended contrabandists were released by Comitán's first instance judge, causing the municipal president to bring the matter before the state court in San Cristóbal.¹⁴²

In this case, the customs house, theoretically under federal jurisdiction, was being used to leverage local political relations at the expense of the national treasury and the law, via vertical and horizontal collusion in the contraband trade. According to Mexican law, though customs houses, their officers and their contents fell under federal jurisdiction, local municipal authorities constituted the first level of official action. Therefore, municipal president Sabino Solórzano

¹⁴¹ Schwartzkopf further cites arrestees' common justification that the "clandestine" *comiteco* had been ordered by their *principal* (indigenous town leader) for their traditional fiestas and thus was "*costumbre*" (custom). According to Schwartzkopf, these patterns of indigenous consumption and defense demonstrated Mayan forms of resistance against the increasing encroachment of the state in their lives generally. Schwartzkopf shows that Mayan communities were particularly implicated in the illegal purchase of *comiteco* since the early 1800s (Schwartzkopf, "Consumption, Custom and Control," 32).

¹⁴² "Aduana fronteriza de Comitán" *El Siglo Diez y Nueve (Mexico City)*, 25 de abril, 1851, 2.

maintained that he had no choice other than to take the matter to San Cristóbal, since proceedings within the jurisdiction of Comitán could not be trusted. The prefect, Nicolás Domínguez, was the brother of the two escapee contrabandists, and the one who had ordered a search of the guards' houses rather than those of the criminals for the misplaced goods. In Solórzano's opinion, the first alcalde was equally unreliable, since he was the prefect's secretary and his brother, and the first instance judge was clearly colluded with all of these criminals in their escape. Finally, no witnesses could be trusted as none were likely to testify against the judge.¹⁴³

Solórzano's dilemma also highlighted the jurisdictional ambiguities embedded within the system of customs house administration and oversight. As municipal president, Solórzano was locally elected. Yet he also had a say in the administration of the customs house, along with a number of other local authorities, including the mayor, the commanders of the guards, the inspectors, accountant, administrator, first instance judge and local police.¹⁴⁴ Similarly, state governors could argue for the hiring or firing of a customs house official, and the supreme court of the state of Chiapas could adjudicate any cases not solved by the first instance judge of Comitán. Finally, the treasury guards employed by the national treasury in Mexico City, for whom the Comitán post was just one of many checkpoints defended, could counter the decisions of a variety of local and state authorities. Their superiors were located in Mexico City; only in the case of a local infraction of the general laws of Chiapas would they be brought before a local

¹⁴³ "Aduana fronteriza de Comitán" *El Siglo Diez y Nueve (Mexico City)*, 25 de abril, 1851, 3; p 4 is his letter to the Treasury Minister.

¹⁴⁴ Gobierno de México. *Reglamento para los visitadores de las aduanas marítimas, expedidas por el Supremo Gobierno, 24 de octubre de 1849* (México: Imprenta de las Escalerillas, 1850).

judge.¹⁴⁵ As a result, a variety of players could affect the way the customs house functioned, easily paralyzing its procedures by a multiplication of checks and balances, or manipulating it to their benefit through collusion.

Besides bringing the January 1851 contraband case and attack on the customs house and guards to the Chiapan Supreme Court, Solórzano also sent a letter directly to national treasury officials, offering a corrective to their management of commercial regulation on Mexico's southeastern border. Wrote Solórzano, "The existence of a frontier customs house... on the absolute edges of the Republic, without a corresponding number of guards, far from producing the effects that it should in favor of the treasury, is instead a font of evils that can only barely be calculated...." He then went on to enumerate the major problems produced by an inadequately fortified frontier customs house. These included the fact that the contrabandists had become "superior to the forces of the administration" and that, in the end, the contrabandists and local authorities were "one and the same."¹⁴⁶

Solórzano's sentiments are echoed by scholars of Mexico's nineteenth-century foreign commerce who have pointed to the centrality of tariff policies and customs house control in local and national politics and international relations.¹⁴⁷ According to Araceli Ibarra,

....in the Mexican case, from 1825 to 1850, the authors who have done the calculations agree that [the profits in contraband] amount to at least a third of the total value of legal commerce...every merchant, Mexicans as well as foreigners, actively and profitably participated in this form of commerce....¹⁴⁸

¹⁴⁵ Gobierno de México. *Reglamento para el contra-resguardo de Chiapas y Tabasco, 1850* (Mexico:Imprenta dirigida por M. Castro, 1850).

¹⁴⁶ "Aduana fronteriza de Comitán," *El Siglo Diez y Nueve (Mexico City)*, 25 de abril, 1851, 4.

¹⁴⁷ See Walther Bernecker, *Contrabando. ilegalidad y corrupción en el México del S. XIX* (México: Universidad Iberoamericana, 1994); Araceli Ibarra, *El comercio y el poder en México, 1821-1864. La lucha por las fuentes financieras entre el Estado central y las regiones* (México: FCE, 1998).

¹⁴⁸ Araceli Ibarra Bellon, *El comercio y el poder*, 258, 259, 260.

According to Ibarra, contraband trade on a large scale was not only the result of a high demand for foreign goods and persistent political instability in Mexico, but also a lack of policing and extensive corruption. Yet, as we have seen, policing and corruption as well as definitions of contraband versus legitimate trade were flexible concepts. They denoted overlapping zones of regulation, trade and criminality that remained dependent on shifting economic and political contexts throughout the rest of the century.

The flexibility with which taxation regulations and contraband could be defined and these definitions applied were also manipulated by aspirants to political power. Changes in taxation policies were almost always promised by incoming regimes or excoriated by their rivals. For instance, after the disaster of the Mexican-American War and Santa Anna's ouster in 1848, the Mexican treasury had been thrown into complete disarray. The centralist ordering of the treasury and tax collection, and the list of prohibited or taxed goods from the mid-1840s was interrupted by the U.S. takeover of a number of regions, ports and customs houses, including Frontera, Tabasco.¹⁴⁹ Few state taxes were collected and repeated "extraordinary imposts" or "forced donations" were levied at the federal and state levels. By 1851, Mexican coffers were empty and domestic and foreign debts soared. In the spring of 1851, the Mexican Congress agreed to an extraordinary *contingente* or an extra federal tax levied on each state. They also would use 10% of the customs house revenues to service the internal debt, demand an additional contribución (head tax) of 2% on top of the customary land tax, raise the tax on imports and their internal circulation, and increase the number of prohibited goods.¹⁵⁰ Taxes on urban and rural properties

¹⁴⁹ For prohibitions and reordering in 1840s, see Bernecker, *Contrabando*, 85-87.

¹⁵⁰ Junta de Gobernadores de México, *Comunicaciones entre la Junta de Gobernadores y el Ministerio de Hacienda, 1851* (México: Ministerio de Hacienda, 1851).

were raised to 3%, to be divided evenly by the state and the national treasury, in order to pay the internal debt. Industry would also be charged an extra fee.¹⁵¹

Starting in 1850, Chiapas governor Fernando Nicolás Maldonado (1850-1855) would oversee the implementation of new taxes on the cattle industry and land.¹⁵² In March of 1851, Maldonado further proposed that all government officials in Chiapas work for free, because only in this way would "the ignorant masses" have confidence in the government, and "be able to have a real sense of material changes."¹⁵³ By mid-1851 Maldonado had thus gained the enmity of many members of the state Congress, especially endangering his popularity among the land-holding, cattle-ranching liberals of Chiapa, Tuxtla and Comitán. In contrast to many of the conservatives in San Cristóbal, who depended on collecting taxes from the populous indigenous communities in Los Altos, the liberals of the central lowlands depended greatly on their land and the cattle and sugar trade for survival. Two more attacks on the customs house and the town of Comitán in May of 1851 point precisely to an antagonism towards the new taxes and governor Maldonado himself, driven partly by the fact that these new imposts were to retire federal, not state debt.

¹⁵¹ Gobierno de México. *Esposición e iniciativas que el Ministerio de hacienda a dirigida a la cámara de diputados en 2 y 13 de junio de 1851, sobre consignación de fondos para la deuda interior y recursos con que cubrir el deficiente del erario federal*; and Gobierno de México, *Comunicaciones entre la Junta de Gobernadores y el Ministerio de Hacienda, 1851* (México: Ministerio de Hacienda, 1851). As of 1847, Chiapans were charged the following taxes: head tax; 3% on rural properties; money made selling *baldío* ("unused") lands; sales tax; and a paper tax. All of these were supposed to be collected by the treasury in their receiving offices throughout the state. However, because these collections proved somewhat ineffectual, that same year (1847) municipalities were made responsible for collecting these taxes (Manuel Trens, *Historia de Chiapas, desde los tiempos mas remotos hasta la caída del Segundo Imperio*, 2nd ed., [México: Ministerio de Hacienda, 1957], 468; on the particularities of Chiapan *receptorías*, see Sanchez Santiro, *Las alcabalas mexicanas*, 160-161).

¹⁵² INAH-Chis: "Decreto sobre los recaudadores que se relacionan con reses. Contribución que ingresará a la tesorería en el término señalado por esa ley, etc. San Cristóbal Las Casas, jul. 11, 1850." Tomo VI, doc. 17.

¹⁵³ INAH-Chis: "Proyecto del gobernador del Estado de Chiapas ciudadano Fernando Nicolas Maldonado propuesto al H. Congreso del mismo para que todos los empleados publicos sirvan sus destinos sin disfrutar sueldo alguno," San Cristóbal: Imprenta del Gobierno, 1851.

Here again the customs house would be the site and sign of Chiapans' political protest. On the night of May 10, a group of men took control of the town of Comitán, taking the prefect José Nicolás Domínguez and other municipal authorities, Francisco de Paulo Robelo, Crisanto Suárez, Silvana Abarca and José Mariano Gordillo as prisoners, locking them in the city hall, and then sacking and robbing the customs house. The leader of the group, Manuel Francisco Albores, later testified that he was taking revenge on the administrator and guards of the customs house, who had been "treating [him] badly" for some time.¹⁵⁴ Yet he also accused the state governor of abuse and tyranny in a formal pronouncement that he circulated to all the state's municipal authorities, encouraging them to endorse his motion.¹⁵⁵

It is not entirely clear whether Albores was attacking the state's central authorities and the customs house officials (and committing an opportunistic robbery) separately or as part of a unified complaint. Yet looting the customs house achieved all of these ends. Attacking the customs houses could also be seen as a response to these earlier attacks in combination with slightly differently articulated protests. In a subsequent attack on May 21st, a week and a half later after Albores' arrival, different perpetrators went out of their way to distinguish their protest from that of their predecessor, calling Albores' and his followers' assaults merely the "work of contrabandists," a label which apparently indicated petty thievery instead of organized, and somehow more legitimate, political protest.¹⁵⁶ In the May 21 attack, leaders Matías Castellanos

¹⁵⁴ Originally, in Spanish: "los malos tratos que de tiempo atrás venía recibiendo del administrador y los celadores de la Aduana" (cited in Trens, *Historia de Chiapas*, 514).

¹⁵⁵ INAH-Chis: *Boletín oficial*. San Cristóbal Las Casas. "El Gobierno del estado ha recibido de las autoridades de Comitán las últimas noticias de la prefectura de dicho Departamento sobre robos, asaltos y otros sucesos," 14 de mayo, 1851, Tomo VI, doc. 29; "Dictamen presentado a la Exma. Diputación Permanente por el diputado Abundio Solís, 1851" (cited in Trens, *Historia de Chiapas*, 514).

¹⁵⁶ Gobierno de Comitán, *Documentos relativos al pronunciamiento verificado en la ciudad de Comitán el día 21 de mayo del corriente año, 1851* (Guatemala: Imprenta de la Luna, 1851).

and Ponciano Solórzano, both of prominent Comitán families, also pronounced against Maldonado's "tyranny" as well as the 3% tax that was now being charged on rural and urban properties.¹⁵⁷

The Comitán customs had become a kind of palimpsest of political authority, repeatedly redecored not only with new assertions of the "right" way to govern and tax the citizenry, but also with suggestions as to who should make these decisions. Further, each new protest seemed to be at least faintly in dialogue with the previous assault: Ponciano Solórzano's May 21 attack not only made reference to the recent visitation on the customs house made by Albores, but did so by attacking precisely the customs house he had asserted was in need of greater defense in January of that year, when he brought the matter of Comitecan corruption to the attention of the Chiapan state government and the National Treasury. The customs house had clearly become a recognized platform for both halting the march of the economic and political status quo and positing solutions to its problems.¹⁵⁸

In a final display of political protest on May 26, 1851, Solórzano and Nicolás Domínguez, the prefect who Solórzano had run up against in the January contrabandist scandal, joined forces against governor Maldonado, along with a long list of other protesters, including Albores. In total, 400 rebels joined Castellanos, Solórzano and their followers and marched to San Cristóbal. At the time, Governor Maldonado was in Tabasco, where an increasingly militant front was fighting to move the two states' mutual border south and east, so that Tabasco could

¹⁵⁷ Gobierno de Comitán, *Documentos relativos al pronunciamiento*.

¹⁵⁸ In a related way, William Fowler has discussed the importance of analyzing the nineteenth-century Mexican "pronunciamiento," or pronouncement against the government, usually taking place first at the municipal level, as forum and format for popular and middle-class political organization and power, despite the fact that it was neither binding nor were its implications (a changed government, via popular demand) necessarily constitutional (see Fowler, *Forceful Negotiations*).

absorb the Chiapan towns of Palenque, Pichucalco, Chilon and Simojovel.¹⁵⁹ Maldonado had left the Chiapan government in the hands of interim governor, José Farrera. Before Maldonado could return to central Chiapas, on May 26, Farrera rejected the protesters' suggestions that he take over the government and replace Maldonado following the policy changes they proposed. Instead, Farrera defended Maldonado's position and his government's integrity by summoning the National Guard.¹⁶⁰

When Maldonado finally returned from Tabasco in early June to pursue the Comitán rebels, he found they had taken refuge in the nearby locale of Caxs. Maldonado was startlingly restrained in his response, offering all the rebels amnesty if they surrendered as he considered the movement merely a "common crime of customs house assault," despite their statements to the contrary.¹⁶¹ Only Albores and Castellanos turned themselves in.¹⁶²

Despite evident political divisions among Comitecos and the Chiapan state government, the centrality of the Comitán customs house in all of these political protests suggests at least an indirect rejection of federal taxation policies as well as the strategic role of the customs house in

¹⁵⁹ Tabascans would attack the northern Chiapan town of Pichucalco various times between 1848 and 1853 in alliance with a number of rebels from Tuxtla (Chiapas), forcing Maldonado to leave his post to an interim governor while he led forces against the rebels. Maldonado's fights with the Tabascans resulted in the imprisonment of his brother, José María, and the death of another brother, Pánfilo, not to mention a number of attacks on Maldonado's government inside Chiapas, headed by rebels taking advantage of the governors' absence. See Trens, *Historia de Chiapas*, 465-475; 491-510; and Sergio Nicolás Gutiérrez Cruz, *Chiapas histórico: de la independencia a la revolución, 1821-1920* (Tuxtla Guitérrez: Gobierno de Chiapas: Secretaría de Educación, 2004), 29-30.

¹⁶⁰ The National Guard was organized through the governor who would designate commanders in each municipality. Every man of age in the municipality's census (compiled by the district prefect) had to serve, either in reserve or actively, excepting those incapacitated or who paid their way out. State taxes and individual donations were often dedicated to fortifying the National Guard. Complaints or protests were to be brought to the local first instance judge (INAH-Chis: "Decreto Del Gobierno del Estado, sobre la necesidad que había de reglamentar el cobro del impuesto sobre Fincas Rústicas y Urbanas.- (17 incisos)." Oct. 7, 1848, Tomo V, doc. 101).

¹⁶¹ "Ministerio de Guerra y Marina. Sección de operaciones," *El Siglo Diez y Nueve (Mexico City)*, 2 julio 1851, 1.

¹⁶² Trens, *Historia de Chiapas*, 516.

local and regional politics more generally. Castellanos and Solórzano's pronouncement, in its written form, had been signed by both Sabino Solórzano and Nicolás Domínguez, despite the fact that they had taken opposing sides during the January contrabandist attack and would deny any connection to Albores' pronouncement of May 11. Clearly, they had disagreed over how the Mexican central government was organizing the regulation of local and regional economies and politics through the customs house.¹⁶³ Albores made clear his disgust of Maldonado's government, but also was on bad terms with the customs house administrator and guards. Nicolás Domínguez, prefect of Comitán, father of contrabandists, and the only rebel who turned himself in (saying that he had attempted to convince everyone else to do the same but they refused) was perhaps the most politically ambivalent of all of these players. Yet he was also the most deeply implicated, given the intimacy of his relationship to the contraband trade, local government and attempts to negotiate with the Chiapan governor. Despite the varying political alignments of these local actors, the customs house provided a convenient rallying point to mobilize dissent, precisely because it was a symbolically potent marker of state authority at the same time that it was vulnerable to be controlled by those who were protesting state institutions. Yet the apparent ease with which the customs house was manipulated also reflected what I have argued was one of the key tools of state-making on the Guatemala-Chiapas border during the nineteenth century: that of the endlessly negotiated "limit" to governmental authority.

Juan Ortega: Stealing the State

¹⁶³ Ángel Albino Corzo, *Segunda reseña de sucesos ocurridos en Chiapas desde 1847 a 1867, y contestación a los artículos que la prensa ministerial del mismo estado ha publicado contra C. Ángel Albino Corzo* (México: P. de T. F. Neve, 1868), 30.

By 1853, the Comitán customs house had been moved farther to the east, to the frontier town of Zapaluta. Juan Ortega succeeded Nicolás Domínguez as prefect and also became the customs house administrator. Ortega's dual roles were consistent with Santa Anna's more centralized approach to national and state treasury organization. Previously, the customs house administrator was under federal jurisdiction, while the prefect was a state-appointed position. After Santa Anna's rise to power in 1853, state treasuries and employees once again fell under federal jurisdiction as they had operated during his rule in the 1830s and 1840s.¹⁶⁴

Ortega was not universally liked in Comitán, especially by opponents of Santa Anna's regime. However, he did not last long in office as Santa Anna was deposed in 1855 and so too were his appointees. First to go was Governor Maldonado, who was forced to resign. Congress member and National Guard commander Angel Albino Corzo, who fought against the santanistas in 1854-55, was elected Maldonado's successor. Corzo unsurprisingly used accusations of Santa Anna's (and, indirectly, Maldonado's) corruption to bolster his entrance into the gubernatorial seat. As Corzo melodramatically announced upon his assumption of powers as governor:

...there have been so many administrative changes in our dear *patria* from its independence to this last, sad, period of General Santa Anna, that few men have reached the heights of power without...leaving ... evidence of the illegality of means by which they have come to obtain [that power]....I find myself today involuntarily at the head of public affairs of the State, which, far from making me proud, makes me tremble....¹⁶⁵

Mexico's new liberal administration, temporarily under the leadership of Guerrero rebel Juan Álvarez, resolved to purge state and national administrations of Santa Anna's supporters. Maldonado and other governmental authorities would stand trial for a variety of crimes for which

¹⁶⁴ Carlos Sierra, *Historia de la tesorería de la federación* (México: Secretaría de Hacienda y Crédito Público, 1972), 93-101.

¹⁶⁵ INAH Chiapas: Ciudad de Chiapas. Oct. 10. 1855. Tomo VI, doc. 73.

Santa Anna was being accused and which his appointees enabled.¹⁶⁶ In Comitán, Sabino Solórzano headed a *junta popular* (popular council) which produced a long list of Maldonado's evils. Not only was Maldonado accused of doling out 15,000 pesos' worth of tax and fee revenues paid by comitecos to his local "favorites," he was also charged with a "scandalous" amount of illicit commerce and contraband through the customs house of Comitán.¹⁶⁷

Unsurprisingly, then, one of the first measures Corzo took to "clean up" Maldonado's legacy of corruption was to fire Comitán prefect and customs officer Juan Ortega. In response, Ortega launched his own pronouncement against Corzo's government, claiming he had been stripped of "his personal guarantees."¹⁶⁸ As Maldonado had done with the Comitán rebels in 1851, Corzo offered Ortega and his followers amnesty if they desisted from further protest. Yet Ortega responded by attacking the nearby town of Socoltenango, accompanied by the customs house guards, the majority of the soldiers then on duty, and various Comitán residents, he, located on route to San Cristóbal, destroying property and causing havoc in other neighboring villages.¹⁶⁹ Corzo then sent state troops after the rebels, at which point they retreated to the *finca* "San Lucas," on the Guatemala-Chiapas frontier, later fleeing farther into Huehuetenango, Guatemala.¹⁷⁰

¹⁶⁶ "Decreto del gobierno.--Se manda encausar a D. Antonio Lopez de Santa-Anna," 9 de enero, 1856, no. 4614, especially arts. 2-8, published in *Colección legislativa completa de la República Mexicana con todas las disposiciones expedidas para la Federación, el Distrito y los territorios federales*, eds. Manuel Dublan and José María Lozano, Vol. 8, 16-18, (México: Secretaría de Justicia, 1902-1912). These included "inhuman acts" (on the part of military personnel), treasury fraud, or administrative irregularities. See also, INAH Chiapas: "Folletos de los documentos relativos al juicio de ex-gobernador Maldonado, Guatemala, 1856," Tomo VI, doc. 96.

¹⁶⁷ "Chiapas," *El Monitor Republicano*, 19 de octubre, 1855, 3.

¹⁶⁸ Trens, *Historia de Chiapas*, 228.

¹⁶⁹ Trens, *Historia de Chiapas*, 590.

¹⁷⁰ SEDENA: XI/481.3/5175; and XI/481.3/5200; "Sección de operaciones, Gobierno del Estado de Chiapas," *El Monitor*, 7 de septiembre, 1856, 2.

The divide between Ortega and Corzo was not simply a political one. It reflected more than Corzo's strident liberalism battling Ortega's support of *santanista* political centralization and ecclesiastical and military alliances. Under Santa Anna Ortega had enjoyed control over two powerful governmental offices, and an apparently amicable and advantageous relationship with ex-governor Maldonado. Beyond what we can surmise from Ortega's actions, Maldonado's political leanings, and Carrera's support of the imperialist, anti-Liberal regime in Mexico, in the investigation and pursuit of Ortega after his flight in 1855, a letter to Carrera from Maldonado's brother was seized supporting these intertwined political alliances. The letter's principal aim was to recommend Ortega to the Conservative Carrera as an ally and worthy of support and protection in Guatemala. "Mr. Juan Ortega," wrote Maldonado,

is today an innocent victim...and is pursued by those who owe him their fortune and who have enjoyed complete guarantees from him that they never deserved. Such is, Your Excellency, the demoralization of our patria, and Sr. Ortega looks today in you in yours, the protection that you know to dispense to those illustrious men of honor and with predilection have conceded to Mexicans....

According to Maldonado, Carrera was the man who "God... has destined to sustain religion, property and justice in all the world, which today in Mexico are threatened with death...." and, as such, would be the answer to not only Ortega's but Mexico's prayers. Finally, the missive supported cross-border efforts in subverting "the demagogical principles of a miserable Mexico."¹⁷¹

Nor was the Corzo-Ortega battle one specifically over tax policies. It is true that Santa Anna's ousted national regime had promoted a favorable trade relationship with Guatemala, including lowered import fees, a shorter list of prohibited items, and a relative openness to the

¹⁷¹ AHSREM: L-E-1631, ff. 226-227.

purchase of Guatemalan textiles.¹⁷² Yet more importantly, Corzo wanted to put one of his own allies in the critical post of guarding the border and regulating the traffic in goods and people entering Comitán. He also sought evidence of what had gone on under Ortega's command--what kinds of goods and people had come through the border, what they had been charged, what had been recorded and what had not. Ortega, for his part, was bent on asserting the importance of his considerable power as against that of the state governor, and most importantly, the state governor's perceived ability to fire him. As customs house administrator, Ortega was not simply a local official; he was also a federal employee and, at least informally, an international diplomat.

Thus, when Corzo ousted Ortega in November of 1855, he not only demanded his exit but also that he hand over "the archive, the documents, stamps and other equipment" of the customs house.¹⁷³ Ortega refused. Further, he took the customs house records, office keys, and official stamp and seal to Guatemala.¹⁷⁴ In a string of performative acts, Ortega targeted the imposing power of the state precisely where it was most vulnerable--on the border, in the locality, and in the archives. In other words, he targeted the state where it existed, on paper. Simultaneously, he was catapulted from civil servant to the leader of a movement on the verge of upending the regime.

The theft was considered serious enough that national authorities wrote to Guatemala's Minister of Foreign Affairs in an effort to catch Ortega and return the customs house contents to

¹⁷² "Nuevo arancel mejicano," *Gaceta Oficial (Guatemala)*, 20 de mayo 1853, 1.

¹⁷³ AHSREM: LE 1631; Trens, *Historia de Chiapas*, 589.

¹⁷⁴ In Corzo's opinion, Ortega had stolen the stamp in order to "backdate documents...now that he was not the administrator anymore" in order to "keep his position" (AHSREM: L-E- 1631, 228).

Chiapas.¹⁷⁵ Given the fact that diplomatic relations between Mexico and Guatemala at this time had notably soured (all diplomatic relations would be broken off entirely by 1856), the Mexican Minister's request for help from the Guatemalan authorities to control Ortega and recuperate the documents suggests the seriousness of Ortega's affront to Mexico. In this sense, committing borderland raids apparently paled in comparison with depriving the state of its documents. Aside from posting federal troops during the 1842 annexation of Soconusco to Mexico, events on the border with Guatemala had been ignored, for the most part. The stolen papers suggested more than Ortega's anger at having lost his job or the desire to replace the new liberal government with a conservative one. Ortega was also targeting the state's attempts to manage power in the periphery; he was demonstrating its fragility and his own ability to undermine this power.

Ortega maintained broad-based local support, as is evidenced by the multitude of letters written in Ortega's support during his post-emigration investigation and by editorials in the local press.¹⁷⁶ Ortega's role as both customs officer and local border commander made his act of rebellion against Corzo far more damaging to the new governor's administration than might have been the case for other Chiapan Conservatives. Not only did Ortega literally carry the keys to local administration and state coffers, but he and Guatemalan president Rafael Carrera had also mutually supported one another diplomatically and materially.

Chacón and the *orteguistas*

¹⁷⁵ AGCA: B99, legajo 6714, enero 18 de 1856, enero 19 1855; SEDENA: XI/481.3/5599 and XI/481.3/5600.

¹⁷⁶ AHSREM: L-E-1631, ff 55-60; "Invasión de Ortega a favor de la causa del orden" *La Sociedad*, 16 de marzo, 1859, 1; and "Chiapas" *La Sociedad*, 13 de diciembre, 1860, 3.

While Ortega got the attention of the Mexican central government by stealing the customs house records, José María Chacón catapulted his home region of Soconusco onto the national stage with his Plan Pro-Territorio Federal (1856). This document asserted Soconusco's autonomous territorial status, answerable only to Mexico City. Chacón also opposed Corzo's attempts to gain control over Chiapas' regional economies and politics. Both Ortega and Chacón combatted Corzo's pretense at power by reaffirming their connection to central Mexico, as if to suggest that their political roles went well-beyond the minutiae of laws and records to connect to a more profound embodiment of loyalty, that of the nation.

Like Ortega, José María Chacón had thrived under Corzo's predecessor Maldonado, using his position to manage Soconusco's finances and political administration as best suited himself, his family and his political allies.¹⁷⁷ In the fall of 1850, a number of Soconusco residents accused Chacón of mismanagement of public funds and Corzo, then a Congressional deputy, had pursued the case.¹⁷⁸ State officials charged him with failing to hand in relevant paperwork on public expenditures and what Soconusco owed the state.¹⁷⁹ Chacón refused, and, claiming to be forced to leave his post due to health reasons, promptly handed over his prefectureship to the then mayor, José Eustaquio Chacón, a relative, in January 1856.¹⁸⁰

¹⁷⁷ Chacón and his family had a long history of oligarchical power in Soconusco, from representing the region in Central America's first Assembly (in 1824) to official and informal governmental, economic and juridical control through Sebastián Escobar, active until the 1890s (see Ortiz and Toraya, *Soconusco: concentración de poder*).

¹⁷⁸ Corzo, *Segunda reseña*, 28.

¹⁷⁹ INAH Chiapas: "Manifiesto que los alcaldes constitucionales 1º. Y 2º. de la Ciudad de Tapachula hacen de su inocencia y de la arbitrariedad del prefecto del departamento del mismo nombre don José María Chacón. San Cristóbal Las Casas," 27 de noviembre, 1850, doc. 23; and AHSREM: L-E-1632.

¹⁸⁰ AHSREM: L-E-1632.

Ortega and Chacón ended up on the same side after Ortega and a group of his followers sought refuge on Chacón's estate at Tapachula. Ortega had been surrounded by Chiapan troops led by José Nicolás Domínguez at the finca "San José" near the department of Comitán, where they were hiding out. Ortega's sons and other rebel leaders were imprisoned but Ortega escaped and sought Chacón's protection.¹⁸¹ During the trial of Ortega's captured followers, it became clear that Chacón and President Rafael Carrera of Guatemala had been supporting Ortega since the previous year.¹⁸² Further, in May of 1856, a shipment of arms from Central America had arrived at San Simón in Soconusco, in support of the rebels.¹⁸³

By the end of 1856, Ortega and Chacón publically embraced conservative politics, including defense of the Church. Most likely this was merely a strategic choice in order to take revenge on Corzo for driving them from office. After Corzo replaced Chacón's relative with Isidro Cadena as prefect of Soconusco, Chacón gathered Soconusco's municipal assemblies together in Tapachula. He announced that the Chiapan state government was organizing a military occupation of Soconusco, because Corzo claimed ("falsely") that Chacón was planning a rebellion against state authorities. According to Chiapan historian Manuel Trens, Chacón left the room after proclaiming his innocence, "leaving [the municipal representatives] free to deliberate on the matter."¹⁸⁴ They ended up endorsing Chacón's innocence, at which point Chacón, claiming to defend "national integrity," announced his Plan Pro-Territorio Federal of Soconusco, asserting Soconusco's independent territorial status, answerable only to Mexico

¹⁸¹ AHSREM: L-E-1631 ff 61-78; and Trens, *Historia de Chiapas*, 597.

¹⁸² Trens, *Historia de Chiapas*, 597.

¹⁸³ "Sección de operaciones, Gobierno del Estado de Chiapas," *El Monitor*, 7 de septiembre, 1856, 2; and AHSREM: L-E-1631 ff. 117-125.

¹⁸⁴ Trens, *Historia de Chiapas*, 610.

City.¹⁸⁵ In his announcement Chacón also granted political amnesty to those suffering criminal charges under Corzo, in an effort to bolster his forces.¹⁸⁶

Considering the fact that the Mexican central government at this time supported Corzo and would not have supported Conservative upstarts like Chacón, it is unlikely that Chacón's proposed "Federal Territory" was anything more than an opportunity to claim political independence for Soconusco under his own authority, supported not by Mexico City's legitimate government but by its Conservative rivals. Such an aim would explain Guatemalan President Carrera's support both of Chacón's movement and Chacón and Ortega's later attacks on Comitán, in 1859, and San Cristóbal, in 1863. It would also explain the rumor that Chacón was planning some kind of annexation to Guatemala under the guise of anti-Chiapán separatism.¹⁸⁷ The *orteguistas* also later asked for help from the Mexican imperialist troops, in 1864, during Mexico's occupation by Napoleon III's forces and the Mexico-based regime of Maximilian of Habsburg.

For his part, Carrera hardly tried to hide his support for the two rebels. He provided troops, arms and other sorts of accommodations, including personally overseeing events on the border near Comitán in 1859.¹⁸⁸ Further, in January of 1859, when the *orteguistas* attacked Comitán, they apparently arrived in the city, yelling "Long live Mexico, long live [Conservative

¹⁸⁵ AHSREM: L-E-1631, ff 126-150.

¹⁸⁶ AHSREM: L-E-1631, ff 126-150.

¹⁸⁷ Zorrilla, *Relaciones de México*, 304-305 and 310; see, also, John E. Dougherty, "Mexico and Guatemala, 1856-1872: A Case Study in Extra-Legal International Relations" (PhD dissertation, University of California Los Angeles, 1969), 57-58. Ortega was supported by Carrera since at least mid-1855, and Carrera supported Chacón's 1856 independence movement. See Monica Toussaint, Manuel Ángel Castillo and Mario Vázquez Olivera, *Espacios diversos, historia en común: México, Guatemala y Belice: la construcción de una frontera* (México, D.F.: Secretaría de Relaciones Exteriores, 2006) 101-102. See, also, the discussion of Chacón's alliances in Trens, *Historia de Chiapas*, 601-610.

¹⁸⁸ AHSREM: L-E-1626.

former Mexican President] Zuloaga, long live Guatemala, long live the only religion!"¹⁸⁹

Clearly, at least some of the attackers felt that supporting Chacón and Ortega did not feel the need to choose between Guatemala and Mexico and expressed national patriotism towards both, as well as the institutional power of the Catholic Church.

In the attack of January of 1859, Ortega crossed the border at Zapaluta with a group of "well-armed and well-trained men" from the Guatemalan army, an ex-judge from Nentón, and various Guatemalan officers and border-region landowners.¹⁹⁰ Ortega and his troops then set fire to a number of homes and commercial houses. Forced to turn back to Guatemala, the *orteguistas* returned to Comitán in March 1859, later making their way to just outside of San Cristóbal.¹⁹¹ Once again forced to return to Guatemala, Ortega would return in late September 1859, raiding and burning the homes of prominent citizens, like the American merchant Santiago McKenney and members of the Domínguez family.¹⁹² Fleeing back across the border, Ortega returned in early 1860 and again in June of that year, but was routed on his way to San Cristóbal on June 29, at a place called Chanal.¹⁹³ Again Ortega fled, only to return with renewed forces (150-200 men) in October. At the end of that month, however, he was defeated soundly by the new prefect of Comitán, José Pantaleón Domínguez, and his troops.¹⁹⁴

¹⁸⁹ "Gobierno del Estado de Chiapas" *El Constitucional. Periódico oficial de Yucatán*, Mérida, March 23, 1859, 1; "Chiapas" *El Siglo XIX*, Feb. 7, 1868; and Dougherty, "Mexico and Guatemala," 74. Félix María Zuloaga Trillo was a Mexican general and a Conservative leader in the late 1850s and early 1860s.

¹⁹⁰ "Gobierno del Estado de Chiapas," *El Constitucional. Periódico oficial de Yucatán*, Mérida, March 23, 1859, 1.

¹⁹¹ "Invasión de Ortega en favor de la causa del orden," *La Sociedad*, March 16, 1859; and "Chiapas," *El Siglo XIX*, Feb. 7, 1868.

¹⁹² AHSREM: L-E-1631, ff 1-54; "Invasión de Ortega en favor de la causa del orden," *La Sociedad*, Nov. 13, 1859; "Gobierno del Estado de Chiapas," *El Constitucional. Periodico oficial de Yucatán*, 23 de marzo 1859, 1.

¹⁹³ "Chiapas," *El Siglo XIX*, Feb. 7, 1868.

¹⁹⁴ "Chiapas," *La Sociedad*, Dec. 13, 1860, 3.

In January of 1859, *orteguistas* sacked and burned the city of Comitán, marking the culmination of a number of politically charged events. The most important was San Cristóbal's formal support of the Plan de Tacubaya (1857), through which Conservatives called for an end to President Benito Juárez's new Liberal reforms. Since his inauguration, Corzo, elected by the many Chiapans who had supported Juárez's Plan de Ayutla, had nonetheless been under attack from all sides. The federal government granted him extraordinary powers to deal with the situation, starting with moving the state capital from San Cristóbal to a more secure location at the Liberal stronghold of Tuxtla Gutiérrez. After a murderous scuffle in the fall of 1860 in Chanal and Chaculá, in which Ortega's troops were soundly defeated, Ortega again retreated into Guatemala, and many Liberal Chiapans thought they had seen the last of him.

Yet, on a national level, Conservatives in Mexico were just beginning to consolidate their counterrevolution. European forces under Napoleon III arrived in Veracruz in 1862 and defeated the Mexican liberals the following year. As Mexico awaited the arrival of Maximilian of Habsburg as the new "conservative" leader of Mexico's Second Empire, Ortega again invaded Chiapas in the summer of 1863, this time with the help of the priest Víctor Antonio Chanona, proclaiming for the "imperial cause" in their Plan de Yalmutz.¹⁹⁵ Once again targeting government documents, Ortega and his forces occupied San Cristóbal from August 1863 to January of the following year, burning down municipal archives in the ex-capital city. Ortega had gained control over the majority of Chiapas' departments (all except for Tuxtla and Chiapa in the southwest, both Liberal strongholds). After a ten-day battle in San Cristóbal, one thousand anti-Imperialist National Guard members from Chiapas and Oaxaca finally rid the state of Ortega

¹⁹⁵ Yalmutz was apparently the site near the Comitán-Guatemala border where Ortega made his pronouncement, in April of 1863, which supported the imperialist cause and pronounced Ortega "Prefecto Superior Politico y Comandante General del Departamento de Chiapas" (cited in Trens, *Historia de Chiapas*, 675-677).

and his followers. Having once again fled to Guatemala, this time through Tabasco, the *orteguistas* would return to Chiapas fleetingly in 1865.¹⁹⁶ Carrera died that year, depriving Ortega and Chacón of a critical supporter. The gradual collapse of the Mexican Empire between 1865 and 1867 also reduced the impetus for Ortega and Chacón's movement.

In the midst of these conflicts, Mexican imperial pursuits, Guatemalan political and territorial aspirations in Chiapas, and Chacón and Ortega's own political ends may not have been perfectly aligned. Yet, they capitalized on their ability to negotiate along the same jurisdictional fault lines between national, regional and local powers in a transnational context.

Conclusion

Like Soconusco's "neutral" status, the customs house harbored a space of negotiation between criminals and officials, political rivals, humble merchants and travelers, military men and judges. In many cases, it helped to create these categories of legality and illegality by imposing new forms of defense, collusion and surveillance upon them. The customs house, like the territory of Soconusco, acted like a manifestation of the state--it claimed territorial jurisdiction, attempted to enforce economic regulations, and organized people and resources into manageable aggregates and figures. Yet an examination of how customs houses operated along the Chiapas-Guatemala border suggests that, rather than imposing governmental imperatives, they provided tools that local, regional and transnational actors appropriated for other purposes. As was the case for military commanders in Chiapas and Guatemala manipulating the ambiguous jurisdictional status of Soconusco in the 1820s and 1830s, Ortega and Chacón used the customs

¹⁹⁶ "Reseña de varios sucesos acaecidos en el estado de Chiapas durante la intervención francesa en la República," *Boletín Republicano*, 29 de noviembre, 1867.

house and disputes over its control to achieve a variety of political and economic ends. Possibly more importantly, subalterns like Ortega, Chacón, and the various political interests of Comitán and elsewhere coincided and collaborated with far more socially-marginalized historical actors to make the customs house function as it did, providing opportunities for criminals, contrabandists and, indirectly, much of Chiapas' rural population to reconceive their relationship with both the Chiapan and Mexican governments. Like "neutral" Soconusco, the customs house was designed as a site of ambiguous jurisdiction by national executives. Yet, like Soconusco's function as a refuge for criminals and emigrants, the customs house was made subversive by the people who used it--contrabandists and corrupt officials. Finally, the protest at the customs house, like "invasions" and their threat in Soconusco, created openings for a variety of people to act outside the law, muddying the way jurisdictions were defined and providing space for them to be reinvented.

Like other features of nation-making, customs houses were representations of state authority which were jurisdictionally ambiguous from the very start, an ambiguity that was built into their existence. Political turnovers at the center potentially disrupted both their administrative functioning and the local balance of power. Customs houses therefore provide a useful lens for examining the ways in which "state-making" so often had to incorporate state-unmaking--and how critical corruption and criminality were to both of these processes.

Chapter 4

"Land Reform": Between Governmental Discourse and Fields of Corn

Introduction

In an effort to attract "industrious" foreign immigrants to Guatemala in 1884, President Barrios described some of his country's most enticing features:

We offer immense zones of unused national land, perfect for all kinds of crops; and those immigrants that are honorable and industrious can obtain these *for free*, while simultaneously enjoying various tax exemptions...we supply laborers...and we protect [these immigrants] and facilitate their accommodation in this country with ample resources....¹⁹⁷

Both Barrios (1873-1885) and Mexican president Porfirio Díaz (1876-1911) promoted changes in land use and land ownership in their respective countries, according to both their detractors and admirers, past and present.¹⁹⁸ In its most reduced form, the change these men

¹⁹⁷ Francisco Lainfiesta, *Apuntamientos sobre la República de Guatemala. Sus progresos desde 1871 a 1884 bajo el gobierno del Jeneral J. Rufino Barrios. Condiciones favorables para una inmigración de extranjeros laboriosos en la República* (Guatemala: Tip. "El Progreso"), 8 (italics from the original).

¹⁹⁸ For Chiapas under Díaz, see Henri Febvre, *Cambio y continuidad entre los mayas de México* (Mexico: Siglo Veintiuno Editores, 1973); Robert Wasserstrom, *Class and Society in Central Chiapas* (Berkeley: University of California, 1983); Antonio García de León, *Resistencia y utopía: memorial de agravios y crónicas de revueltas y profecías acaecidas en la provincia de Chiapas durante los últimos quinientos años de su historia* (Mexico: Era, 1985; repr. 1997); Thomas Benjamin, *A Rich Land, A Poor People. Politics and Society in Modern Chiapas*, rev. ed. (Albuquerque: Univ. of New Mexico Press, 1996); and, dealing specifically with the treatment of the inhabitants and transformation of the Lacandon forest, Jan de Vos, *Oro Verde: la conquista de la selva lacandona por los madereros tabasqueños, 1822-1949* (Mexico: FCE, 1988). According to De Vos, during the porfiriato los terrenos adjudicados correspondían al 90% del total registrado entre 1821 y 1910 (De Vos, *Oro Verde*, 242). More recently, Sarah Washbrook argued that by the porfiriato, racial hierarchies and the unequal dynamics they reproduced were the building blocks of every branch of Chiapas' state-making project. Writes Washbrook: "...the renovation of colonial race relations and the concentration of administrative power—which were justified by positivist theory along with camarilla politics and 'crony capitalism,' nurtured caciquismo and forced labor, both of which were integral to export-led modernization in Chiapas." See Sarah Washbrook, *Producing Modernity in Mexico: Labour, Race and the State in Chiapas, 1876-1914* (Oxford/ New York: Published for the British Academy by Oxford University Press, 2012), 170).

In one of the first comprehensive studies of the socio-economic effects of coffee in Guatemala, in 1985, historian Julio Cambranes credits Barrios with "[undertaking] to submit the peasantry to the yoke of the agricultural entrepreneurs," thus finally capturing the "unused" labor of far-flung rural communities, "[allowing]

helped facilitate amounted to the reduction of collectively-held, inalienable or untitled land, often inherited by the Church or indigenous communities since the colonial period, to privately-held land readily circulated in a market open to nationals and foreigners alike.¹⁹⁹ These kinds of reforms brought about drastic social, economic and political change that nonetheless had been occurring for decades and even centuries in many parts of Mexico and Guatemala before Barrios or Díaz ever came to power. Yet their respective administrations coincided with other changes

close mutual collaboration between the State which was based on coffee-cultivation and the landlords." See Julio Cambranes, *Coffee and Peasants: the Origins of the Plantation Economy in Guatemala, 1853-1897* (Stockholm: Institute of Latin American Studies, 1985), 128. Cambranes is one of a number of historians of 19th century Guatemala writing during the 1980s and 1990s with an emphasis on the "Liberal Reform" (beginning with the Liberal takeover in 1871) as the beginning of modernization and acceleration of export capitalism in Guatemala, especially through the cultivation of coffee, with its attendant exploitation of forced labor, takeover of indigenous lands, and proletarianization of the rural population. Other notable historians of Guatemala have joined Cambranes in their understanding of Barrios' presidency (1873-1885) as marking a substantial shift towards transforming Guatemala's economy into a more efficient producer of exports for the world economy, and towards pushing the secularization and "rationalization" of the Guatemalan administration, military apparatus, and various spheres of education. These include Jim Handy, *Gift of the Devil: A History of Guatemala* (Boston: South End Press, 1984); George Lovell, "Surviving the Conquest: the Maya of Guatemala in Historical Perspective," *LARR* 23:2 (1988): 25-57; Jean Piel, *Sajcabajá: muerte y resurrección de un pueblo de Guatemala, 1500-1970* (México: Centre d'études mexicaines et centraméricaines; Guatemala: Seminario de Integración Social, 1989); and Ralph Woodward, *Central America: A Nation Divided* (New York: Oxford University Press, 1976).

¹⁹⁹ Corporately-held land in both Guatemala and Chiapas during the colonial period amounted to the "fundo legal" (part of the town granted during the colonial period); "propios" (generally rented out to those outside of the pueblo); and "ejidos" (grazing lands or other resources to be shared among all the villagers as they saw fit) (see Jesús Antonio Cosamalón Aguilar, "Anotaciones sobre los juicios por terrenos baldíos en Chiapas a partir de los informes del juzgado (1851-1869)" *Revista Pueblos y Fronteras digital Historia y Antropología del deporte* 2 (2006): 1-21). According to Edgar Chutan, Joel A. Hernández, and Guisela Mayén de Castellanos, the "ejido" was land granted to the indigenous collectivity to enable them to pay tribute, and thus reinforced indigenous towns' many tributary duties. During the colonial period, depending on a number of variables, an indigenous "pueblo de indios" could buy land from the Crown, collectively, adding, alongside the *ejido*, "tierras comunales." After 1825, in many cases it was these "tierras comunales" that suffered from the push for privatization (Chutan, Hernández, and Mayén de Castellanos, *Propiedades colectivas*, 14). However, as land conflicts with other indigenous communities and with ladinos and other private landholders increased throughout the nineteenth century, "tierras comunales," "ejidos," and "fondos comunes," were often referred to indiscriminantly in documents dealing with land conflicts, purchase or titling. In this sense, "ejido" land, which every pueblo, indigenous or not, was legally supposed to have, was the preferred nomenclature for holdings that people were petitioning to expand, while those hoping to argue for the redistribution of another town's land tended to call it "tierras comunales" or "propios," under the argument that towns were holding these "in excess." For these reasons and others, encroachment on collectively-held land, or the demand that it be redistributed, was far more common and successful than encroachment on private lands. Linked to a more general, late nineteenth century turn towards liberal notions of economic "freedom" and innovation in both Mexico and Central America and legislation that asked for individual title holders, the transformation of collectively-held land into privately held plots had gained substantial currency by the 1870s and 1880s. As I will argue, however, private landholding by no means occluded the perceived right of towns to keep ejidos, especially in Guatemala.

in the world market, technology, communication, and worldviews that arguably accelerated the process through which private investment replaced that of cooperative or unregistered landholding, especially in the case of land held by indigenous communities and the Church.

Complicating this now-familiar narrative, revisionist scholars have argued that real changes in land use came either far earlier or far later; that they affected specific regions, economies and cultures very differently; that collectively-held land was consistently supported, even while subsistence use of it was not; or that preserving subsistence agriculture was necessary to support export-based economies, and thus they coexisted.²⁰⁰ As Robert Carmack lamented as early as 1972,

Many authors have commented on the bad treatment of the indigenous people at the hands of Barrios and his government....Yet few studies exist dealing with the way in

²⁰⁰ For Guatemala under Barrios more generally, Gudmundson and Lowell, and René Reeves argue that such dislocations began far earlier, under the Conservatives, but these not account for many of the socio-political processes and commercial networks in which many late nineteenth century Guatemalans were involved. See Lowell and Gudmundson, *Central America, 1821-1871. Liberalism before Liberal Reform* (Tuscaloosa: University of Alabama Press, 1995); and Reeves, *Ladinos with Ladinos*. Greg Grandin points to the need to look at Barrios' reforms regionally, with an eye to the way he favored different groups at different times in the name of political pragmatism (Grandin, *The Blood of Guatemala*, 112-113). The work of number of historians and ethnographers reinforces this emphasis on looking carefully at different regions, cultures, economic dynamics and political situations within Guatemala to make any assertions as to the real effects of Barrios' regime on rural communities. See, for example, Carol Smith, ed., *Guatemalan Indians and the State, 1540-1988* (Austin: UT Press, 1990); George Lovell, "The Century After Independence" *Canadian Journal of Latin American and Caribbean Studies* 19:37-38 (Jan. 1994): 243-260; Stefani Gallini, *Una historia ambiental del café en Guatemala: la Costa Cuca entre 1830 y 1902* (Guatemala: Asociación para el Avance de las Ciencias Sociales en Guatemala, 2009); García Vitorazzi, *Acción subalterna, desigualdades socioespaciales y modernización: la formación de actores y circuitos del comercio indígena en Guatemala, siglos XIX y XX* (Louvain-la-Neuve, Belgique: Presses Universitaires de Louvain, 2010). David McCreery argues that regional differentiation can be divided according to the following general outline: towns in the coffee piedmont, which were for the most part taken over by coffee cultivation leaving residents forced to work as laborers on the plantations; towns in Alta Verapaz, in north-central Guatemala, where there was enough unused land to accommodate both subsistence agriculture and the new coffee estates; the communities next to the coffee piedmont, for example in San Marcos, who had continuously used the lowlands seasonally and spent much of the last half of the century fighting against land loss, "with varying success"; highland towns with access to lowland plots, which in some cases lost their lots to new ladino residents or were able to relocate and set up new towns in the lowlands; and highland towns without access to lowland plots, who were for the most part limited to fighting tenaciously amongst themselves for dwindling land and dwindling alternatives to finca labor. See David McCreery, *Rural Guatemala, 1760-1940* (Stanford: Stanford University Press, 199), 242-247..

which these [liberal] reforms were put into practice in the pueblos, and how indigenous people reacted to them.²⁰¹

The following chapter presents the function of land conflict and "reform" differently; that is, as a "space" within which the government had to collaborate with, and often cede to, the communities and economies it was legally and discursively attempting to transform or even eliminate. My research shows that indigenous and ladino pueblos in 1870s and 1880s western Guatemala and eastern Chiapas used two related discourses that were effective in defending collectively-held land against its use by private entrepreneurs. These included the argument that "communal lands," variously defined, had to be defended against foreign aggressors.²⁰² Both communities as a whole and government representatives (*jefes políticos*, foreign ministers, and president Barrios) made this claim to successfully defend territory against its entitlement by private entrepreneurs. Secondly, I argue that, in the Guatemalan case, this claim often overlapped with a defense of "national territory," made by Guatemalan government officials and punctuated by community efforts to uproot border markers and even replace them with national flags. In both cases, land reform, like customs houses, contradicted a rhetorical or symbolic presence of state power--or in the case of the "neutral territory" of Soconusco, contradicted the claim that neither the Guatemalan nor Mexican governments had control over the area. In place of this facade of governmental control, a space where governmental jurisdiction can be endlessly negotiated--even demands negotiation--is revealed.

My approach combines those of other authors in unique ways. My findings for the Chiapas-Guatemala border coincide with the work of other scholars emphasizing governments'

²⁰¹ Robert Carmack, *Historia social de los quichés* (Guatemala: Editorial "José de Pineda Ibarra," Ministerio de Educación, 1979), 245.

²⁰² See footnote 207 for a discussion of the term "communal lands."

use of frontier communities as cheap and effective sources of national defense, often resulting in special "contracts" (written or unwritten) between the national government and these communities which gives them certain privileges or guarantees not enjoyed by more internally-located citizens.²⁰³ Yet, in the case of the Chiapas-Guatemala borderlands, labor shortages during this period, which marked a surge of support for export agriculture on both sides of the border, were added to the need for cheap national defense, giving potential laborers leverage over both their employers and national jurisdictional constraints.²⁰⁴ Like other scholars analyzing the effects of nineteenth-century intensification of commercial agriculture in Chiapas and Guatemala, I also emphasize the importance of looking at particular local, regional and transnational political dynamics and the degree to which these, rather than law or official discourse, kept land in the hands of local groups rather than private entrepreneurs.²⁰⁵ Finally, I argue that the particular territorial and economic aims of Justo Rufino Barrios, Guatemalan president from 1873 to 1885, supported the creation of a zone of constantly shifting political alliances between elite families, foreign interests, military commanders and subsistence farmers

²⁰³ See, for example, Hal Langfur's discussion of the Portuguese governor of Minas Gerais using the Botocudo indians to help stop smuggling through eastern Brazil, in his *The Forbidden Lands: Colonial Identity, Frontier Violence, and the Persistence of Brazil's Eastern Indians, 1750-1830* (Stanford: Stanford University, 2006).

²⁰⁴ This dynamic of more flexible or amenable labor conditions on the frontier as a result of a labor shortage has also been documented by other scholars in different contexts. See, for example, Flávio dos Santos Gomes' "'A Safe Haven': Runaway Slaves, *Mocambos*, and Borders in Colonial Amazonia, Brazil" *HAHR* 82, no. 3 (2002): 469-498, which looks at the ability of runaway slaves to maintain favorable labor conditions on both sides of the northern colonial border of Brazil (what is now Amapá).

²⁰⁵ Most critical studies of indigenous communities' reactions to the increase in commercial agriculture in late nineteenth-century Guatemala have tended to have a local focus, though even scholars of these ethnographic or microhistorical studies attempt to make much broader generalizations based on attempts to envision a more "national" history (see, for example, Jean Piel's *Sajcabaja*). Though Chiapan historiography and ethnography also boasts its fair share of local studies of particular communities, such as Sonia Toledo Tello, *Fincas, poder y cultura en Simojovel Chiapas* (Tuxtla Gutiérrez: Universidad Nacional Autónoma de México, Programa de Investigaciones Multidisciplinarias sobre Mesoamérica y el Sureste: Universidad Autónoma de Chiapas, Instituto de Estudios Indígenas, 2002) and Robert Wasserstrom, (*Class and Society*), Chiapas has, for the most part, been studied as a regional whole, for example in the works of Thomas Benjamin (*A Rich Land, A Poor People*), Antonio García de León (*Resistencia y utopía*) and, more recently, Sarah Washbrook (*Producing Modernity*).

along the Chiapas-Guatemala frontier.²⁰⁶ Together, these factors supported unique collaborations between national and local officials and poor communities to protect collectively-held lands, collaborations that have been almost entirely ignored in the historiography of nineteenth century Chiapas and Guatemala. Land conflict, in this case, functioned not as a site for the imposition of governmental regulations but their negotiation.

This chapter has five sections. The first introduces the modernizing plans of Mexican ex-Treasury Minister Matías Romero and the new Guatemalan president Justo Rufino Barrios. In the second and third sections, I present cases of indigenous groups successfully overriding these men's plans through preserving or expanding their holdings. In the first case, they defended their "communal lands" to combat rival entrepreneurial competition in the same area. In these examples government officials supported indigenous claims based upon inherited rights and age-old occupation, despite the fact that these principles had lost ground both legally and discursively.

Guatemalan indigenous and *ladino* communities also employed arguments based in "defending the nation" against "Mexican usurpation" to defend their land base. Independently of efforts to "nationalize" these communities at the executive level, various groups were choosing to defend their local interests in nationalist terms. Nativism and nationalism could therefore cut both ways--to defend the state-building project of creating local alliances to the center, as well as support individual and community efforts against dislocation. In the process, agents of the

²⁰⁶ The historiography of Justo Rufino Barrios consists almost entirely of either chronologies of laws, decrees, wars and policies, or semi-fictional reconstructions of his private life--or a combination of both. See, for example, Thomas Herrick, *Desarrollo económico y político de Guatemala durante el periodo de Justo Rufino Barrios, 1871-1885* (Guatemala: Editorial Universitaria de Guatemala, 1974); Casimiro Rubio, *Biografía del General Justo Rufino Barrios, reformador de Guatemala, Recopilación histórica y documentada* (Guatemala, Impreso de la Tipografía Nacional, 1935); and José Santacruz Noriega, *Barrios, el pacificador: gobierno del general don J. Rufino Barrios* (Guatemala: Delgado, 1983); and *Barrios, dictador: gobierno del general J. Rufino Barrios (1876-1879)* (Guatemala: Tipografía Nacional, 1996). Despite their many uses, these histories do not point to Barrios' local politicking in the southwest or his transnational identity between Soconusco and San Marcos, which I argue are key to understanding both his interests and his policies.

Mexican and Guatemalan governments helped diminish the features most attractive to foreign investors: "immense zones" of unused land, a steady supply of laborers, and "protection."

It was therefore to the advantage of the Mexican and Guatemalan governments to retain an only loose control over land reform. This was a choice, not a result of weakened centralized control over the periphery. The strategies used by communities to defend their land claims reflected how local, regional and national politics had become inseparable, and could only be triangulated via constant renegotiation. In the case of western Guatemala and eastern Chiapas, local and regional leadership over border politics unavoidably determined national policy. This chapter thus challenges traditional historiographical narratives of "state," "elite," or "commercial" winners and losers, as well as stark dichotomies posited between late nineteenth century "liberal" policy and "traditional" community responses.

Transforming the Guatemalan Southwest: Barrios and Romero Make Plans

You may run into some Indians ...from Tajumulco and Sibinal, Guatemalan towns that have there, [without title], their corn fields and their *ranchos*...don't bother them at all...because it helps us for them to stay on the land so that we have workers; in regards to the rest, I will make sure that none of them disturb the *finca*.²⁰⁷

Justo Rufino Barrios made this suggestion to Mexican ex-Treasury Minister Matías Romero, who was in the process of surveying his new plot of land along the as-yet undrawn Chiapas-Guatemala border in the early 1870s. Meeting after the Guatemalan "Liberal" Revolution of 1871, both men appeared hopeful that their mutual political and economic interests would lead to the acceleration of "progress" in both countries.²⁰⁸

²⁰⁷ Matías Romero, *Refutación*, 16.

²⁰⁸ Here I am referring to the Spencerian notion of "progress," as the enhanced capacity of human beings to better their lives due to such things as technology and education, with all the implications of "advancement" and

Barrios' advice to Romero regarding the indigenous residents of Tajumulco and Sibinal seemed typical of the time and place. Replacing "Indians" with private entrepreneurs (like Romero) in the export-driven coffee market had come to define "progress" in Chiapas and Guatemala during this period. Laws promulgated in Guatemala throughout the 1870s and early 1880s, like their earlier counterparts in Mexico, encouraged private takeover of "unused" or inalienable lands, those held collectively by the Church or indigenous communities, or which remained untitled (regardless of whether they were being cultivated).²⁰⁹ In place of supposedly unproductive collective or untitled land use, private ownership would insert these lands into the market economy, stimulate investment, and nudge somnolent ecclesiastics and "lazy Indians" into an accelerating capitalist economy. According to one supporter, by 1878, Barrios and his 1870s decrees

threw out of the convents the propagators of ignorance, superstition, and fanaticism...transforming those havens of laziness and dirtiness into useful establishments for the state: ...houses of correction, the Military Academy, the general telegraph office,

"backwardness" that may imply. Though scholars have long debated the role of positivism in Latin American political thought, it has generally been seen as influential among policy-makers in Guatemala and Mexico during the 1870-1880 period, especially in the Spencerian version which many saw as blaming poverty on cultural and educational backwardness. For understandings and applications of positivist thought in Guatemala, see Artemis Torres, *El pensamiento positivista en la historia de Guatemala, 1871-1900* (Guatemala: Caudal, 2000). An excellent discussion of the porfiriato's version of positivism and what it meant for policy is Natalia Priego, "Porfirio Díaz, Positivism and 'the Scientists': A Reconsideration of the Myth" *Journal of Iberian and Latin American Research* 18, no. 2 (December 2012): 135-150. Though Priego admits that socio-racist thinking governed much of the policy-making during Díaz's term, she questions whether it should be called "positivist" or whether all the "científicos" were these policies' main source of inspiration.

²⁰⁹ In Chiapas, laws attempting to change the landscape of property holdings began in 1826, when claiming "baldío" land for individual purchase was legalized. In 1844, all non-titled land was for the first time officially designated as baldío and open for measurement and sale. As we have seen, the 1855 Ley Lerdo aimed to put up for sale to individuals corporately-held lands. Nonetheless, an 1878 law suppressing ejidos is strong evidence that they continued to exist well after the Lerdo Law was issued. According to a number of scholars of Chiapas, however, by the end of the century, indigenous corporate lands had been completely taken over by private investors (Benjamin, *A Rich Land*, 44; Washbrook, *Producing Modernity*, 112; Toledo Tello, *Fincas, poder y cultura*, 45). This should can be contrasted with Guatemala, where, despite a number of laws encouraging land's accumulation in private hands, many ejidos continued to be respected (albeit unevenly) and collective land-holding continues to exist in Guatemala today (McCreery, *Rural Guatemala*, 242-243; Chutan, Hernández, and Mayén de Castellanos, *Propiedades colectivas*, 31).

large warehouses for customs...which have lent great stimulus to agriculture, carpeting an extensive zone with coffee and sugar cane....²¹⁰

For Matías Romero, Guatemala was the model for Soconusco to follow. He claimed that the Sierra Madre, which spanned both Guatemala and southern Chiapas, was ideal for coffee production. According to Romero, land in Guatemala that was "completely uninhabited" had transformed "suddenly" into a well-cultivated countryside; towns and cities in decay had "risen magically and become increasingly richer"; every day new roads were built; commerce quickened; federal monies increased; and the state's credit stabilized. There was no reason why Chiapas could not achieve these same results.²¹¹

Romero had returned to Mexico from the U.S. in 1868, when his role as Mexican Minister to the U.S. during Mexico's Second Empire (1862-1867) had ended. His good friend Benito Juárez, who would later resume the presidency, had asked Romero to act as Treasury Minister from 1868 to 1872 to a country in which agriculture, according to historian Daniel Cosío Villegas, "was not able to extract itself from the complete prostration in which it found itself" during the recent war.²¹²

Romero was to make sure national debts were regularly paid, the government's assets grew, schools and roads were built, and costs were reduced. He promoted the cultivation of coffee, which he decided to experiment with personally in Soconusco. After consulting local agriculturalists and studying a number of treatises on coffee production, Romero was assured

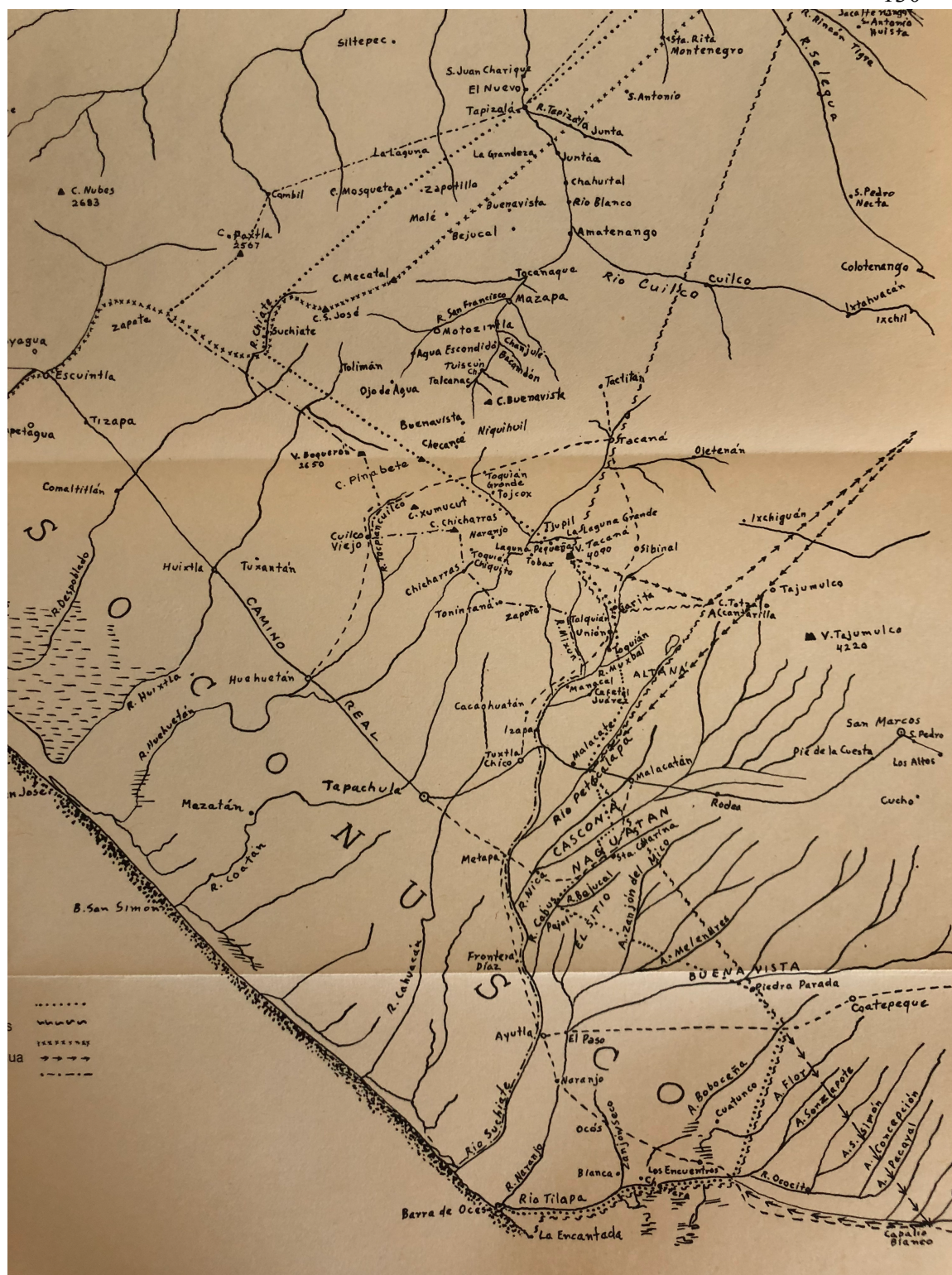
²¹⁰ A.V. García, "Guatemala y sus progresos en presencia de la reacción," Guatemala: "El Progreso," 1878.

²¹¹ Matías Romero, *Cultivo de café en la costa meridional de Chiapas*, 4th ed., Mexico: Oficina Tip. de la Secretaría de Fomento, 1893 [1874], 12-15, University of California Libraries reprint, 2015, 6.

²¹² Daniel Cosío Villegas, "El Porfiriato: la vida política exterior," Vols. 5-6, in *Historia Moderna de México*, by Daniel Cosío Villegas, Francisco Calderón, Moisés González Navarro, Luis González y González, and Emma Cosío Villegas (Mexico/Buenos Aires: Editorial Hermes, 1955-1974), 52-54; Toussaint, "Los negocios de un diplomático: Matías Romero in Chiapas," *Latinoamérica. Revista de Estudios Latinoamericanos* 2, no. 55 (Sept. 2016): 135.

that "the quality of the land, the nature of the climate, the humidity in the atmosphere, the abundance of rains, the great number of streams and slopes, [and] the shelter from the prevailing winds" would enable exploitation of a substantial quantity of cheap, unused land in Soconusco. All these factors made this region's possibilities for the production of coffee essential to the "wellbeing of a considerable portion of the state [of Chiapas]." ²¹³

²¹³ Matías Romero, *Cultivo de café*, 12-15.



Map # 4 Soconusco and Chiapas' southeastern border with Guatemala in the 1870s (from Zorrilla, *Relaciones de México*, 329).

Romero was well aware of Soconusco's history as contested territory and well-versed in the arts of international diplomacy. He nonetheless saw the coincidence of his personal interest in the conflictive area and Mexico and Guatemala's newly-formed liberal republics (Mexico's in 1868 and Guatemala's in 1871) as indicative of imminent progress, diplomacy and territorial stability on Mexico's southeastern border. As Romero later related, "I felt that since Guatemala had established an administration which I saw as liberal, and which I thought had friendly intentions towards Mexico" he did not believe that the Barrios administration

...would continue the system of previous administrations, of organizing invasions of our territory...it seemed to me too that, now that peace was once again established, the [Guatemalan] federal government would not permit these invasions to continue.....²¹⁴

Justo Rufino Barrios, the recently triumphant Guatemalan revolutionary, appeared to have similar visions of Guatemalan transformations. His visions of productive coffee *fincas* (estates) encouraging regional and national development, foreign immigration and local entrepreneurship were clearly reflected in the new laws he promulgated and his encouragement of industrious immigrants. These men's aspirations for reform in the Chiapan southeast and Guatemalan southwest thus appeared compatible, at least initially.

Yet Barrios' positioning as a native of San Marcos and eventual president of the Guatemalan nation would color the strategies he eventually pursued in bringing about his version of land reform. As a native, he was more aware than Romero of the complexity and influence of local politics on any attempted changes in the area. As president, he was equally concerned with achieving the fragile balance between regional political and economic demands and bringing about his own ideals of reform. These factors, as well as the particular demands of communities he aimed to incorporate in his reforms, would eventually force him to confront many of the laws

²¹⁴ Romero, *Refutación*, 12, doc. 39.

and reformist discourse which he had helped create. In addition to making land and labor available to industrious immigrants, he would often participate in opposing tactics, including supporting banditry and contraband, distributing land to indigenous communities, and eventually demanding Romero's exit from the area.

For Barrios, the liberal revolution represented access to land and power that was long overdue. In contrast to Romero, Barrios had spent all of his life in the jurisdictionally ill-defined region straddling San Marcos, Guatemala, and Soconusco, Chiapas. For most of this period he had not been a public official, but instead had dabbled working as a notary and watching over his father's hacienda, "El Malacate." He had survived more than a few encounters with corrupt authorities to whom he had been forced to bend, and he had been one of the military leaders of a bloody coup that had ousted the previous president of Guatemala and the Conservative party. Through Guatemala's 1871 revolution, however, Barrios had become second chief of the Republic, acting as military commander of the southwestern departments, yet making frequent visits to the capital, where he acted as interim chief on various occasions. Becoming president in 1873, he issued many Liberal reforms to "advance" the Republic after 30 years of Conservative "archaism."

Much of Barrios' pre-1871 life reflected the effects on *sanmarquense* ladinos of Guatemala's plummeting economy and gradual turn towards coffee cultivation in the 1860s. According to Daniele Pompejano, the period from 1860 to 1863 marked a nadir in the Guatemalan economy. By the mid-1850s, cochineal dye, produced from native insects, had lost its importance as a Guatemalan export, due to the rise in popularity of its synthetic replacements. Though some coffee had already started to be cultivated as an alternative export, it still had not gained the prominence needed to make an important difference in the national economy.

Guatemala's war with El Salvador in the early 1860s depleted the national budget, rendering Guatemala dependent on loans from London, which did not materialize until 1869.²¹⁵

Despite later fame as the "Cradle of the Reformer" (*la cuna del Reformador*), Barrios' hometown of San Lorenzo, San Marcos, was a small agricultural community which, only two decades before Barrios' birth, did not yet have the two hundred inhabitants required to merit the installation of local juridical authorities.²¹⁶ Though his family appears to have owned substantial amounts of land, they were by no means members of an "elite," and even the municipality of San Marcos itself was hardly on par economically or politically with neighboring Quetzaltenango. The Barrios family lands, furthermore, were dispersed and used according to the traditional divide between cultivating wheat in the highlands, raising cattle, pigs, horses and subsistence crops in the lowlands, and maintaining coastal interests in cattle and sugar. As on ranches and farms throughout San Marcos, this division of rotating crops, products and ecological niches preceded coffee's demand for a permanent highland plot in continuous use.²¹⁷

Though Guatemalan presidents Rafael Carrera (1844-1865) and Vicente Cerna (1865-1871) had pursued policies that supported the change to coffee exportation before the Barrios' arrival into power in 1873, sanmarquenses felt little change in their economic situation. Carrera and Cerna had promoted road, railroad and port building, and widened the market in untitled land, especially in the Verapaz (northern central) and Costa Cuca (Pacific piedmont) regions,

²¹⁵ Pompejano, *La crisis*, 1-2.

²¹⁶ These authorities included an *alcalde* (first magistrate), *regidores* (secondary local magistrates or councilors), and a *procurador síndico* (lawyer's clerk or treasurer). See Juan Enrique del Aguila, *Información histórica geográfica del departamento de San Marcos* (Guatemala: Foto Publicaciones, 2005), 19. According to Romero, the *alcalde* of a municipality was equivalent to a magistrate, while the *alcalde* of a larger district is a mayor (Romero, *Refutación*, 33).

²¹⁷ Rubio, *Biografía*, 15.

where coffee had a promising future.²¹⁸ Yet administrative support could only go so far at these early stages. Coffee took at least three years to begin producing enough to make a profit, and it required a particular climate, continuous waves of part-time laborers, and a substantial source of credit.²¹⁹ Without a banking system and with the Church still the most important source of loans, few large-scale coffee entrepreneurs could survive without overseas financing. The Verapaz was not densely populated and thus land entitlement by future coffee producers was fairly streamlined.²²⁰ Yet in the Costa Cuca land surveyors and purchasers ran into greater problems. *Ladino* ranchers from Los Altos and early coffee entrepreneurs were taking over what appeared to be abandoned land but was actually common lands of indigenous Mam (Mayan) communities used seasonally or permanently. Further, despite the fact that Carrera and Cerna had promoted efforts to enhance Guatemala's infrastructure in terms of roads and ports in this area, these had made very little headway by 1870, and thus transporting tools, goods and labor to and from plantations, not to mention embarking the finished product for worldwide consumption, was extremely costly and often impossible.

In the department of San Marcos specifically, *ladinos* attempting to title and cultivate new lands resented the relative territorial control of the Mam communities of San Pedro Sacatepéquez, also in San Marcos. The indian *república* that had been San Pedro Sacatepéquez prior to independence had included the municipality of San Marcos, a *ladino* "barrio" that had,

²¹⁸ Wayne Clegern, *Origins of Liberal Dictatorship in Central America: Guatemala, 1865-1873* (Niwot: University Press of Colorado, 1994), 44-46.

²¹⁹ Romero, *Cultivo del café*, 105; and Lurtz, "Exporting from Eden," 111-132.

²²⁰ Julie A. Gibbings "'Another Race More Worthy of the Present': History Race and Nation in Alta Verapaz, Guatemala, 1860s-1940s" (PhD dissertation, University of Wisconsin, 2012) and "'In the Shadow of Slavery': Historical Time, Labor, and Citizenship in Nineteenth-Century Verapaz, Guatemala," *Hispanic American Historical Review* 96:1 (Feb. 2016): 73-103; and Arden King, *Cobán and the Verapaz: History and Cultural Process in Northern Guatemala* (New Orleans: Middle American Research Institute, Tulane University, 1974), 90-93.

even during colonial times, demanded municipal autonomy with its own common lands.²²¹

Similar petitions recurred after independence. During the republican era's reshuffling of towns, *ladinos* were able to advance themselves politically at the municipal level, facilitating their acquisition of land at the expense of indigenous communities. By 1825, the town of San Marcos had been transformed from a *pueblo* to a *villa*, and seven years later became the seat of the new District of San Marcos. By 1866 it became the capital of the Department of San Marcos.²²² It was during this period, just before Barrios' involvement in the movements leading up to the 1871 coup, that Barrios acquired his hacienda, El Malacate, which straddled the Mexico-Guatemala border.

Despite the apparent growth of San Marcos at San Pedro Sacatepéquez's expense, anthropologist John Hawkins and others argue that the *sanpedranos* were able to retain a stable economic base and a solid community structure through the 1830s.²²³ San Pedro Sacatepéquez's continuing ability to remain economically active and politically quasi-independent throughout the nineteenth century (albeit excluded from access to many national political positions) was likely a source of irritation for the *ladinos* of San Marcos, including Barrios.²²⁴ In Barrios' military campaigns to oust Cerna, San Pedro Sacatepéquez was crucial to the governmental defense of Quetzaltenango in 1867 and 1869, and became the temporary site for governmental

²²¹ According to John Hawkins, in 1793 San Pedro Sacatepéquez petitioned to add crown lands to their *ejido* because of a growing population, but instead this land was granted to the municipality of San Marcos, due to the *corregidor* of Quetzaltenango's agreement with their appeal to San Marcos' "Spanish descent" and its poverty as compared to its native neighbors (John Hawkins, "Ethnicity and Family in Western Highland Guatemala," PhD dissertation, University of Chicago, 1978, 134, 137, and 139).

²²² Hawkins, "Ethnicity and Family," 133.

²²³ Hawkins, "Ethnicity and Family" and Leslie McKean Dow, "Ethnicity and Modernity." Hawkins attributes their success to the ability to restrict consumption within the community, their access to market routes, and their use of the Spanish language from an early date (Hawkins, "Ethnicity and Family," 198.)

²²⁴ Regarding their political marginalization and simultaneous economic success in the nineteenth and twentieth centuries, see Hawkins, "Ethnicity and Family," 152-223.

forces when Barrios occupied Quetzaltenango in May 1871.²²⁵ All of these factors would have made Barrios' hopes of reducing San Pedro's land claims in the area all the more urgent.²²⁶

Emigrados and revolutionaries on "El Malacate" property began planning for change since the late 1860s. Almost immediately after Barrios and García Granados' triumphant coup in the spring of 1871, they opened the Champerico port near the boundary with Mexico.²²⁷ Despite the fact that he did not arrive at the presidency until 1873, Barrios' influence prompted many of the earliest and most radical political and economic reforms, including freedom of religion, abolition of ecclesiastical fueros, and consolidation of Church properties in the hands of the national government.²²⁸ Even after his takeover of the presidency in May of 1873, he ruled without a constitution until 1880, invoking martial law and overseeing the dissolution of the Constitutional Assembly on repeated occasions.²²⁹ Barrios expedited a number of decrees to radically transform Guatemala's economy and society. The 1877 Reglamento de Jornaleros (Day-Laborers' Law) enabled coffee growers to take highland indigenous residents as seasonal

²²⁵ Clegern, *Origins of Liberal Dictatorship*, 72, 79, 111.

²²⁶ According to Matilde González-Izás, Barrios' early years of revolution would also be witness to numerous indigenous revolts against land encroachment and privatization in the piedmont (24 uprisings occurred between 1860 and 1869) and his rise to power would demand he fight ten more of these. See *Modernización capitalista, racismo y violencia en Guatemala (1810-1930)* (Mexico: Colegio de Mexico, 2014), 291. As Grandin and others have argued for both Chiapas and Guatemala, indigenous communities increasingly embraced privatization as a way to keep their lands and legitimize their hold on those lands, as well as to sell them and make needed cash for the new monetary demands, such as the 1873 road-building tax (Grandin, *Blood of Guatemala*, 117-119).

²²⁷ According to Romero, however, coffee cultivators from places like El Rodeo, near where El Malacate was located, would continue to depend on the Soconusco port of San Benito, which they had easier access to than Champerico. In this sense, Champerico benefited the coffee business out of Quetzaltenango, and its piedmont area, far more than it did that of San Marcos (Romero, *Refutación*, 21).

²²⁸ Herrick, *Desarrollo económico*, 63, 66, 175. See, also, Santacruz Noriega, *Barrios pacificador*, 1-29.

²²⁹ Herrick, *Desarrollo económico*, 63; Santacruz Noriega, *Barrios pacificador*, 117-149.

laborers against their will, as needed.²³⁰ Also in 1877, all communal "Crown lands" (inherited from the colonial period) could be reduced to private property, thus forcing indigenous communities to move elsewhere or buy private lots.²³¹ Similarly, corporately held land began to be nationalized in 1873, forcing indigenous communities to cede land to wealthy private owners (though the pace of this conversion depended greatly on its suitability for coffee cultivation).²³² By 1881, a circular announced that any indigenous inhabitants unwilling to comply with the new labor laws should be jailed.²³³

Meanwhile, Barrios made broad use of his dictatorial powers to expand, organize and train the military (from which indigenous residents were excluded) and to create a personal police force.²³⁴ Military subalterns were also often given nationalized lands or political positions in outlying departments, building a regime of land-renters and labor contractors as a secondary

²³⁰ Up to sixty workers for up to two weeks. Though these were never permanent recruits, they could be solicited again and again. The only people exempt from this draft would be debt peons, who of course were already reduced to servitude on plantations (McCreery, *Rural Guatemala*, 188-189).

²³¹ Decree 170 (enero 8, 1877): "Manda proceder a la redención de los capitales representativos de dominio directo de los terrenos concedidos en enfiteusis," cited in Gobierno Nacional de Guatemala, *Indice de las leyes emitidas por el gobierno democrático de la República de Guatemala: desde el 3 de junio de 1871, hasta el 30 de junio de 1881* (Guatemala: Tipografía Progreso, 1882). This decree suppressed "censo enfiteutico," or the "contract" between the Crown and tribute-paying indigenous pueblos, permitting individuals to sell parts of the ejido and tierras comunales. Chutan, Hernández and Mayén de Castellanos cite Decree 170 as the most effective in creating "minifundias," owned by non-indigenous landholders, out of what was once indigenous collectively-held land granted to pueblos by the Crown.

²³² In July of 1873, all "unused" land (*baldíos*) in the piedmont (also called the Boca Costa, considered prime coffee cultivating territory by the 1860s) was put up for sale; Decree 104, of August 27, 1873 consolidated all Church and *cofradía* (lay brotherhood) properties to be taken over by the state; while in November and December of the same year previous convent properties were nationalized and others were auctioned off (Gobierno Nacional de Guatemala, *Indice de las leyes...*) For an analysis of these laws and decrees, as well as their predecessors and their consequences, see Luis Mariñas Otero, *Las Constituciones de Guatemala* and Artemis Torres Valenzuela, *El pensamiento positivista*.

²³³ McCreery, *Rural Guatemala*, 188-189.

²³⁴ José Santacruz Noriega, *Barrios, el pacificador*, 117-130; McCreery, *Rural Guatemala*, 179-181; and Herrick, *Desarrollo económico*, 77-78 and 81-82.

motor to the coffee economy.²³⁵ Between 1871 and his assumption of the presidency in 1873, Barrios retained his position as military commander of the southwestern departments, using his position to carve up the area for development. He allotted large expanses of land to family members and allied military officers, while he distributed smaller plots as well as positions in the municipal or departmental governments to his military clique of junior officers.²³⁶ Key to Barrios' management and reproduction of political and military favors was his efforts to create *ladino* towns in place of indigenous ones.²³⁷ Barrios' choice to install new military headquarters in Tacaná also followed this pattern.

Tajumulteco, Sibinalense, and Tacaneco Responses

As Barrios had anticipated, Romero did encounter Guatemalan highland residents from San Marcos, along with Mexican competitors, in the areas where he aimed to establish title. According to Romero, his interest in the area which he would later baptize "Cafetal Juárez" was initially fairly minimal, since he believed the altitude of the land rendered it a less than ideal spot

²³⁵ For Guatemala generally, see McCreery, *Rural Guatemala*, 256-257, 259; and Rubio, *Biografía*, 163, 210, 219; 261. For Huehuetenango specifically, see Adrián Recinos, *Monografía del departamento de Huehuetenango* (2nd ed., Guatemala: Ministerio de Educacion Publica, 1954); and David McCreery and Jorge Luján Muñoz, "Tierra, trabajo y conflicto en San Juan Ixcoy, Huehuetenango, 1890-1940," *Anales de la Academia de Geografía e Historia de Guatemala* no. 63 (January 1989): 101-112. For El Quiché, see Piel, *Sajcabaja*, 314-352. For the Huehuetenango-San Marcos-Quetzaltenango borderlands, see Robert Carmack, "State and Community in 19th century Guatemala: the Momostenango Case" in *Guatemala Indians and the State*, 121-122. Finally, for San Marcos and the Bocacosta see González-Izàs, *Modernización capitalista*, 138-156 and 250-330.

²³⁶ Matilde González-Izàs, *Modernización capitalista*, 293.

²³⁷ Gallini, *Una historia ambiental*, 81. Regarding San Carlos Sija's transformation from a "pueblo Mam" to a *ladino* municipality, see Rainer Hostnig, ed., *Esta tierra es nuestra: compendio de fuentes históricas sobre denuncias, medidas y remedidas, composiciones, titulaciones, usurpaciones, desmembraciones, litigios, transacciones y remates de tierra*(Quetzaltenango: Centro de Capacitación e Investigación Campesina, 1997-1998), 517-768.

for growing coffee.²³⁸ Yet, having heard that a number of Barrios' "enemies"-- Sebastián Escobar, Estanislao Ortiz, and others-- were planning on making a bid for it, he decided to preempt their actions to protect Barrios's property from encirclement.²³⁹ His land would cover the "unused" (*baldio*) land west of Union Juárez to the Petacalapa River in the east (which Romero insisted was Mexico and Guatemala's agreed-upon boundary) and north of Barrios' El Malacate to Talquián in the north (see Map #2).²⁴⁰

Less than a month after the area was surveyed, in September of 1873, a group from Tajumulco, San Marcos, came to occupy Altaná, included in Romero's new property. The group from Tajumulco destroyed Romero's survey markers.²⁴¹ After informing President Barrios of the event, Barrios assured him that the markers had been "put back." Romero returned to the site before the spring rains in 1874 to begin working again on his plot.²⁴² Though groups of indigenous *milperos* (corn growers) from the department of San Marcos were present, Romero claimed that they appeared disinclined to violence towards him.²⁴³ However, in early April 1874,

²³⁸ Romero, *Refutación*, 18.

²³⁹ A number of these were emigrants, expelled by Barrios (Romero, *Refutación*, 18).

²⁴⁰ In total, the "cafetal Juárez" included one area where corn was first cultivated; the rancho of someone named Tomás de Rodas; coffee plots in Altaná; a section in Naranjo; and a section in Muxbal. Romero's land was surrounded by various other plots, taken up by Mexicans and Guatemalans alike (Romero, *Refutación*, 19).

²⁴¹ Romero, *Refutación*, 24. While in much of this following section I rely on Romero's detailed "Refutation" of the Guatemalan government's accusations of him (a document which, in its turn, includes numerous supporting documents) I also use both the Guatemalan and Mexican government *Memorias* (end of the year summaries for each branch of government), Andrés Dardón's refutation of Romero's refutation (to which Romero responded with his *Bosquejo...*), as well as newspaper reports in both countries. For the most part, however, my emphasis is on Romero's aspirations for cultivating coffee in the area and his perceptions of the problems, which I argue reflect the disconnect between ideals of progress and procedures for acquiring and cultivating land, on the one hand, and varied local uses and political interests in that land on the other.

²⁴² Romero, *Refutación*, 29.

²⁴³ Romero, *Refutación*, 31.

the secretary of the town council (*ayuntamiento*) of Sibinal, another municipality of San Marcos demanded in writing that Romero leave the area or suffer "fatal consequences."²⁴⁴

When Romero again complained to Barrios, he responded that he had told the *jefe político* of San Marcos to order the people of the nearby highland towns of Tajumulco, Tacaná, and Sibinal to treat Romero "as a resident" and leave him alone. Nonetheless, Romero later testified that upon arriving at another section of his "Cafetal Juárez" on May 7, 1874, he was confronted with the total destruction of two hundred "cuerdas" of corn (about 100 sq. yards)²⁴⁵ and various "almácigas" (plots) of coffee he had planted, as well as the shacks, fences, paths and a bullpen that he had built. Further, his *mayordomo* (overseer) and *caporal* (foreman) had been dragged off to jail to the town of Tajumulco, "on foot and at night, via overgrown paths in the middle of torrential rains," and only let free days later.²⁴⁶

Apparently, the order to destroy the *cafetal* had been given by the *jefe político* of San Marcos himself, but the only authorities present at the time of the attack were the *alcaldes* (indigenous magistrates) of some of the nearby towns, along with a force of 200 indigenous residents.²⁴⁷ Once again, Romero complained to Barrios, who in turn assured Romero that, following the incident, he had again demanded Romero's good treatment and respect for his property.²⁴⁸

²⁴⁴ Romero, *Refutación*, 31; and annexed document 19, "Notificación a Matías Romero por el Secretario de la municipalidad de Sibinal," 189.

²⁴⁵ According to McCreery, a "cuerda" is a measure of land which in Guatemala varies between 18x18 "varas" (a little less than a yard each) and 50 x 50 *varas* "depending on region and local custom" (*Rural Guatemala*, 318).

²⁴⁶ Romero, *Refutación*, 33; *El Siglo Diez y Nueve*, 31 de julio, 1874; *El Monitor Republicano*, 7 de julio, 1874.

²⁴⁷ *El Monitor Republicano*, 7 de julio, 1874.

²⁴⁸ This letter from Barrios was dated July 1, 1874 (Romero, *Refutación*, 31).

These attacks occurred despite what Romero saw as peaceful and productive agreements made between himself and the *jefe político* of San Marcos, as well as repeated assurances from President Barrios himself of these guarantees. Though Romero had begun to suspect that Barrios might be responsible for these attacks, whether by supporting them or by simply not stopping them, Romero continued to believe in his mutual agreement with Barrios to promote progress through peaceful means. He continued to move forward with repairs and new plantings.

Because of Romero's political influence, not to mention his access to many of Barrios' assets, support by Barrios for indigenous attacks on Romero's land would have been risky, especially so early in Barrios' political career. Not only did Romero have the ears of a number of key Mexican authorities, but Romero had also written newspaper editorials supporting the new revolutionary government. Barrios had contracted Romero to write up two governmental decrees for Guatemala and gave him power of attorney to negotiate contracts and assist Barrios in a number of customs processes in which, according to Romero, he was forced to break the law.²⁴⁹

Yet key to Barrios' consolidation of power over the southwest was careful management of local communities' demands, alliances and resources. Such management turned out to be far less streamlined than Barrios may have envisioned. In this early period, Barrios faced personal attacks by exiled conservatives and their allies, which included much

²⁴⁹ According to Romero, the power of attorney Barrios gave him was so that he could accept letters and sign contracts in his name, and do that which "solamente podría autorizar á la persona que le mereciera la mas grande confianza" (Romero, *Refutación*, 32 and 69). Specifically, Romero was asked to receive and supervise the transport of machinery for sugar production sent to San Benito from England. However none of these imports were accompanied by the legalizing documents. Nonetheless, Romero made sure to avoid the fees required of Barrios through his own expert bargaining, only paying the baseline taxes rather than those plus the fines. Romero further complained that, in order to legalize Barrios' titles to El Malacate, he based the tax on the original titles, even though the finca itself extended well beyond the original titled area. According to Romero, both of these "services" were performed in an effort which at the time he felt was part of his duty as Barrios' "agent" in Soconusco. However, after Barrios issued a call for Romero's removal from the border, Romero "regretfully" felt it necessary to point out both the illegalities involved and the great extents to which he had forced himself to accommodate Barrios' interests (Romero, *Refutación*, 69-71).

of Chiapas and Guatemala's clergy.²⁵⁰ Possibly more ominously, Barrios had to contend with the heightened power of Soconusco political boss, extortionist and controller of the Tuxtla Chico customs house, Sebastián Escobar, as well as Escobar's tumultuous rivalry with the then governor of Chiapas, Pantaleón Domínguez (1864-1875). After Escobar's rise to power in Soconusco during the mid-1860s wars against the imperialists, he reinforced a regime of extortion, violence and forced monopolies that kept him in power on both the Guatemalan and Mexican sides of the Río Suchiate (often considered the two countries' dividing line at this time). As *Jefe político* of Soconusco in 1871, Escobar joined Porfirio Díaz in proclaiming against the Juárez and Lerdo administrations, and vouched for the legitimacy of Domínguez's position as Chiapan governor. By 1874, Escobar had been forced to relocate to San Marcos, Guatemala, sidestepping Governor Domínguez's efforts to arrest him. In the spring of 1874, Domínguez's fear of Escobar's return prompted him to propose an exchange in which he would keep vigilance over a group of Guatemalans recently imprisoned in Soconusco for conspiring to assassinate Barrios. In return for moving the conspirators to San Cristóbal, he asked to move Sebastián Escobar from San Marcos to Guatemala City.

Yet the negotiations would backfire in ways that revealed not only Dominguez's impotence over the flow of goods and politics in Soconusco, but also the various ways the contested nature of governmental authority at the border had produced subaltern forms of political protest and unrest apart from those enacted by the likes of Escobar. When in April of 1874 the order to move the Guatemalans to San Cristóbal arrived in Soconusco, the Guatemalan exiles went to the local military commander, Captain Sostenes Tellez, asking

²⁵⁰ Justo Rufino Barrios, *General Don J. Rufino Barrios dirige a la Asamblea Nacional Constituyente instalada en 11 de septiembre de 1876* (Guatemala: Imprenta de "El Progreso"), 4-7; see, also, Clegern, *Origins of Liberal Dictatorship*, 97; and González-Izás, *Modernización capitalista*, 285.

that he get them passports authorizing them to leave Mexico instead.²⁵¹ Flaunting both Mexican and Guatemalan executive authority, Tellez took it upon himself to consider the option of giving them passports, wavering long enough that, in June of 1874, Tellez's lieutenant in Tapachula, Emetrio Infante, took the matter into his own hands. Infante, along with the city's chief guard of customs, agreed to support a plan hatched by the Guatemalan prisoners whose futures had been suspended by Tellez's indecision. Having heard rumor of Escobar's imminent invasion of Soconusco, the Guatemalans convinced Infante to help them organize a jailbreak which would enable them to kill Barrios and start a revolution which would bring to power Enrique Palacios, previously part of the Carrera administration, while Escobar would be eliminated by Domínguez's supporters. Infante was apparently promised an advantageous post in the new, proposed administration as recompense, enabling him to escape his miserable existence in the outpost of Soconusco. Apparently after airing the plan with allies on both sides of the border, the conspirators were convinced of its potential success. Because neither Tellez nor the regiment was privy to these negotiations, the plan was to remove them from the scene, by throwing a party at a house nearby the jail and getting the unknowing Tellez and his followers drunk.²⁵² In the end, Barrios and Escobar loyalists were intoxicated or distracted while a total of 130 men, jailbirds and members of the Mexican infantry stationed in Tapachula who had agreed with the plan, sacked Barrios' "El Malacate." They then crossed the border to attack the nearby Guatemalan town of Malacatán. Despite the fact that by October of that year the rebels had been routed and, in some cases,

²⁵¹ *El Siglo XIX*, 6 de julio, 1874, 2.

²⁵² AHSREM: exp 13-9-57, folio 7; 28-6-1 (V), folios 537 y sigs. Y (X); 13-9-57; Andrés Dardón, *Límites entre México y Guatemala* (Guatemala: Centro Editorial José de Pineda Ibarra, Ministerio de Educación Pública, 1964 [1875]), 136.

put to death, the independence and confidence with which the plan was enacted points to Barrios' lack of control over the region.

Barrios' distribution of power or land (or both) to his military allies also in some cases backfired: some low-level military followers refused to occupy the new lands allotted them, because they refused to distance themselves so much from their original communities and were uninterested in relocating.²⁵³

Further, according to Matilde González-Izás, resistance to finca labor presented by the Indians of San Pedro Sacatepéquez had forced Barrios and others of San Marcos to depend on the *tacanecos* (residents of Tacaná) for their labor.²⁵⁴ Recruiting these residents as laborers did not necessarily mean they lost their land. Besides indirectly supporting their attempts to takeover Romero's land, Barrios apparently also granted land to the *tajumultecos* and *tacanecos* in the early 1870s.²⁵⁵ This land grant, in turn, presented its own problems. In a case brought before the Guatemalan courts in 1892, the granddaughters of Carlos Gálvez, the original owner of the land, vehemently protested their "dispossession" of the land by Barrios in 1871. According to Gálvez's descendants, in 1873 Barrios redistributed 450 *caballerías* (about 44,500 acres) of Gálvez's hacienda "San Sebastián" to the municipalities of Tajumulco, Ojetenám, Tejutla (and the village of Tacaná) and San Marcos. Yet, according to the archival record, as late as 1879 a contract was registered between Don Carlos Gálvez and the municipalities of Tajumulco, Ojetenám, Tejutla and San Marcos in which sale of both his

²⁵³ AGCA: Quetzaltenango, E10, folio 40, cited in Chutan, Hernández, and Mayén de Castellanos, *Propiedades colectivas*, 32-33.

²⁵⁴ González-Izás, *Modernización capitalista*, 138-156.

²⁵⁵ Catholic Church, Diocese of San Marcos, *Atlas histórico: fondos documentales para la asistencia y/o acompañamiento de conflictos agrarios en el departamento de San Marcos* (Guatemala: Pastoral de la Tierra, 2004), 76-77; Chutan, Hernández, and Mayén de Castellanos, *Propiedades colectivas*, 175.

"San Sebastián" lot and that of "Las Barrancas" would be made "in the future," noting that San Sebastián was already broken into smaller plots and fully occupied by municipal residents. Since Don Carlos Gálvez purchased the land in the 1830s, he had apparently had conflicts with the neighboring municipalities over the land's use. Eventually running into his own credit problems, Gálvez was forced to rent all his land out to the neighboring municipalities, finally resulting in their absorption of the land in its entirety and President Barrios' "pardoning" of Gálvez's debts in exchange for the loss.²⁵⁶

Sharing the highland *san marquenses* as potential laborers with landholders in Soconusco also turned out to be more problematic than Barrios initially envisioned. On El Malacate, Barrios used Guatemalan laborers (by force, according to Romero).²⁵⁷ Similarly, Romero threatened to accuse the Mexican lieutenant of the new military force, arriving in 1873 to "protect the frontier," of illegal trafficking in Guatemalan workers, claiming that he had brought at least 150 men to work in Mexico illegally.²⁵⁸ In his own treatise on coffee growing in the Soconusco published in 1874, Romero advertised Guatemalan migrants as the primary labor source.²⁵⁹ On Romero's Cafetal Juárez, people connected to El Malacate initially cultivated and built on Romero's land at his request, only to have raiding *tacanecos*, *tajumultecos* and *sibinalenses* destroy their work. Finally, according to Romero, in January 1875 Barrios prohibited any Guatemalans from working in Mexican Soconusco.²⁶⁰ By 1875 Barrios also accused the

²⁵⁶ Chutan, Hernández, and Mayén de Castellanos, *Propiedades colectivas*, 183; Catholic Church, Diocese of San Marcos, *Atlas histórico*, 76-77.

²⁵⁷ Romero, *Refutación*, 72.

²⁵⁸ Romero, *Refutación*, 44, 46.

²⁵⁹ Romero, *Cultivo del café*, 18

²⁶⁰ According to Romero, the order that no Guatemalans work on Mexican lands in Soconusco came from the *jefe político* of San Márco (resulting in ten of his workers being arrested and dragged off to jail in early 1875).

Mexican diplomat of spreading "lies and slander" in Mexican papers against himself and Guatemala, while Barrios simultaneously took as many laborers as possible out of Romero's reach.²⁶¹

There were, of course, other reasons that labor recruitment, and executive jurisdiction over laborers' mobility and access to land was necessarily uneven on both sides of the border. A number of scholars have discussed at length how Mayan landholding patterns simply could not adapt adequately to new landholding regimes which limited collectively-held land in either Guatemala or Chiapas.²⁶² The most basic problem was Mayan slash-and-burn cultivation of maize, which demanded that some lands remain fallow. The result was that cornfields were constantly shifting locations, and access to "unused" land had to be consistently maintained. For "reformers" like Barrios, indigenous communities' access to land was particularly complicated because highland towns such as Sibinal, Tacaná and Tajumulco relied symbiotically on lowland resources. Residents of these *san marquense* highland towns came to the lowlands of Soconusco (Mexico) every year during the winter season to grow corn in the warmer climate, besides trading for lowland goods. They returned to the highlands with the arrival of warmer weather.

However, Romero clearly attributed these orders to Barrios, who he believed oversaw the actions of all the *jefes políticos*, especially along the border (Romero, *Refutación*, 67).

²⁶¹ This was through *El Progreso*, Guatemala's semi-official paper, which Romero called an "echo" of Barrios' demands (Romero, *Refutación*, 61).

²⁶² See for example, Gallini, *Historia ambiental* and Robert Hill and John Monagan, *Continuities in Highland Maya Social Organization: Ethnohistory in Sacapulas, Guatemala* (Philadelphia : University of Pennsylvania Press, 1987); and McCreery, *Rural Guatemala*. According to the Chiapan *Memoria* of 1870, in many cases real estate taxes were almost impossible to collect because the capital they produced consisted only in ungrown plantings, which "disappeared by harvesting time," while others produced too little or were too cut off from outside communication and commerce to make much taxable income. Alongside these problems were the continuous battles against seasonal rains, out-dated land surveys, local officials' ignorance of changes in laws and unlicensed individual use of ejido or national lands (INAH-Chis: *Memoria presentada por el Sr. Gral. del gobierno del estado de Chiapas al congreso del mismo*, Tomo VII, doc. 18, 29-30). All this needed to change if Chiapan agriculture was going to be at all productive. Yet that change would come in myriad forms that were in no way limited to private takeover of collectively-held land, or even indigenous community land to that of non-indigenous communities.

Though these highland communities had no title to the lands they occupied seasonally, they initially faced little resistance, since the area was almost unpopulated.²⁶³ Further, property "rights" and boundaries along the Suchiate and Petacalapa rivers were still determined by local opinion and testimony, despite the fact that a number of maps of the area existed. At its most formal, the process of titling land during this period included revision of the chosen area by a surveyor who was provided by the *jefe político*. Testimonies of locals about the land's breadth, location, topography and availability also had to be produced. All of this had to be posted and made public for a month or so, prior to selling the land at public auction, followed by a final assessment and titling in Guatemala or Mexico City.²⁶⁴

Yet Romero felt that the title for the land which he finally received from the Mexican government should protect him from any advantages wielded by locals.

Receiving the title radically changed the nature of my rights to the land. Before that date, I was only an occupant, without any kind of title in which to base my possession. From the moment I received the title, I was, finally the true proprietor....the president of the Republic, that is, the Chief Executive of the Mexican government, had declared, in an authentic document, that the land belonged to Mexico...who had received the fixed price...from an individual from whom I bought it.²⁶⁵

For Romero, the Indians themselves were not to blame. To the Mexican diplomat, the fact that his initial surveying had prompted no resistance, and he had offered the residents the option of staying on the land and working there part-time, was reason enough to believe they

²⁶³ It was in the 1860s when the western piedmont began to feel the push from experiments in coffee in that region, at which time coffee cultivators, subsistence farmers and those invested in flocks of sheep and herds of cattle and mules for transport collided on the piedmont, where thirty or forty years before had only been "littered with the *ejidos* of decayed and disappeared communities" (McCreery, *Rural Guatemala*, 67).

²⁶⁴ Gallini, *Una historia ambiental*. In Mexico, land surveying was farmed out to surveying companies, who also had to make their activities public and authorized by a local judge. See Holden, *Survey*; and Daniela Spenser, "Soconusco: the Formation of a Coffee Economy in Chiapas" in *Other Mexicos: Essays on Regional Mexican History, 1876-1911*, ed. Thomas Benjamin and William McNellie (Albuquerque: University of New Mexico Press, 1984), 128.

²⁶⁵ Romero, *Refutación*, 54-55.

were not the intellectual authors of the attacks.²⁶⁶ Instead, he blamed Barrios, who had deceived him, only as deliberately as "a friend could deceive a friend."²⁶⁷

Nonetheless, since the attackers traditionally had used Romero's land as a seasonal site for planting corn, they may well have found Romero and his surveyors' presence threatening. This seems especially likely in an era when land titling and subsequent labor recruitment of the local population for the coffee sector was becoming increasingly common. Romero's persistence in 1874 in coming back and monitoring the situation, reinstalling the border markers, and contacting local authorities may well have increased resistance.

Further, though Romero saw the attacks as representations of Barrios' attempts to monopolize land and labor in the area, for local residents these fights over land were deeply personal. In one case, after the May 1874 burning of Cafetal Juárez, Romero's *mayordomo* heard that the same attackers had returned from the hills and kidnapped the wife of one of Romero's workers. Having also heard a rumor that the Guatemalans were planning another attack on Romero's land, the *mayordomo* gathered up some followers and headed to the shack where the Guatemalans lived, in Altaná. There he proceeded to shoot in the air with his pistol, looting a shed of corn, and burning down any remaining structures they had built. According to Romero, his employee and accomplices stole a total of 2500 ears of corn, for which Romero later offered to pay an indemnity to the highland residents. He also offered to pay for "whatever the shacks were worth" in materials and manpower.²⁶⁸

²⁶⁶ Romero, *Refutación*, 52.

²⁶⁷ Matías Romero, J. Rufino Barrios, Manuel Herrera, Jr. and F. Cruz, "Settlement of the Mexico-Guatemala Boundary Question," *Journal of the American Geographical Society of New York*, 29, no. 2 (1897), 126.

²⁶⁸ Romero, *Refutación*, 37.

By the time the president of Mexico had granted Romero official title to his land in August of 1874, Barrios had indirectly taken up local communities' aggressive defense of their land as a foundation for his own diplomatic stance. While Romero reported continued acts of kindness and appreciation towards Barrios and borderland Guatemalans generally, Barrios accused Romero of being a menace, bringing a case against him to Mexican federal authorities and asking that he be removed from the border altogether.²⁶⁹ Not only was he accused to taking over land that was not his and threatening Mayan communal holdings, he was also blamed for the 1874 jailbreak.

In Romero's eyes, Barrios' demand for his removal could only have been considered a sane political strategy if Romero's increasing promotion of Soconusco and its development had begun to threaten Barrios' control over the border and southwestern Guatemalan markets generally. When Romero had first arrived in the area, Barrios was not yet president and Romero was an unpracticed outsider. Barrios' rise to the presidency coincided with Romero's increased involvement in the area (including serving as a legal consultant, starting a newspaper, and calling up an army). Consequently, Romero began to perceive the many changes in their relationship that eventually convinced him of Barrios' "duplicity." Romero thus concluded that "the people of Guatemala" were "suspicious of Mexico" and "hostile to her people," and that

General Barrios himself...pretended to be a friend of mine...[but] actually perceived me to be his rival, and therefore his worst enemy, and he did all he could against my person and my property, but always in an underhanded manner, so as not to appear personally responsible.²⁷⁰

²⁶⁹ "Uriarte a Lafragua, 12 abril 1875," cited in Romero, *Refutación*, 68. See, also, *El Monitor Republicano*, 10 de septiembre 1874.

²⁷⁰ Romero et al., "Settlement," 126.

The tacanecos' state-approved land raids were not singular. In a contemporaneous case on the northern end of the border, in 1873, the *jefe político* of Huehuetenango ordered 300 Chuj Maya, along with 40 *ladinos* armed with rifles, to destroy border markers and replace them with others located farther west, in Chiapan territory.²⁷² The primary victim of these attacks was Mexican resident of Comitán, Mariano Guillén, owner of the hacienda "Gracias a Dios." Guillén was told that he would be arrested and his hacienda destroyed should he attempt to stop the men from moving the markers.²⁷³

As in the case with the residents of Tacaná, Sibinal and Tajumulco, most of the Chuj of Huehuetenango lived in highland areas, where temperatures could be frosty but which could sustain corn, potatoes and wheat. Most of these highland residents also had a history of seasonal migration to the lowlands (northward, towards the Lacandon forest) to grow another harvest of corn, along with cacao, sugar, fruit and other goods appropriate to the lower altitudes.²⁷⁴ By the 1870s, however, lowland, "sister" communities, such as the Chuj settlements of Yalambohoch

²⁷² The Chuj Maya belong to the same linguistic branch of Maya as Q'anjob'al, along with Jakalteco or Popti' (spoken in Jacaltenango) and Tojolabal, which predominated around the Comitán area in the colonial period and nineteenth century (Schwartzkopf describes the Chuj as also being bounded to the west and north--in Chiapas--by the Tzeltal and Tzotzil Maya and to the south and east by the Mam, in the Cuchumatán highlands and east of Quetzaltenango; see Schwartzkopf, "Maya Power" 49-50). According to Recinos, at the mid- to late-nineteenth century the "Chuj region" included Santa Eulalia and Barrillas, as well as San Miguel Acatán, San Rafael la Independencia, San Sebastián Coatán, San Juan Ixchoy, Soloma, and El Quetzal (Recinos, *Monografía*, 36, 225). Lovell points to the northerly towns of Bulej, Chaculá, Yalam Bohoch, and San Mateo Ixtatán as "Chuj," while the southern towns of Chiantla, Cuilco, Huehuetenango, La Libertad and Malacatancito, and to a lesser extent in Barrillas, Nentón, San Antonio and Santa Ana Huista, were ladino (Lovell, *Conquest and Survival*, 25, notes 19 and 37). Based on Lovell's discussion of the location and agricultural practices of the colonial Chuj of Huehuetenango and Schwartzkopf and Recinos' discussion of this in the nineteenth century, the "Chuj" that attacked Guillén may well have been associated with what had been the Soloma parish, for example the town of San Mateo Ixtatán, which had "sister" settlements (lowland extensions) and may well have laid claims to Yalambohoch and Bulej. These towns were also adjacent to a stretch of lowland territory near "Gracias a Dios."

²⁷³ Secretaría de Relaciones Exteriores, Estados Unidos Mexicanos, *Memorias de la Secretaría de Relaciones Exteriores de Mexico, 1873*, 561-564; *El Monitor Republicano*, 7 de julio, 1874.

²⁷⁴ Lovell, *Conquest and Survival*, 16-17 and 143-144.

and Bulej, like the temperate piedmont and coast near San Marcos, had become more permanent and faced more pressure from population growth and conflicts over territory (see Map 5).

According to anthropologist Stacey Schwartzkopf, the Soloma parish where San Mateo Ixtatán was located, and where the Chuj attacking Guillén may well have come from, had a comparatively peaceful history of inter-community relationships as compared to, for example, their more westerly neighbors, closer to Nentón, where conflicts over land had been rife during the colonial period and where they also involved ladinos from Comitán in the early national period. In general, however, Schwartzkopf points to northern Huehuetenango's conflicts until the national period being between indigenous groups rather than between indigenous communities and non-indigenous outsiders, a trend that changed only at the turn of the 18th century when the Crown began to make an effort for non-indigenous residents to gain titles to land, positions in the militia, and other points of access to survival alongside indigenous communities. Schwartzkopf also argues that due to the lack of state presence in Huehuetenango until about the 1850s, it was still often indigenous leaders that tended to hold sway in these conflicts, despite new rights of non-indigenous claimants to land. By mid-century, various Church properties also were made available²⁷⁵

The Chuj and Guillén battled over land rights through 1880, Guillén claiming the Chuj were stealing his cattle and the Guatemalans asserting that Guillén was letting his cattle graze on Chuj territory. According to the Chuj, Guillén was thus guilty of trespassing. Throughout the 1870s, the Guatemalan government supported the "communal rights" of the indigenous Guatemalans.²⁷⁶ Similar to the case of the Guatemalan highlanders' protest of Romero's

²⁷⁵ Schwartzkopf, "Maya Power," 471.

²⁷⁶ Zorrilla, *Relaciones de México*, 353.

occupation of Cafetal Juárez, it was the *jefe político* of Huehuetenango, and then the Minister of Foreign Relations in Guatemala City, who supported the Chuj's use of violence to defend their claims.²⁷⁷

In another case in Comitán, indigenous collective claims to privately-held land were also supported.²⁷⁸ In February of 1868, the Figueroas, the titled owners of the property San Fermín Guacanajaté, located near the city of Comitán, lodged a case with the first instance judge.²⁷⁹ They complained that their indigenous laborers (22 resident families and 19 temporary ones) were refusing to work and had "ruined pastures" and cut down trees on the land, claiming their right to the property in the form of an *ejido*, or the land legally due to every town for collective use. In January of the previous year, Comitán resident Casto Argüello, acting in the indigenous occupiers' defense, had taken their land claims to the state supreme court and successfully petitioned that the land be expropriated and given the status of a new "pueblo" ("La Independencia") thus giving them legal access and title to communally-worked land.²⁸⁰

A number of factors may have influenced the guacanajatenses' success in wresting land from the Figueroas. Their claim to the Figueroa's land occurred when the Chiapan "caste war" was beginning and the French "imperial experiment" in Mexico was ending.²⁸¹ Some responded

²⁷⁷ Zorrilla, *Relaciones de México*, 353; Secretaría de Relaciones Exteriores, Estados Unidos Mexicanos, *Memorias*, 1873, 563-564.

²⁷⁸ Much of the area around Comitán had been taken over by haciendas run by the Dominican order, especially after the 1730s, which absorbed or pushed out many Mayan Tojolabal communities. Dominicans claimed their land and residents as laborers through the process of "composición," legalizing their prior land usurpation or invasion. Dedicated for the most part to producing sugarcane, sugar products, and raising cattle, the department of Comitán would grow in population spreading north and east towards the Lacandon jungle and southeast towards the central lowlands and the foot of the Sierra Madre.

²⁷⁹ *El Siglo Diez y Nueve*, 26 de abril, 1868, Suplemento al no. 287.

²⁸⁰ *El Siglo Diez y Nueve*, 26 de abril, 1868, Suplemento al no. 287.

²⁸¹ Between 1864 and 1867, Austrian Archduke Ferdinand Maximilian of Habsburg had been acting as "emperor" of Mexico at the behest of Napoleon III and Mexican conservatives. According to many scholars,

to rumors of indigenous rebellion in Los Altos by attempting reasonable compromises with indigenous demands, thereby avoiding outbreaks of rebellion throughout the state.²⁸² In places like Comitán, the proximity of the border added yet another dimension to the threat of indigenous community rebellion: indigenous flight into Guatemala could result not only in loss of laborers but a possible reconnoitering of forces. As in the case of Barrios' support of the *tajumultecos*, Argüello, and the Chiapan Supreme Court, may have seen the Figueroas' claim as potentially explosive, opting to support indigenous claims in a period in which such support might also grant them needed political stability.

It is also possible to see both Guillén's encounter with the Chuj and the guacanjatenses' with the Figueroas as simply cases of indigenous residents being used as cannon fodder for territorial disputes between non-indigenous rivals for indigenous land. According to Guatemalan historian Adrián Recinos, under Barrios, Huehuetenango had become a holding ground for the president's military supporters. The Chuj living in the border area adjacent to Comitán found themselves under the double pressure of being displaced from their land by these new bosses and farmed out as workers on the coffee fincas in the south, via a new regime of labor recruiters.²⁸³

In the case of the *guacanjatenses*, the Figueroas claimed that their defender, Costo Argüello, had been running for deputy in the Chiapan Congress, and he depended on the

Napoleon had planned his occupation of Mexico as the first step to recreating the French empire in the Americas, extending his rule southward to Central America and possibly even annexing the southern states of the U.S.

²⁸² See, for example, *El Siglo Diez y Nueve*, March 22, 1868, 2, and *El Siglo Diez y Nueve*, September 1, 1870, 3. In "Indios, Ladinos and the Resurrection of the *Protector de Indios*, San Cristóbal de las Casas, Chiapas, 1870-1885" *Ethnohistory* 60, no. 2 (Spring 2013): 295-318, Autumn Quezada-Grant argues that governmental efforts to avoid new "caste wars" by 1870 included the recreation of a "protector de indios" to act as arbiter in interethnic conflict. According to Quezada-Grant, this measure was in many ways successful and has been ignored by traditional historiographical narratives, which instead emphasize the Chiapan government's draconian capture, imprisonment and exile of indigenous rebels in 1870.

²⁸³ Recinos, *Monografía*, 270-280.

guacanaajatenses' votes.²⁸⁴ According to the Figueroas, the Chiapan Congress' insistence on honoring the *guacanaajatenses*' demand for ejido land at the expense of the Figueroas' family land was due to a misguided interpretation of Mexican laws regarding land redistribution, which had yet to be reconstituted after the wars of the French Intervention.²⁸⁵ In an effort to reinforce their perceived rights, in the summer of that year the Figueroas unleashed a new cohort of workers on the *guacanaajatenses*' recently titled *ejido*, destroying corn fields, fences, and attacking residents with machetes and shotguns.²⁸⁶

Yet these cases of land conflict suggest that Huehuetenango and Comitán offered similar opportunities for indigenous community members to escape finca work, landlessness, or both as was evident in Soconusco and San Marcos. The *guacanaajatenses*, for example, had a history of protest against encroachment on their land by local landowners and their cattle.²⁸⁷ According to the Figueroas' own testimony, the *guacanaajatenses* had managed to absorb more community members during the civil wars between Liberals and Conservatives of the early 1860s, in support of Juan Ortega's 1856-1863 revolt against Ángel Albino Corzo's government.²⁸⁸ Their history of strategically using both the border and local political alliances over time may well have affected their ability to eventually find support at the state level.

In all these cases, local understandings of territorial boundaries and entrenched socio-political networks presented substantial barriers to the plans of capitalist agricultural

²⁸⁴ *El Siglo Diez y Nueve*, 26 de abril, 1868, Suplemento al no. 287.

²⁸⁵ The Mexican Constitution of 1857 had issued regulations regarding land expropriation in the case of "public utility" (art. 27) but in 1868 the Mexican government still had not issued the law that would put these regulations into force.

²⁸⁶ Ruz, *Savia india*, 123-126.

²⁸⁷ Ruz, *Savia india*, 117.

²⁸⁸ *El Siglo Diez y Nueve*, 26 de abril, 1868, Suplemento al no. 287.

modernization of people like Romero, the Figueroas, Guillén or Barrios. Though individual land titling was legally and discursively encouraged by the Mexican and Guatemalan governments, occupation and use of land was a collective, community-wide enterprise, and in many cases how land was used was ultimately settled according to the broader needs of localities and departments.

Locals Making Nation, Nationalizing the Local

When the Chuj initially moved national borders as part of their attack on Guillén, their claims to "common lands" overlapped with efforts to "defend the Guatemalan nation." Such claims both to common lands and national defense then gained traction in both Guatemalan and Mexican government ministries as well as in these countries generally.

The *tacanecos* also used this strategy of overlapping local claims with nationalist discourse after Romero's exit from the region. In 1875 a group from Tacaná destroyed a boundary mark at Pinabete, long understood to be the dividing marker between Mexico and Guatemala, as this border headed northward from the Tacaná volcano towards the Grijalva river (see Map #4). They then replaced the Pinabete marker with one near Cuilco Viejo, about 25 miles southwest and within what had been considered Mexican territory.²⁸⁹

Beyond merely a continuation of previous *sanmarquense* aggressions, however, the 1875 boundary mark incident reflected increasing colonization of the area by Guatemalans. It also reflected an increasing local awareness that a border treaty, which seemed more and more imminent, would affect both land holders and local authorities, possibly cutting into or extending

²⁸⁹ AGCA: "Francisco Rodas queja al ministro mexicano por invasion a Mexico por Pinabete y Cuilco Viejo" (Legajo 6448, B99-23-21).

their jurisdictions and the taxes they were owed. By the late 1870s, indigenous towns, ladino *jefes políticos* and entrepreneurs both distant and near to president Barrios himself were fighting for land and for jurisdictional authority.

In late November of 1880, Mexican surveyors were setting out to measure land in Chicharras, technically part of the jurisdiction of Cuilco Viejo, in Mexican territory. Upon hearing of the surveyor's intentions, the indigenous *alcalde* of Tacaná and four assistants headed out to the same area to take a census of area's residents, ostensibly to claim Guatemalan dominion. In response the *juez rural* of Cuilco Viejo alerted the authorities of Huehuetán (near Tuxtla Chico) who called upon the Mexican forces in nearby Tapachula, resulting in the tacanecos' arrest.²⁹⁰

The tacanecos' arrest triggered Margarito Barrios, the San Marcos *jefe político*, to nationalize his own claims, along with those of other middling landholders from San Marcos. Margarito Barrios was a military official with familial connections to President Barrios. He acquired land in a place called Tonintaná, part of Sibinal, on the frontier with Soconusco, in 1878, as part of a wave of Guatemalan colonists in the area between Pinabete and Cuilco Viejo at that time. Barrios wanted that land to be "Guatemalan," not Mexican, consistently refusing to pay taxes or "do services as a Mexican."²⁹¹ In a demonstration of his aims, he invaded Tonintaná

²⁹⁰ Secretaria de Relaciones Exteriores de Mexico, *Correspondencia diplomática cambiada entre el gobierno de los Estados Unidos Mexicanos y varias potencias extranjeras, desde el 30 de junio 1881 a 30 de junio 1886*, Tomo IV, 660.

²⁹¹ AGCA: Leg. 6448, B99-25-21: "1890 Copia de varias comunicaciones entre el ministro de relaciones exteriores de Guatemala y el Ministro plenipotenciario de Mexico relativa a una invasion guatemalteca al territorio mexicano ejecutada por Margarito Barrios" (no. 34); "1881 Comunicaciones del ministro de rel ext de Guatemala al ministro plenipotenciario de Mexico sobre una invasion guatemalteca en territorio mexicano ejecutada por Margarito Barrios y Francisco Rodas" (no. 7); "1884/1890 copias de varias comunicaciones referentes a la invasion del territorio de Guatemala por una partida de malhechores organizada en Soconusco en agosto de 1884" (no. 10).

and Cacahuatán in an attempt to assert the region's Guatemalan status. Arriving with ten men of the Guatemalan national forces, he attacked a number of residents and kidnapped eight Mexicans, dragging them back to San Marcos.

Margarito Barrios' 1878 attack did not come to the attention of Mexican authorities until December 1880, when he reappeared to make Guatemalan claims to the area. Some weeks after the group of tacaneco surveyors were jailed in November of 1880, Barrios arrived in the area of Cuilco Viejo with the father of the jailed Guatemalan surveyor, as well as a force of approximately five hundred Guatemalans. In a repetition of the tacanecos' 1875 attack, Barrios and his allies not only replaced the border marker in Cuilco Viejo but hoisted a Guatemalan flag in the new marker's location. Gone by December 18th, they nonetheless occupied both the center of Cuilco Viejo and Las Chicharras for over 48 hours, apparently rounding up cattle and horses and even dragging people off to jail in Guatemala.²⁹²

The call to preserve community land had shifted to a defense of the Guatemalan nation through a reassertion of national territory. As in the attacks on Cafetal Juárez, the visitations on Cuilco Viejo were clearly orchestrated across social sectors with different, and even conflicting reasons to claim territory. Yet defending the Guatemalan nation was an overarching aim that could be embraced productively by these local actors as well as by the authorities in Guatemala City.

²⁹² AGCA: leg. 6448, B99-25-21: "Invasión de Soconusco por Basilio Saenz, Margarito Martínez, Benigno Cárdenas, Félix Monterroso, Faustino García, etc. 1879/81" (no. 6); "1880 Sobre que las autoridades mexicanas quieren empadronar a los vecinos de "Las Chicharras" y "Tovax" y avances en territorio guatemalteco " (no. 8); "Francisco Rodas queja al ministro mexicano por invasion a Mexico por Pinabete y Cuilco Viejo" (no. 7); "1890 Copia de varias comunicaciones entre el ministro de relaciones exteriores de Guatemala y el Ministro plenipotenciario de Mexico relativa a una invasion guatemalteca al territorio mexicano ejecutada por Margarito Barrios" (no. 34); "1881 Comunicaciones del ministro de rel ext de Guatemala al ministro plenipotenciario de Mexico sobre una invasion guatemalteca en territorio mexicano ejecutada por Margarito Barrios y Francisco Rodas" (also in no. 7).

In contrast, on the Mexican side of the border, responses and explanations for the arrest of the *tacanecos* were varied, the official surveyor arguing that the arrest could be attributed to ignorance on the part of the *juez rural* of Cuilco Viejo.²⁹³ The surveyor went on to apologize for the event and write the *jefes políticos* of both Comitán and Soconusco requesting they do their best to prevent any similar mistakes from occurring in the future.²⁹⁴ On the other hand, the Mexican Secretary of Foreign Affairs, Ignacio Mariscal, defended the arrest as understandable given what he called the "general paranoia" now circulating in the contested, and repeatedly raided area.²⁹⁵ According to Mexico's paper *La Voz*, the Pinabete incident of December 1880 not only repeated a previous violation in 1875, but followed analogous incidents in late 1879 and in September 1880, when some thirty-five "filibusterers" from Guatemala attacked Tuxtla Chico, Soconusco.²⁹⁶

By January 1881, 1000 Mexican troops had been stationed in Tapachula to "protect Mexican interests" in the area. Despite the differing views about where government jurisdiction began and ended coming from both sides of the border, it was clear that the area's jurisdictional ambiguity had been useful for a number of ends. It had provided fertile ground for local residents, aspiring landholders and government officials to experiment with a variety of titling and negotiating strategies that were legal, military, political and even cultural (as in the case of "defending" indigenous community lands). A number of prominent Tapachultecos even tried to

²⁹³ According to the official surveyor, José Salazar Illarregui, the event had occurred due to "la ignorancia de unas autoridades muy subalternas, rudas, y sin la mas leve instruccion, como debe suponerse la de un poblado miserable cual es Cuilco Viejo, a cuya ignorancia ayudan los hechos habidos hasta la fecha en la frontera no marcada ni aun convenida todavia entre las dos partes" (Secretaria de Relaciones Exteriores de Mexico, *Correspondencia diplomática*, Tomo II, 330).

²⁹⁴ Secretaria de Relaciones Exteriores de Mexico, *Correspondencia diplomática*, Tomo II, 330.

²⁹⁵ Secretaria de Relaciones Exteriores de Mexico, *Correspondencia diplomática*, Tomo II, 320.

²⁹⁶ "Mexico y Guatemala (Concluye)," *La Voz de Mexico* 1881, 22 de octubre, 1-2.

use the many conflicts over the border to bring President Barrios himself to trial. A number of Mexican Soconusquenses aimed to discredit the Guatemalan president by providing in-depth testimonies about Mexican land the president had "illegally made Guatemalan" and his support for threats against Mexican residents, including the provision of arms and money. Of a number of statements taken, that of José María Chacón was probably the most complete. Chacón asserted that moving the Pinabete marker to Cuilco Viejo was, as was "well known," not the first attempt of Rufino Barrios' government to take over Mexican land; that they had also taken a section of Mexican territory called La Encantada, south of Pinabete, as well as El Bejucal in the east, and were in the process of attempting to title another in Cuatunco located farther south, near the Pacific coast and outlet for the Ocos river.²⁹⁷

Yet Mexican claims to locals' ignorance, Margarito Barrios' unmitigated aggression and President Barrios' indirect support of these actions only highlighted the fact that Mexico's authority in the area was effectively absent. Not only did Mexican authorities appear remiss in defending their claim to the contested area, but officials in Mexico City were embarrassingly ignorant of where any of these contested points were in the first place. According to Juan de Dios Arias, the Mexican Minister of Foreign Relations who succeeded José María Lafragua, Mexican authorities were admittedly late in responding to President Barrios' formal overtures to discuss a border treaty, not simply because Mexico became immersed in the Tuxtepec rebellion but also because they "had to do a study of the area."²⁹⁸ The fact that authorities in Mexico City had not even been aware of Margarito Barrios' activities until Guatemalan Foreign Minister

²⁹⁷ Secretaría de Relaciones Exteriores de Mexico, *Correspondencia diplomática*, Tomo IV, 671, 810; see also Secretaría de Relaciones Exteriores de Mexico, *Correspondencia diplomática*, Tomo II, 340-341, 532, and 557.

²⁹⁸ Secretaría de Relaciones Exteriores, Estados Unidos Mexicanos. *Cuestión de límites entre México y Guatemala; nota y memorandum que dirigió el señor ministro de Guatemala al gobierno de México y contestación dada por el Ministro de Relaciones Exteriores de la República* (México: Impr. de Gobierno, 1875), 8.

Lorenzo Montúfar complained about the arrest of the *tacanecos* further points to Mexico City's distance from these events, politically as well as geographically. In contrast, Guatemalan aggressions and complaints demonstrated a more effective level of control over titling and politics in the area. By supporting or even preempting local Guatemalans' defense against threatening Mexicans, the Guatemalan administration became one of the primary players in the defense and expanse of territory, as well as in expanding its political base through mobilization of nationalist sentiment. Breaking their own promises of supporting foreign investment and converting untitled land to marketable plots dedicated to cultivating for export, the Guatemalan executive nonetheless achieved a sustainable defense of national territory and political stability, at least for the time being.

Conclusion

This chapter clearly demonstrates that liberal "progress" in the Mexican-Guatemalan borderlands was, in and of itself, a form of fictional jurisdiction. It was an aspiration that, at least in the borderlands, served principally to apply pressure on communities and landholders to deepen competition. Instead of liberal progress, which governmental authorities extolled through speeches, decrees, and new laws, in many cases the reverse processes occurred: community land was defended and foreign investment stifled. In the case of Guatemala, claims to protect common lands actually appear to have strengthened support of a (variously defined) nationalism among those on the Guatemalan side of the divide.

Barrios' dual role as a borderland resident and the Guatemalan president were key elements to the eventual ability of the Guatemalan executive to render nationalism a multi-

pronged tool of territorial defense and cross-class collaboration. As both president and borderland resident, Barrios acted as both an extension of the state and as a statewide transnational actor himself, given his unique interests in keeping his hacienda, located on the Mexican side of the divide, and simultaneously posing as the president that acted for the broader liberal progress of the country. As such he was forced to marry personal ties with national policies. In the Soconusco-San Marcos area, the result was the kind of localized support many municipalities would have hoped for, in which the president was personally invested in local triumphs. On other parts of the border, Barrios appeared to have less direct control, but his administration applied similar tactics of successfully defending local claims to land against Mexican encroachments, at least in the case of the Chuj.

The proximity of the border played a role in all of these negotiations, including fights for land within Chiapas itself. For both Chiapan and Guatemalan authorities and landowners, the prospect of indigenous flight across the border was an immediate concern, placing greater pressure on non-indigenous landowners and officials to be apply new privatizing and labor recruiting laws with caution, or ignoring them altogether. Combined with the Mayan uprising in the Chiapan highlands, around San Cristóbal, between 1867 and 1869, as well as the more distant but no less feared "caste war" of the Yucatan (which continued to produce a variety of migrations, kidnappings, border scuffles and adjustments to the available labor pool between 1850 and 1900), the nearby border forced a reconsideration of the ways progress was going to move forward. Federal laws and elite aspirations were one thing, but their possibilities of playing out on the ground were quite another.

In this sense, claims to the aim of progress, evident in Matías Romero's reports to the Mexican Congress and new laws that were legislated, functioned as the same ghostly presence,

but unrealized application of state power that existed in the form of the customs house and taxation and commercial regulatory laws in Chapter 2. Whether the Chuj, the Guacanjatenses, or the Tacanecos were being used as cannon fodder for others' competition over land and political power, or whether they actually had the defense of their own livelihoods in mind when they resisted Mexican encroachment, does not change the fact that their resistance made them statewise: they were making use of the fact that the Guatemalan and Chiapan government authorities could not support the function of their own rhetoric, and instead contradicted their own legislation and directives to accomplish something slightly different: political stability in the borderlands.

Despite the fact that these localized conflicts had little to do with the territorial aims of either the Guatemalan and Mexican executive, diplomatic agents in both countries attempted to leverage local conflicts of all kinds, to the point of allying with the most marginalized and even criminalized communities. In the process, the Mexican and Guatemalan governments, or their agents, effectively restricted access to the features most attractive to investors: "immense zones" of unused land, a steady supply of laborers, and "protection." It was therefore to the advantage of the Mexican and Guatemalan governments to retain only loose control over "land reform." This was a choice, not a result of "weakened centralized control" over the periphery.

The strategies used by communities to defend their land claims reflected how local, regional and national politics had become inseparable, and could only be triangulated via constant renegotiation. In the case of western Guatemala and eastern Chiapas, local and regional leadership over border politics unavoidably determined and benefited from national policy. The chapter thus challenges traditional historiographical narratives of "state," "elite," or

"commercial" winners and losers, as well as stark dichotomies posited between late nineteenth century "liberal" policy and "traditional" community responses.

The process of land reform in Chiapas and Guatemala between 1870 and 1880 was by no means a time of prosperity for small landholders. In most cases, it reflected an extremely long series of processes of encroachment and displacement that had been occurring since the conquest and had accelerated after the mid-nineteenth century. At that time, civil wars and international interventions had begun to ebb and liberal and conservative landholders and merchants were beginning to agree on the kinds of legal reforms that would characterize their shared economies. In both regions in the 1870s, new political, economic and territorial interests became embedded into social and economic life and created new kinds of alliances and spaces of negotiation. Competition between landholders, politicians, foreigners, officials and resident communities rose, especially in the Chiapas-Guatemala border region where colonization and land surveying projects had begun in earnest. Claims to the defense of nationalism or rights to "community land" could override the need to attract foreign investment and a transition to commercial agriculture. Local economic and political support and exchange could defend entire regions from losing their land. Finally, as in other cases examined previously, national authorities often remained unclear or inconsistent regarding their policies towards land reform, even when they ostensibly stood behind laws that favored privatization and cultivation for export. As a border contrabandist and landholder who later became president of Guatemala through a violent coup and the promise to "liberalize" commerce, Justo Rufino Barrios's twelve years in office are emblematic of the impossibility of realizing the kinds of land reforms heralded by late nineteenth century liberalism. As such, they also reinforce our understanding of land conflict and political

and legal negotiation in practice as far more important than law on paper in revealing historical processes of authority and territoriality at this time.

Chapter 5

Performing Solutions: the 1882 Treaty

Introduction

"This is an event of such importance, that the great difficulty that existed between the two governments can now been considered resolved..."

--*Response to the announcement of the treaty signing, Sept. 27, 1882, El Siglo Diez y Nueve, 30 de septiembre, 1882*

On September 27, 1882, authorities in Mexico and Guatemala signed a treaty designed to end the dispute over their mutual border. It has been considered one of the more important accomplishments of Manuel González's presidency in Mexico.²⁹⁹ As one of few agreements which the two countries actually ratified over the course of the century, it represented a touchstone for judging all future territorial debates and functioned as a legal precedent into the 20th century.

Yet, like so many of the past "solutions" to the two countries' ambiguous limits, the treaty merely opened the door for further conflict. Some historians of Soconusco argue that the 1882 treaty unleashed a substantial amount of development in the Soconusco area.³⁰⁰ Yet there is also evidence that the development that did occur was piecemeal, consistently ruptured by the machinations of Sebastián Escobar, and depended heavily, at least until the mid-1890s, on the continuation of a relatively open border.³⁰¹ From the moment Guatemalans refused to reinitiate dialogue between the two countries' engineers in March of 1879, the progression to the treaty signing and its aftermath appears as one long tactical performance from which both Barrios

²⁹⁹ Paul Garner, *Porfirio Díaz* (London: Pearson, 2001). The treaty has been, however, credited with averting war between Mexico and Guatemala (Spenser, "Coffee Economy").

³⁰⁰ See, for example, Spenser, "Coffee Economy," 128.

³⁰¹ See Lurtz, "Exporting From Eden."

(manipulating his own administration as well as Mexican diplomats and the Guatemalan public) and the Mexican government would benefit politically, even if accomplishing little in terms of settling territorial debates on the ground.

It was precisely the tension between the treaty's supposed conclusion of territorial conflicts and its inapplicability in the borderlands that provided for new political and economic openings across the social spectrum. Retaining the territory closest to his personal interests in Soconusco, Barrios could take credit for averting the "threat of war" with Mexico by "ceding" Guatemala's long-standing claim to the entirety of Chiapas. Yet he could simultaneously dodge any continued criticism among Guatemalan patriots for having given up on rights to Chiapas by blaming the ineptitude of his diplomatic emissaries in Washington and Mexico City, especially Special Emissary Lorenzo Montúfar. For their part, Mexican diplomats such as Ignacio Mariscal and Matías Romero could congratulate themselves on both putting an end to the fight with Guatemala over Chiapas and doing so without the mediation of any other country. Their actions were consistent with Díaz's preference for diplomatic independence from outside arbiters like the United States.

Yet the 1882 treaty also resulted in new political, economic and territorial opportunities for borderland residents. Much of the treaty left the exact locations of border markers to negotiation among engineers, local authorities and local residents. Further, in an effort to protect the property rights and citizenship claims of those whose national status might change as a result of a newly-defined border, various caveats allowed people to decide their nationality and how to use their land. As an official, binational agreement, the treaty lifted borderland conflict and local demands directly onto the national and international stage. It gave local residents access not simply to nearby resources but to a political authority and diplomatic importance not previously

experienced. Further, it reduced the authority of centralized governments substantially by leaving the establishment of boundaries and citizenship to the whims of locals. Meanwhile, official surveyors, diplomats and police corps remained available to back up local demands against "international" affronts.

This process of individuals and communities undoing the power of the government while simultaneously acting in its name meant the constant reproduction of negotiated and "unresolved" jurisdictions. As I have argued throughout this dissertation, this suspension of true limits to local, national, community or individual political and economic influence meant that the interpretation and application of governmental authority remained up for grabs. The fact that the state could not apply laws and policies with complete "success" allowed for the constant participation of both insiders and outsiders in "making" the state.

Treaties and other "rituals of possession" followed the scripts of state-making used by nineteenth century presidents.³⁰² They reified the power of the government and its institutions, even as they laid bare the degree to which territorial occupation, control and defense depended on local, contradictory and frequently non-governmental forces. In the case of late nineteenth century Mexico and Guatemala, the act of signing a treaty was taken seriously as a dramatic political statement. At the same time, however, the contents of the 1882 treaty make clear that signatories

³⁰² "Rituals of possession" is a direct reference to Michael Witgen's article on French imperial territorial claims-making in the 17th century Great Lakes area, in which he emphasizes the differences between official agreements via the French Crown and the ways arrangements on the ground occurred between the French and the native people. See Michael Witgen, "The Rituals of Possession: Native Identity and the Invention of Empire in Seventeenth-Century Western North America." *Ethnohistory* 54, no. 4 (2007): 639-668. Patricia Seed, *Ceremonies of Possession in Europe's Conquest of the New World, 1492-1640* (Cambridge: Cambridge University Press, 1995) also emphasizes the dramatic difference between official territorial claims-making and actual control, especially between European imperial powers and native and colonial residents. See, also, Joseph Roach, *Cities of the Dead. Circum-Atlantic Performance* (New York: Columbia University Press, 1996), which argues that "genealogies of performance document--and suspect--the historical transmission and dissemination of cultural practices through collective representations" (Roach, *Cities of the Dead*, 25). In this way Roach argues that treaties and their celebration between political leaders became part of a region-wide repertoire of ritual language of accession, possession, and creation anew of territories.

like Barrios and Díaz, or their official representatives, were aware that they were resolving very little in terms of the actual establishment of borders.

In the case of the 1882 treaty, Guatemalan and Mexican diplomats and officials played scripted roles to affirm their knowledge of the border, its limits, the general will of their constituents as well as the well-being of their countries. Yet as Tamar Herzog has discussed for early modern Spain and Portugal's fights over territory in the Americas, the notion that treaties define what a boundary looks like on the ground reflects a misinterpretation of states, treaties and local realities. As Herzog rightly laments,

Historians studying territorial conflicts in the past have tended to define them as disputes over boundaries...These narratives, mainly focused on the genealogy of states and nations, rarely asked which were the precise mechanisms and processes that countless individuals and groups embraced to establish territorial claims for themselves, their communities and their monarchs. Neither were they interested in understanding what was involved in carving out territory...or how rights to land were constructed, negotiated and remembered by both locals and outsiders.³⁰³

For example, the part of the treaty that delineated the division of the Lacandon forest and the Petén projected a legal, social, political and economic determination to an area that was still designated by map-makers as "tierra incognita." To complicate matters further, the area was hardly "unpopulated" as cartographers often indicated. Instead it had become a hotspot for timber poaching, for relentlessly exploiting the many laborers "recruited" from Tabasco and Chiapas to work logging sites, and for newly established commercial and political relations with local *petenero* authorities.³⁰⁴ All the while these developments were destroying the ecosystem on which

³⁰³ Tamar Herzog, *Frontiers of Possession: Spain and Portugal in Europe and the Americas* (Cambridge: Harvard University Press, 2015), 3.

³⁰⁴ The most comprehensive treatment of the history of logging in the Lacandon forest is Jan de Vos' *Oro Verde*. For the Petén, see Norman Schwartz, *Forest Society: A Social History of Petén, Guatemala* (Philadelphia: University of Pennsylvania Press, 1990).

still-present Mayan communities depended for survival.³⁰⁵

The 1882 treaty, then, not only fed claims to land, citizenship and authority among border residents that previously had not existed. It also channeled the political energies and volatilities of national and international diplomacy into areas where territorial and labor exploitation was still far out of the reach of any state's jurisdiction. As Raymond Craib has observed for nineteenth century Mexico,

State fixations were not always antithetical to village interests, nor were they always unilaterally supported by the state's own agents. Indeed, at times the land division and fixed borders offered pueblos an opportunity to compel the state to support their endeavors.³⁰⁶

Even seemingly dramatic declarations of state power and decision-making like a binational border treaty merely multiplied the ways that government authority and directives could be endlessly readapted to alternative interests in practice, such as those of foreign loggers, exiles and local borderland authorities.

Wars of Diplomacy: Finalizing the 1882 Treaty

In 1881, while Guatemala was still laying claim to all of Soconusco and Chiapas, Mexico

³⁰⁵ Historically, the Lacandon and the Petén forests had both been areas of refuge for native peoples fleeing colonial rule. The "final conquest" of the Itzaes, in the Petén, and the Lacandones, of the Lacandon, occurred at the end of the 17th century (see Jan de Vos, *La paz de Dios*; and Peter Gerhard, *La frontera sureste*). In the case of the Lacandon peoples, the last of these were sent away to Guatemala's Pacific coast by the early 1700s, leading to the total annihilation of their culture, language and ancestral lines (Jan de Vos, *La paz de Dios*, 212-214). Yet, according to de Vos, after that point a number of Maya responding to renewed pressures by the Spanish in Campeche and the Petén moved into the Lacandon forest, so that by the mid-19th century, small populations of what were commonly called either "lacandones" or "caribes" existed, but in such small numbers that they generally disappeared at the sign of foreign presence (Jan de Vos, *La paz de Dios*, 212-214).

³⁰⁶ Raymond Craib, *Cartographic Mexico*, 68.

sent more troops to the Soconusco border, to "defend Mexican nationals and their territory."³⁰⁷

According to Guatemalan Special Emissary, Lorenzo Montúfar, Mexico "knew only the force of conquest" in its efforts at boundary-making, and could not be trusted to negotiate.³⁰⁸ Guatemala's continued claims to Chiapas inflamed Mexico and especially the Chiapanecos, who felt that, if Mexico hesitated to defend its claims to Chiapas, it would violate both diplomatic decorum and "even the federal pact; because letting go of the people of Chiapas would annihilate the autonomy of its sovereign rights..."³⁰⁹ Barrios' solution to the problem was to ask the U.S. to serve as mediator in the negotiations. This only angered Mexicans further. Nonetheless, Barrios sent Montúfar to Washington D.C. in November of 1881 to lobby for U.S. arbitration, at which point all efforts at delineating and marking the border were definitively suspended.³¹⁰

In the case of the 1882 treaty, the treaty negotiators were also positioning themselves vis-a-vis the United States. In exchange for arbitration over the border between Mexico and Guatemala mediated by the United States, President Barrios offered the entire territory of

³⁰⁷ "El General González, al abrir el 10 Congreso, el primer periodo del segundo año de sesiones, el 16 de septiembre de 1881," in *Los presidentes de México ante la nación. Informes, manifiestos y documentos de 1821 a 1966, XLVI Legislatura de la Cámara de Diputados* (Mexico, 1966, Vol. 2), 107. The number of troops varies according to the documentation. According to Monica Toussaint, Manuel Herrera, Guatemalan Minister in Mexico City, reported 4,000 troops present in October of 1881. See Monica Toussaint Ribot, Manuel Ángel Castillo and Mario Vázquez Olivera, *Espacios diversos, historia en común: México, Guatemala y Belice: la construcción de una frontera* (México, D.F.: Secretaría de Relaciones Exteriores, 2006), 115. In November, Phillip Morgan, U.S. Minister to Mexico, reported to James Blaine, U.S. Secretary of State, that Ignacio Mariscal, the Mexican Foreign Minister, had said that there were "some troops" sent to the border in July of 1881 but that "the number was not large," whereas by November of that year the total number of Mexican troops had been rumored to be 5,000 in local newspapers (United States Department of State, "Mr. Morgan to Mr. Blaine, Mexico, July 19, 1881" and "Mr. Morgan to Mr. Blaine, Mexico, Nov. 2, 1881" in *Boundary between Mexico and Guatemala* (Washington: Government Print Office, 1884), docs. 25 and 34.

³⁰⁸ United States Department of State, "Mr. Montúfar to Mr. Blaine, Nov. 2, 1881" in *Boundary between Mexico and Guatemala*, doc 45.

³⁰⁹ Gobierno del Estado Libre de Chiapas. *Manifestaciones de los poderes de Chiapas y de los representantes de lo mismo en el Congreso federal con relación a la cuestión de límites entre México y Guatemala* (Mexico: Imprenta del Gobierno, dirigido por Sabás A. y Munguía, 1882), 20.

³¹⁰ Claudio Urrutia, Comisión Guatemalteca de Límites con México, *Memoria sobre la cuestión de límites entre Guatemala y México* (Guatemala: Imprensa de la Tipografía Nacional, 1900), 154-156; *La Patria*, 15 de octubre, 1881, 2.

Soconusco as recompense, according to Cornelius Logan, the US Minister in Guatemala.³¹¹ This offer was clear evidence that Guatemala's aim was not merely to "come to an agreement" with Mexico about their shared boundary, or even to make territorial gains. Instead, Barrios saw "arbitration" as a way to enhance Guatemalan and U.S. political and commercial alliances, especially against Mexico. Both Barrios and the U.S. representative in Guatemala agreed that U.S. and Guatemalan mutual interests on the isthmus could also be bolstered by their alliance. Since his rise to the presidency in 1873, Barrios had also been organizing with El Salvador and Honduras to create another Central American confederacy, with himself at its head. Combined with the U.S.'s increasing interest in a trans-Isthmian canal on the border of Nicaragua and Costa Rica and Barrios' eagerness to benefit from such a project, the alliance seemed undeniably opportune.

At the same time, Mexico appeared to be on unsteady ground, politically and administratively, a situation from which Guatemalans could benefit. Porfirio Díaz's presidency, which had a record of a staunchly nationalist, independent stance in foreign relations and toward foreign arbitration was interrupted, between 1880 and 1884 by the presidency of Manuel González. Further, by 1881, Mexico still had not made any final treaties with Britain regarding the status of Belize, a British colony since 1861 but arguably occupying both Mexican and Guatemalan territory. Between 1865 and 1881, "pacified" Yucatec Mayan groups allied with the government of Campeche and made repeated attacks on Belizean logging camps, charging "rent," demanding ransom for kidnapped loggers, and allying with Yucatec emigrants resident in Belize to stoke "rebellions" against Belize's landed oligarchy. In one incident in 1872, 150 invaders burned down a prominent Belizean town (capital of the Northern District) and tied up its

³¹¹ United States Department of State, "Mr. Logan to Mr. Blaine, May 27, 1881" and "Mr. Logan to Mr. Blaine, June 28, 1881" in *Boundary between Mexico and Guatemala*, docs. 3 and 4.

magistrate.³¹² In return, British authorities encouraged Belizean support of the rebel Maya of Yucatan's east coast, bolstering British claims to land concessions in the same area, and renewing efforts to treat with Guatemala over their position east and north of the Petén. Despite the fact that the Díaz administration finally agreed to reinitiate discussions of Mexico's frontier with Belize in 1878, no treaty was ratified until 1897, and Mayan attacks and "rent-charging" continued, under the unspoken auspices of the Mexican government, well into the 20th century.³¹³

President Garfield's occupation of the White House, with James Blaine as Secretary of State, also heightened the likelihood of the U.S. taking Guatemala's side. According to Matías Romero, Secretary Blaine had spearheaded the U.S.'s role as arbiter in Latin America since his appointment under Garfield. Blaine had eagerly taken wholesale the Guatemalan versions of the conflict with Mexico, first from Guatemala's representative in the U.S., Jorge Ubico, and later, from Special Emissary Lorenzo Montúfar. In these, Ubico and Montúfar presented Mexico as the aggressive northern neighbor that would stop at nothing to "conquer" Guatemalan lands.³¹⁴ A mere three weeks into initial discussions between Blaine and the U.S. representative in Guatemala, Cornelius Logan, the U.S. was on the verge of mediating Guatemala's boundary negotiations with Mexico, with the understanding that they were dealing with a diplomatic impasse between two nations on the verge of war.³¹⁵

³¹² Secretaría de Relaciones Exteriores de México, *Correspondencia diplomática cambiada entre el gobierno de la República y el de su Majestad Británica con relación al territorio llamado Belice, 1872-1878* (Mexico: Imprenta Ignacio Cumplido, 1878), 1-19.

³¹³ Lean Sweeney, *La supervivencia de los bandidos: los mayas icaichés y la política fronteriza del sureste de la península de Yucatán, 1847-1904* (Merida: UNAM, 2006).

³¹⁴ United States Department of State, "Mr. Ubico to Mr. Blaine," and "Mr. Montúfar to Mr. Blaine" in *Boundary between Mexico and Guatemala*, docs. 12 and 45.

³¹⁵ While Logan himself alluded to both the impropriety and obvious problems implicated in accepting any offers of land that was already occupied by Mexico, U.S. Secretary of State Blaine expressed interest in the U.S.'s involvement in the boundary dispute, both as a way to gain greater political control on the isthmus and as way to keep the site of possible future U.S. investments--especially of an interoceanic canal--clear of military

If the U.S. had persisted in this stance towards the Mexico-Guatemala boundary conflict, the boundary itself would have been lost from view. The primary result of U.S. intervention would have been Guatemala's annexation of Chiapas and Soconusco. U.S. investment in Central America, and in a peaceful coexistence of the Central American states, would have been considerable, with probable consequences for U.S.-British relations as well as Mexico-British relations, especially regarding Belize. As it happened, President Garfield was assassinated in late 1881, and Blaine too left the political stage. By the time both of these men were replaced, in early 1882, U.S. interest in the Guatemala-Mexico dispute, the Central American union, and the canal project had substantially diminished.³¹⁶

Yet later events show that Barrios' use of the border dispute did not end with his attempts to gain support from the United States or consolidate his hold on Central America. At the same time that he sent Montúfar to lobby for U.S. support in Washington, Barrios had also sent instructions to the Guatemalan Minister in Mexico City, Manuel Herrera, to negotiate directly with the Mexican government regarding the two countries' shared boundary. In contrast to Montúfar, Herrera had agreed to cede Chiapas and Soconusco to Mexico and had gone so far as to present a preliminary draft of a treaty to Mexican authorities. In his draft, Herrera asked Mexico to pay Guatemala an indemnity of \$4,000,000 in exchange for Chiapas and Soconusco, while

conflict. See United States Department of State, "Mr. Logan to Mr. Blaine, May 27, 1881" in *Message from the President of the United States, transmitting a report of the Secretary of State, with accompanying papers, in response to the Senate resolution of January 31, 1882, touching on the relations of the U.S. with Guatemala and Mexico, etc.* (Washington: 1882) doc. 2. In his June, 1881 letter to the U.S. Minister in Mexico, Philip Morgan, Blaine urged that the U.S. could "do no less than give friendly and considerate heed to the representations of Guatemala..." Blaine went on to describe the ways the "forces of Iturbide overran a large part of the territory of what now constitutes Central America," explaining that since that time, Mexico "did not forego claims based on the imperial policy of conquest and absorption..." (United States Department of State, "Mr. Blaine to Mr. Morgan, June 16, 1881" in *Message from the President of the United States*, doc 20).

³¹⁶ Matías Romero, "Mr. Blaine and the Boundary Question between Mexico and Guatemala," *Journal of the American Geographical Society of New York*, 29, no. 3 (1897), 317-318.

Guatemala would gain part of Tabasco, Campeche and Yucatan.³¹⁷

Nevertheless, Montúfar was under the impression that he should pursue parallel negotiations, despite the fact that Matías Romero, asked to step in as the Plenipotentiary Minister of Mexico in Washington, assured Montúfar that the Mexican government would only agree to a treaty between Guatemala and Mexico signed in Mexico City. Montúfar's confidence in his role was no doubt encouraged by Barrios, who apparently had given Montúfar no reason to believe otherwise, until Barrios' personal arrival in the U.S., in mid-July 1882. After being assured by President Chester Arthur that the U.S. would not intervene unless asked by both Mexico and Guatemala, Barrios was forced to abandon Guatemala's claims to Chiapas and Soconusco entirely.

Montúfar resigned immediately afterward, publishing his resignation letter to Barrios in the *New York Herald*, in August of 1882. He stated that he not only disagreed with Barrios' views on Central American policy, but that it was "impossible for [him] to continue suffering the treatment which [Barrios] gave to many persons, without exception, on account of their loyal services."³¹⁸ Clearly, Montúfar felt he had been forced out of his position by the Guatemalan president's unpredictable manipulation of political pawns to achieve a strategy that was far more about political pragmatism and Barrios' power than about lofty nationalist ideals in favor of Guatemala as a whole.

For his part, Romero believed that Barrios had used Montúfar as a scapegoat, forcing his resignation to suggest that concessions to Mexico had resulted from Montúfar's diplomatic ineptitude, rather than Barrios' recognition of diplomatic realities. According to Romero, Barrios

³¹⁷ Romero, Barrios, Herrera, and Cruz, "Settlement," 133; Enrique Del Cid Fernández, *Grandezas y miserias de la vida diplomática de Guatemala* (Guatemala: Editorial del Ejército, 1966), 422-424.

³¹⁸ *New York Herald*, August 4, 1882, 5.

himself admitted that "he could not, without failing to comply with his duties as a public man, acknowledge the annexation [of Chiapas and Soconusco] to Mexico," though he knew that he had been forced to do precisely that.³¹⁹

Nonetheless, in working out the preliminary treaty in New York City in early August of 1882, Barrios strategically told Romero that, in order to "to satisfy public opinion in Guatemala and not to disgrace himself before his countrymen for having surrendered unconditionally the rights of his country," he desired that, in the final agreement, the arbitration of the U.S., "or of any other government that Mexico might designate, should appear in some way in order to satisfy the pride of the Guatemalans..."³²⁰

Further, Barrios hoped to be present in Mexico City that fall of 1882 for the final working out of the boundary, a demand Romero chalked up to Barrios' desire to revise the treaty yet again. Yet, according to Romero, this had not been made clear to Barrios' Minister in Mexico, Manuel Herrera, and the treaty was signed in Barrios' absence (he had gone to Europe). Barrios' requests that a third party (the U.S.) be present at the signing was also rejected by Mexico.³²¹

In angry retaliation, Barrios then forced Herrera to resign in the aftermath of the treaty's signing. Barrios also invited his National Assembly to reject the treaty upon his return to Guatemala. "If... the step I have taken does not merit your approval" he announced to the Assembly, in December of 1882, "I entreat you to condemn it energetically and freely, so as not

³¹⁹ Romero, Barrios, Herrera, and Cruz, "Settlement," 143.

³²⁰ Romero, Barrios, Herrera, and Cruz, "Settlement," 148.

³²¹ Romero, Barrios, Herrera, and Cruz, "Settlement," 133; Enrique Del Cid Fernández, *Grandezas y miserias*, 422-424. The other piece of the preliminary treaty signed in New York that was rejected upon the final signing in Mexico City was the particular wording of the first Article, which originally said that Guatemala was "dispensing with" its previous discussion of its rights over Chiapas and Soconusco. Mexico's representatives demanded that this be changed, the final version stating clearly that Guatemala "renounces forever" the rights it claims to have over Chiapas and Soconusco (Claudio Urrutia, *Comisión Guatemalteca de Límites con México, Memoria, 1900*, 157-162).

to bear the consequences it may entail..."³²² Clearly, Barrios was aware that the results of the treaty would not be easily accepted in Guatemala, and he made every effort to distance himself from the anger it was sure to produce.

Despite the conflicted aftermath of the treaty, it fulfilled many of the aims of the various leaders involved. Barrios had in many ways saved himself from a near-impossible situation of attempting to please at least three conflicting constituencies simultaneously. The first of these were the nationalists backing Montúfar, who wanted to get the most territory out of the treaty as possible, including Chiapas and Soconusco, while also guaranteeing the support of the U.S. in Guatemala's conflicts with Mexico. The second constituency was represented by Herrera and other more moderate diplomats in the Guatemalan cabinet, who sought to end the border conflict as quickly as possible, while maintaining a healthy working relationship with both Mexico and the U.S. Finally, there was Barrios and his favorites of San Marcos, which put his control over the country and the preservation and expansion of his borderland properties (which extended into Mexican territory) at the forefront, rendering Guatemala's national integration, borderland development (for others than himself) and territorial claims to Chiapas secondary. By causing Montúfar to resign, firing Herrera, and presenting the legislative assembly with the responsibility of making the final decision regarding the 1882 treaty, he had extracted himself from his own duty to the first two groups, and preserved his place among his followers in the western departments. A number of scholars, such as Steven Palmer, argue that Barrios was also bent on both urging the treaty forward and gaining support in Mexico in preparation for his attempts to

³²² Justo Rufino Barrios, *Message in which the constitutional president of the Republic, Gen'l J. Rufino Barrios, Renders an Account to the National Assembly of the Settlement of the Mexican Boundary Question* (New York: Press of "Las Novedades," 1883), 29.

reunite the Central American states into a Republic, with himself at the head.³²³ This would be far harder than Barrios had hoped, although he was right in suspecting the need for Mexican support. As it happened, even after Mexico "triumphed" in 1882, they would place troops on the Guatemalan border in 1885, right when Guatemala was attempting to bring together the Republic by force, and would be fairly consistent in their support of El Salvador, Guatemala's ongoing antagonist from 1885 to at least 1890.

In turn, Mexico's dealings with the Barrios administration had given President González and officials like Foreign Minister Ignacio Mariscal ample opportunity to flex Mexican diplomatic muscle. During the course of the 1882 treaty negotiations, Mariscal clearly signaled Mexican resistance to U.S. intimidation, originally spearheaded by Díaz. They also stood firm on their claims to Chiapas and Soconusco, and their use of troops in the region transformed what had seemed a peripheral frontier of only distant concern into a well-connected arm of Mexican diplomacy. Nor did they end up paying any kind of indemnity to Guatemala for the territory they gained, one of Herrera's consistent demands.³²⁴ As a result, on paper, Mexico lost only a small portion of territory in Soconusco, comprising a total of one town, twenty-eight farms, and about 2,500 people. Guatemala, in contrast, lost 10,360 square kilometers of their territory across the length of the border (6% of the entirety of Guatemala), fourteen towns, nineteen villages and fifty-four farms.³²⁵

³²³ Steven Palmer, "Central American Union or Guatemalan Republic? The National Question in Liberal Guatemala, 1871-1885," *The Americas*, 49, no. 4 (April, 1993): 513-530; and Monica Toussaint Ribot, "Justo Rufino Barrios, la Unión Centroamericana y el conflicto de límites México-Guatemala" in *Las fronteras del Istmo. Fronteras y sociedades entre el sur de México y América Central*, ed. Philippe Bovin (Mexico City/Paris: CIESAS/Centro Frances de Estudios Mexicanos y Centroamericanos, 1997), 91-96.

³²⁴ Del Cid Fernández, *Grandezas y miserias*, 422-424.

³²⁵ Claudio Urrutia, Comisión Guatemalteca de Límites con México, *Memoria 1900*, 177; Toussaint et al, *Espacios diversos*, 122 and 145.

Far more than a watershed moment of diplomacy inaugurating the beginning of Mexican and Guatemalan territorial consolidation, the 1882 treaty represented a diplomatic failure for Guatemala, and continued territorial ambiguity for both countries. Montúfar's scandalous resignation, and the letter he published in its wake, were not easily forgotten.³²⁶ According to Guatemalan historian Victor Hugo Acuña Ortega, Montúfar was "the emblematic figure of Central American liberalism."³²⁷ Forced out of the country during the Carrera regime, Montúfar lived in various parts of Central America, most importantly Costa Rica, where he lived almost twenty-five years and where he had the following public roles: Judge of the Court of Justice, Minister of Foreign Relations (during the invasion of William Walker and again under Tomás Guardia), and Minister of War. He had returned to Guatemala with Barrios' rise to power, but was back in Costa Rica after his resignation until after Barrios' death, in 1885.³²⁸

Barrios' attempt at Central American unification, and indirect efforts to save his national credibility, also resulted in a short and vicious war in 1885 between Guatemala, Honduras, and El Salvador, in which Barrios lost his life.³²⁹ The outcome of Mexico and Guatemala's 1882 treaty

³²⁶ Claudio Urrutia, Comisión Guatemalteca de Límites con México, *Memoria, 1900*, 195-197. Victor Hugo Acuña Ortega refers to Montúfar as "the emblematic figure of Central American liberalism" (Acuña Ortega, "La historiografía liberal centroamericana: la obra de Lorenzo Montúfar, 1823-1898" *Anales de la Academia de Geografía e Historia de Guatemala*, LXXXII, 2007, 99). Forced out of the country during the Carrera regime, Montúfar lived in various parts of Central America, most importantly Costa Rica, where he lived almost twenty-five years and where he had the following public roles: Judge of the Court of Justice, Minister of Foreign Relations (during the invasion of William Walker and again under Tomás Guardia), and Minister of War. He had returned to Guatemala with Barrios' rise to power, but was back in Costa Rica after his resignation until after Barrios' death, in 1885 (Acuña Ortega, "La historiografía liberal," 99).

³²⁷ Acuña Ortega, "La historiografía liberal," 99.

³²⁸ Acuña Ortega, "La historiografía liberal," 99.

³²⁹ Barrios had used his influence to place allies in power in Honduras and El Salvador by 1884, who would support the Central American Union with Barrios as its leader. By 1884, Barrios had invited all heads of state in Central America to a conference to sign an agreement on the unification, but Costa Rica and Nicaragua refused. When in early 1885 he declared the unification, thinking that, with the sure support of El Salvador and Honduras (and in the face of impending war), the other two countries would join. But at the last minute El Salvador, under Rafael Zaldívar (1876-1885) pulled out, instead allying with Costa Rica and Honduras, with

could not have been rendered more open-ended. Nonetheless, by the end of 1884, the projected first part of the frontier separating Chiapas and western Guatemala, stretching from the bank of Ocos on the Pacific to the peak of Ixbul, west of Comitán, had been drawn and marked. Future events would determine how this translation of diplomacy onto the borderlands would evolve.

Between Nations and Individuals: Using the New Frontier

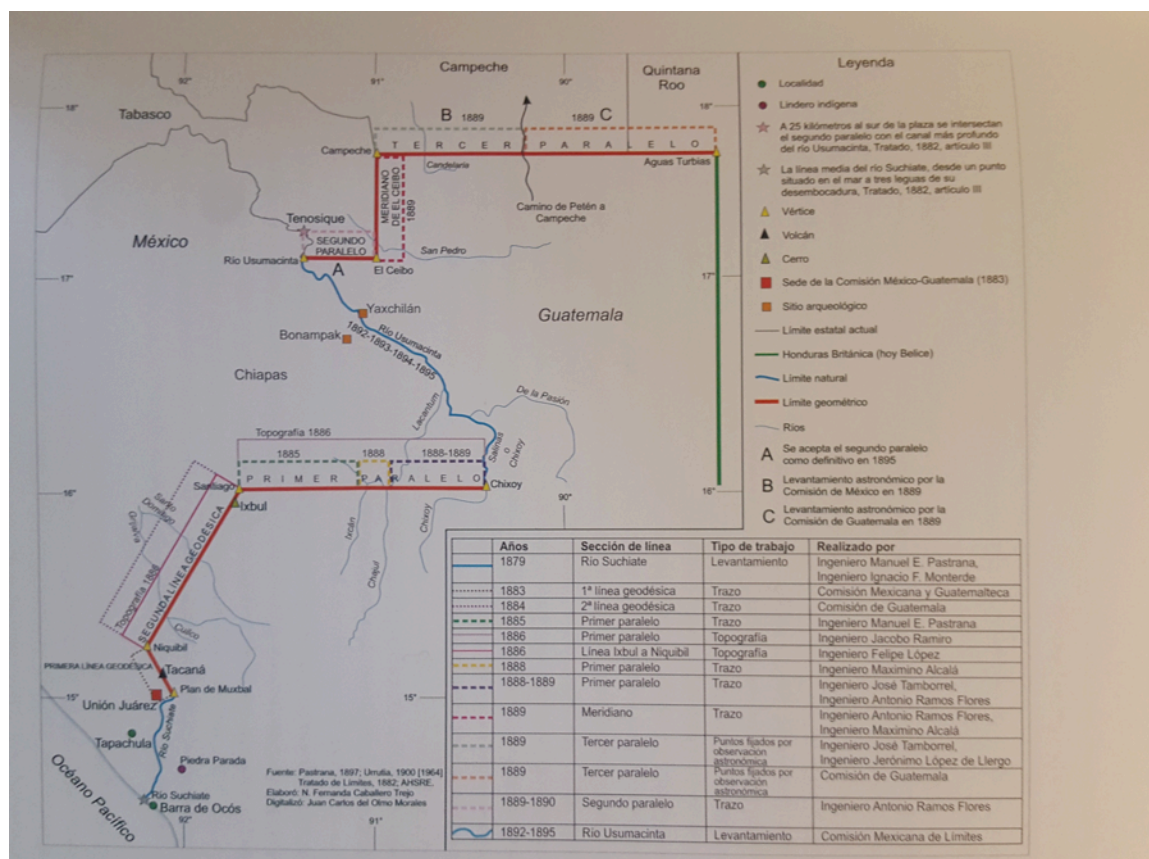
The 1882 treaty's unimpressive diplomatic outcome had similarly ambiguous repercussions on the ground, from the Pacific to the Cerro de Ixbul, at the latitude of the city of Comitán (see Map 6). The treaty designated the Suchiate River as the southernmost border between the two countries, enabling Guatemala to gain part of Soconusco (including the Mexican town of Ayutla and Barrios' ranch, "El Malacate" and the inlet of Ocos, at the mouth of the Tilapa River. Further, Guatemala's steady gains in the region of Tacaná and Cuilco, made between 1821 and 1882 (at Romero's expense), were also acknowledged in the final treaty, though not entirely: the border towns of Motozintla, Mazapa, Amatlán and Amatenango, though coveted by the Guatemalans, would, after 1882, become officially Mexican (see Map 7). Guatemala also secured gains in the western part of the Petén, previously part of the Mexican state of Tabasco, and to the east, parts of Campeche and Yucatan.³³⁰

The Barrios administration was quick to take advantage of its newly acquired piece of

tentative support from Mexico. In response, Barrios declared war on El Salvador on March 30, 1885, yet he died in battle three days later (Herrick, *Desarrollo económico*, 181-183). For the original correspondence between Barrios and the Honduran authorities threatening them to ally with him, see *Reproducciones para la historia* by "Unos patriotas," Santiago González, and Justo Rufino Barrios (Tegucigalpa: Tipografía del Gobierno, 1887).

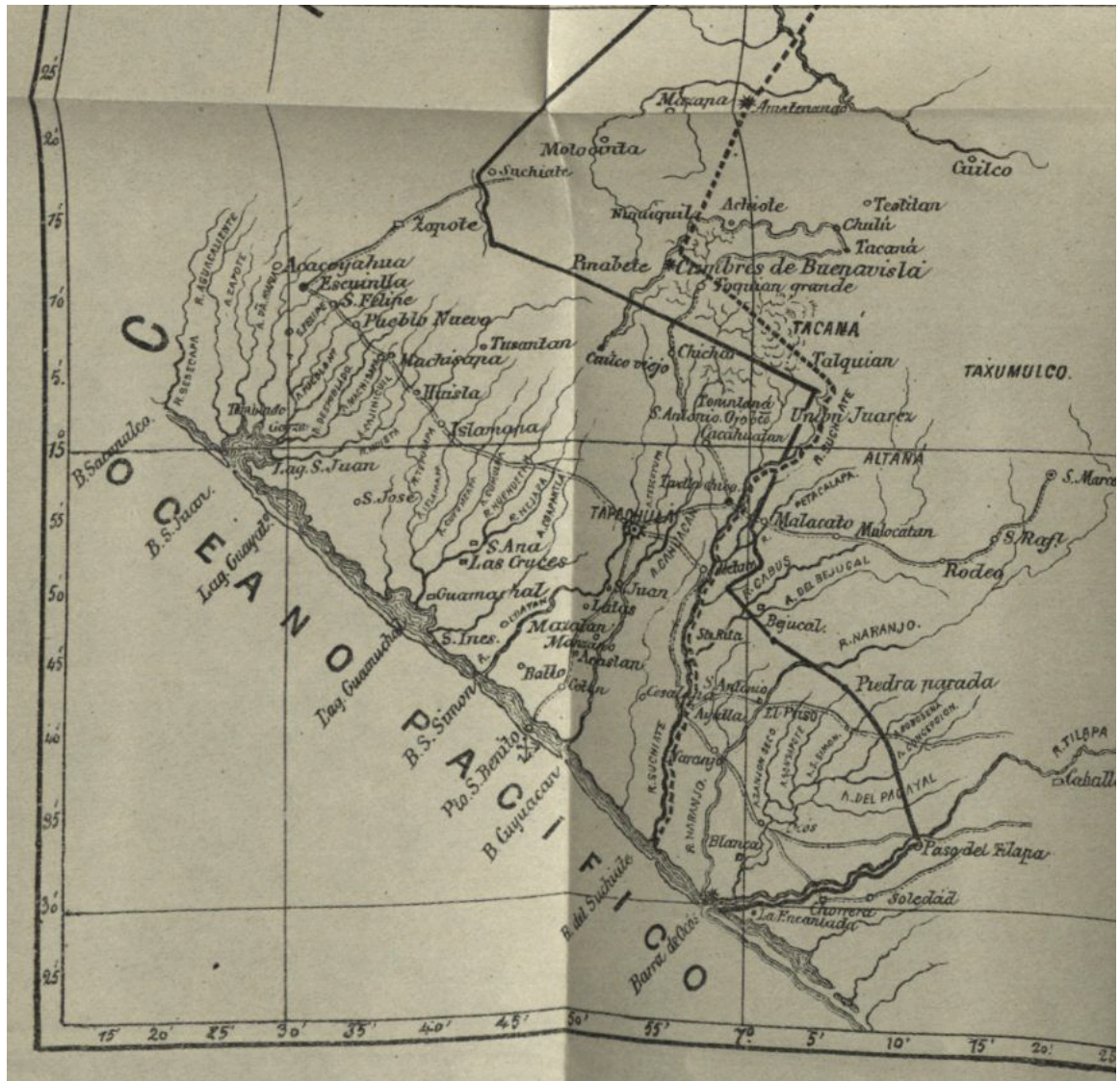
³³⁰ Secretaría de Relaciones Exteriores de México, "Tratado sobre límites, celebrado el 27 de septiembre de 1882" in *Tratados y Convenciones*, Vol 1, 1930, 365.

Soconusco. To counteract the tendency of the western Guatemalan departments to continue to export through the Mexican port of San Benito, in eastern Soconusco, a new port in Ocos was built, in an effort to stem the tide of export fees and services paid to the Mexican treasury.³³¹



Map 6. The lines established by the two countries' frontier commissions and the years they were completed. From Nydia Fernanda Caballero Trejo, *El refugio de la memoria: la Comisión Mexicana de Límites entre México y Guatemala, 1878-1899* (Mexico: Secretaría de Relaciones Exteriores, 2014), 101.

³³¹ Zorrilla, *Relaciones de México*, 444.



Map 7. Final line and original positioning according to Guatemalan sources. The solid line represents the final border. From Hilarión Frías y Soto, *Cuestión de límites entre Guatemala y México* (Mexico: Tipografía Literaria de Filomeno Mata, 1883), 25.

However, even the text of the treaty itself opened, rather than closed, new sources of contention surrounding the border's location. Article #4, for example, acknowledged the incomplete understanding on the border area's geography, leaving the treaty's stipulations open to future scientific studies and renderings of the area by the two nations' engineering teams. Further, local attempts to establish property and titles were delayed until 1884, when the engineers were due to be finished drawing the first part of the border, between the Pacific coast and Comitán. In the meantime, all existing properties would be "respected as inviolable," a caveat that a number of residents and logging enterprises would use against any attempts of the engineering committee to make any determinations at all.³³²

Article #5 added further uncertainty to the treaty's local effects. According to this section, anyone who found themselves in a new nation by virtue of the treaty could move to a different town, on either side of the border, and continue to retain their original property and even their citizenship, as long as they did so within a year of the treaty's ratification. All "existing" claims to property in the renegotiated area would be respected during an indeterminate stretch of time. Only when a marker was established and agreed-upon (a lengthy process in itself), would the year-long period of negotiating one's national status and property ownership begin. As stated in Article 5, " Those who prefer to stay in the ceded territories can keep the title and rights of a national of the country to which they previously pertained, or [they can] acquire the nationality of the territory to which they are going to pertain in the future."³³³ In an obvious contradiction, Article

³³² Secretaría de Relaciones Exteriores de México, "Tratado sobre límites, 1882" Article 5. In later debates over the settlement of continuing conflicts, what seems to have been more often cited was Article 5 of the preliminary agreement signed in New York City, which stated that, as a general rule, "current possession" would serve as the basis for the dividing line's demarcation (Frías y Soto, *Cuestión de límites*, 16-17).

³³³ Frías y Soto, *Cuestión de límites*, 16-17. Article 5 reads: "Nationals of either country who, in virtue of the stipulations of this treaty, remain, in the future, in territory of the other [country], can stay [in that territory] or move, at any time, to wherever is most convenient, retaining in the said territory the goods that they possess, or transferring them and passing their value to wherever they want, without, for this reason, being taxed or

#6 determined that the executive of each country was to "establish its authority" in these new parts of their country within six months of the border being delineated. Continued confusion and conflict over borderland authority and belonging was thus literally written into the 1882 treaty.

Conflict continued in the newly Guatemalan town of Ayutla and the region between Tacaná and Cuilco (see Map 7). Ayutla had been a Mexican town located just east of the Suchiate River, and it was ceded to Guatemala per the 1882 treaty. Yet after the treaty signing, Ayutla's formerly Mexican residents began to complain to the Mexican national government about mistreatment at the hands of Guatemalan authorities. They resented Guatemalan taxes and felt they were being treated unfairly. Finally, in 1889, Mexican President Porfirio Díaz established a new town nearby in Mexican territory, christened "Frontera Díaz." That this move helped to conserve their sense of community and identity is evident in the fact that natives of Ayutla were later accused of dragging their local saint and various associated artifacts to their new town in Mexico.³³⁴

The historically conflictual region between Tacaná and Cuilco harbored far more violent and long-lasting antagonisms. It was in the southern part of this area that Matías Romero had his conflicts with the people of Tacaná, and Margarito Barrios had moved the border markers to Cuilco Viejo. With the 1882 treaty, antagonisms assumed more toxic levels of nationalism, militarism and territorial rivalry than in previous years. However, the exact divides between local alliances remained just as confusing and open-ended as in the case of Romero's "invaded" *cafetal*. These confusions are evident in the career of Mexican emigrant and Díaz supporter-turned-

otherwise made subject to duties. Those who prefer to stay in the ceded territories can keep the title and rights of a national of the country to which they previously pertained, or [they can] acquire the nationality of the territory to which they are going to pertain in the future."

³³⁴ Secretaría de Relaciones Exteriores de México, *Boletín oficial de la Secretaría de Relaciones Exteriores de México*, Vol. 1 (Mexico: Imprenta del Gobierno en el Ex-Arzobispado, 1895), 259-270.

Guatemalan-borderland-military-commander, Benito Melgar. According to documents dredged up by the Mexican Secretary of Foreign Affairs, in the mid-1870s Melgar had held public office in Tapachula, where his reputation for cruelty and arbitrary punishment had gained sufficient attention from Chiapan authorities that he felt it prudent to emigrate to Guatemala. According to the testimony of Marco Soto, *the jefe político* of San Marcos, in 1875 Melgar, a rebel fighting with Sebastián Escobar to support Díaz's presidency, was allowed to live in San Felipe, Suchitepéquez, given that this was located at the required distance from the frontier, even for "dangerous emigrants."³³⁵ He was initially incarcerated in San Marcos, but within little time was made military commander in the southern *huehueteco* town of Cuilco, just north of Tacaná, a notable entrepot for commerce between Chiapas and the Guatemala border departments (Map 7).

According to Guatemalan historian Adrián Recinos, Melgar used his new position to gain property and wealth via extortion and threats of arbitrary imprisonment, under the pretext that his victims were planning "conspiracies" against the Barrios administration. Apparently in appreciation of his good work, the Guatemalan Minister of War, Juan Martín Barrundia, promoted Melgar to Mayor de Plaza (Major of Military Headquarters) in the city of Huehuetenango.³³⁶ There he continued to threaten indigenous villagers and wealthy *ladinos* alike with arrest, alleging "conspiracies," and later seizing their lands for his own use. He did so in alliance with the infamous Evaristo Cajas, an in-law of Justo Rufino Barrios who, after serving

³³⁵ AGCA: "Diligencias relativas al mexicano Sebastián Escobar, sobre que se le permita volver a San Marcos, levantándole reconcentración" B99-30-4, Legajo 6714, N° 1. 1875.

³³⁶ Recinos, *Monografía*, 207-209, 245-247. Though the assertion, coming from Recinos, that Melgar was rampantly raiding towns to put down conspiracies, under the knowledge and even auspices of the Guatemalan government, is open to doubt (Recinos is clearly biased against Barrios, his military favorites, and Mexico generally), in later documentation (in 1884) Melgar's position as military commander of an "expeditionary force" along the border is supported by the Guatemalan Minister of War, Juan Martín Barrundia, even though Guatemalan authorities later admit that they were aware that they were misinformed about Melgar's status as wanted for treason by Mexico. Mistakes were blamed on the *jefe* of Huehuetenango, who was promptly replaced (AGCA: B99-25-21, Leg. 6449, "1884. Diligencias relativas a la invasión del territorio de Guatemala, en agosto de este año. Melgar").

under Barrios's *Guardia de Honor* (Military Guard of Honor), had become the *jefe político* and Commander of Arms in Huehuetenango, in 1878.³³⁷ According to Recinos, Cajas had been using his position in Huehuetenango to unleash "terror and vandalism" that lasted many years, with Melgar and his followers would serve as his "lieutenants."³³⁸

In 1884, Melgar's abuses, and the resulting confusions over property rights, personal rights, and the legitimate legal and geographical extent of Melgar's authority, spilled over the border. Early that year, Melgar was again routing out "traitors" in the area of Huehuetenango and Tacaná, carrying out his role as *Jefe Militar de las Fuerzas Extraordinarias* (Military Chief of Extraordinary Forces), a title vested on him by Barrios. Melgar and his forces reigned terror on towns throughout Huehuetenango, assisting Cajas in arbitrarily throwing many of the most wealthy citizens in jail, demanding all of their property as ransom. If they refused to concede to his orders "...he would shoot them in the back, calling them 'traitors of the patria,' and he always ended by doing as he had promised, taking away all their goods for his own benefit."³³⁹ According to Recinos, in the process of targeting the wealthy for ransom, Melgar had also terrorized numerous indigenous communities, like San Pedro Soloma and San Juan Ixchoy, where he forced residents to hand over mules and cows as payment for their "disloyalty" to Barrios.³⁴⁰ In the town of San Mateo Ixtatán, indigenous leaders were rounded up and jailed, also accused of

³³⁷ Recinos, *Monografía*, 245.

³³⁸ AGCA: B Legajo 28674, exp. 151, f. 1; Recinos, *Monografía*, 245-247.

³³⁹ Recinos, *Monografía*, 207-210.

³⁴⁰ According to McCreery and Luján Muñoz, the indigenous community of San Juan Ixchoy, located at the heights of the Cuchumatán mountains, were not generally affected by the recruitment to work on coffee *fincas* in the south until the 1890s (McCreery and Luján Muñoz, "Tierra, trabajo y conflicto," 101-112). Still, the pressure that they did end up feeling came directly from the ladino recruiters and landowners in nearby Chiantla, a town particularly targeted by Melgar and Cajas and temporarily the capital city of the Department of Huehuetenango, in the 1880s.

"conspiracy," the raiding officers taking over the lucrative salt flats encompassed by San Mateo's territory.³⁴¹

In August of 1884, Melgar apparently was recruited by Guatemalan authorities to supervise the new Mexico-Guatemala border.³⁴² Early that month, a group of one hundred "invaders" (according to the Guatemalan government, they were Guatemalan *emigrados*) from Tapachula, Soconusco, crossed into Malacatán, Guatemala. Though they apparently did no damage nor made any political pronouncements, they did cause alarm and the retreat of Malacatán's minimal forces. The next day, they returned to Tapachula, where their arms were confiscated and they were once again forced to stay a certain distance from the border.³⁴³ A flurry of letters passed between the Mexican and Guatemalan foreign ministers, with the Guatemalans accusing Mexican authorities of facilitating Guatemalan emigrants' attack on their country, accompanied by Mexican forces. According to Melgar, his recruitment to supervise the border was to safeguard against further invasions from the same faction of anti-Barrios *emigrados*.³⁴⁴ However, almost simultaneously, one of Barrios' cabinet members, Miguel Urrutia, reported to the "honorary" consul in El Rodeo (a small town located between Malacatán and San Marcos) that Melgar had committed "treason" against Guatemala, and that he might be planning to invade Mexico.³⁴⁵

³⁴¹ Recinos, *Monografía*, 208-210, 366, and 246.

³⁴² According to Melgar's own testimony, he had orders to guard the frontier by the Minister of War, Juan Martín Barrundia, a testimony which was later supported by Barrundia himself (AGCA: B99-25-21, Leg. 6449).

³⁴³ AGCA: B99-25-21, Leg. 6449, "No. 49, 1884 Invasión de Malacatán," and "1884. Diligencias relativas a la invasión del territorio de Guatemala, en agosto de este año, Melgar."

³⁴⁴ AGCA: B99-25-21, Leg. 6449, "1884. Diligencias relativas a la invasión del territorio de Guatemala, en agosto de este año, Melgar."

³⁴⁵ Zorrilla, *Relaciones de México*, 509.

By mid-August, the Mexican *comisario rural de la frontera* (rural police captain), Gabriel Ortiz, informed the *jefe político* of Comitán that Guatemalan forces, led by Melgar, had crossed the border ("about three-quarters of a mile into the previously recognized boundary") and captured a man by the name of David Escobar.³⁴⁶ They then took Escobar to Juntá, where he was beaten severely before being taken to Cuilco, Guatemala, and executed by firing squad.³⁴⁷ According to Ortiz, these same forces also arrested innocent families fleeing Juntá to take refuge at the finca "La Nueva," also on the Mexican side, and forces confiscated "various trunks of jewelry and clothes" they were carrying (see Map 7).³⁴⁸

The next day, August 14, Guatemalan troops showed up at "La Nueva" again, firing on workers coming in from the field, raiding homes, and grabbing or killing, cattle, mules and horses. Ortiz further asserted that the same troops then headed to Río Blanco (Guatemala) where they arrested Luis Maldonado, Celso de León, Pilar Castañeda and Lino Herrera, killing the first two upon arrival in Cuilco.³⁴⁹

Ortiz's account was supported by a number of other testimonies presented by the *jefe político* of Comitán to the governor of Chiapas, including that of Felipe Anzueto, who added that he had also seen Colonel Melgar in Mexican territory at this time.³⁵⁰ Others testified that Melgar had ordered all of the attacks, including the round-up of fifteen Guatemalan emigrants and one

³⁴⁶ No apparent relation to Sebastián.

³⁴⁷ AGCA: B99-25-21, Leg. 6449, "No. 49, 1884 Invasión de Malacatán," and "1884. Diligencias relativas a la invasión del territorio de Guatemala, en agosto de este año, Melgar."

³⁴⁸ AGCA: B99-25-21, Leg. 6449, "1884. Diligencias relativas a la invasión del territorio de Guatemala, en agosto de este año, Melgar."

³⁴⁹ AGCA: B99-25-21, Leg. 6449, "1884. Diligencias relativas a la invasión del territorio de Guatemala, en agosto de este año, Melgar."

³⁵⁰ AGCA: B99-25-21, Leg. 6449, "1884. Diligencias relativas a la invasión del territorio de Guatemala, en agosto de este año, Melgar."

Mexican from Tapizalá.³⁵¹ In total, the Mexican government demanded indemnities and reparations from Guatemala for the damages to approximately 25 individuals and two families.³⁵²

According to Melgar's own testimony, the early August attack of Malacatán had been related to a later one planned for the Huehuetenango region, and various witnesses on the Guatemalan side confirmed Melgar's identification of Chiquiguil, 7 1/2 miles into Mexico from the border with Guatemala, as the place where conspirators were meeting prior to their attack. Fulfilling his duty as military commander, Melgar had gone to the area to counter these attacks by dangerous *emigrados*.

It was in Chiquiguil that Melgar testified to being fired on by Luciano and Manuel Osorio and their forces from Juntá and Tapizalá. According to Melgar, one Daniel Fernández, "leader of the faction," was getting his orders and arms from Sebastián Escobar, in Tapachula, among others. "Because of the drawing of the line," asserted Melgar, many Guatemalans moved over to Mexico, "forming the revolution."³⁵³

Other than his purportedly dark history, there is little means of ascertaining Melgar's guilt in the offenses of which he was accused, although the death of David Escobar seems to have gone relatively uncontested. Dozens of testimonies about Melgar's actions had been gathered on both sides of the border, and while those supporting Mexican complaints painted the villagers as harried victims of a cruel government employee, Melgar insisted that they had all been involved in the Soconusco-based attack on Malacatan, which was also an effort to recruit rebels against the

³⁵¹ AGCA: B99-25-21, Leg. 6449, "1884. Diligencias relativas a la invasión del territorio de Guatemala, en agosto de este año, Melgar."

³⁵² Zorrilla, *Relaciones de México*, 509-512.

³⁵³ AGCA: B99-25-21, Leg. 6449, "1884. Diligencias relativas a la invasión del territorio de Guatemala, en agosto de este año, Melgar."

Guatemalan government. Of course, Melgar and his supporters also insisted that he had not touched a single inch of Mexican land, as determined by the recently finalized border.

Past arguments between officials about controlling emigrant invasions turned into fodder for diplomatic mudslinging about respect for "national" boundaries and common lands. By the 1880s, the central point of contention between Mexican and Guatemalan diplomats was over which country was doing a better job of controlling the expanded power of their borderland officials. According to the Guatemalans, men armed with Remingtons (the same rifles supposedly used by the Mexican army and by the attackers of Malacatán, a claim that was nonetheless disputed) had earlier in the summer come with the *jefe político* of Soconusco to "take censuses" in Mazapa, Amatenango y Motozintla ("Guatemalan" towns which became "Mexican" as of 1882), thus causing undue tensions among residents and the local military headquarters in Tacaná.³⁵⁴

For their part, Mexicans chastised the Guatemalan administration for placing a man like Melgar in such an important position on the frontier. Guatemalan Secretary of State Fernando Cruz countered these criticisms initially denying that Melgar was acting on the orders of the Guatemalan government and giving detailed descriptions of the supposed violations of Guatemalan *emigrados* living in Juntá who were conspiring against Barrios. Only later did Cruz admit that Melgar had been instructed to follow up on rumors of similar invasions in the region of Huehuetenango, thus confirming Guatemala's continued responsibility for Melgar's actions.³⁵⁵

To Guatemalan accusations that Mexican authorities were consistently, and even eagerly supporting invasions of Guatemalan territory, Mexican representative Federico Larraínzar,

³⁵⁴ AGCA: B99-25-21, Leg. 6449, "1884. Diligencias relativas a la invasión del territorio de Guatemala, en agosto de este año, Melgar."

³⁵⁵ AGCA: B Legajo 28674 exp. 151, f. 1.

resident in Guatemala, defended the Chiapan authorities, all the while taking a stab at the Guatemalan administration. Wrote Larraínzar,

Some time ago some Guatemalans who complained of their government, according to what they said, emigrated to Soconusco, living as peaceful inhabitants. It is true that they expressed, in bitter terms, against the order of things existent here [in Guatemala], but this cannot be considered there [Soconusco] a crime, because the Republic's Constitution itself proclaims freedom of thought...one of humanity's inherent rights...the authorities [of Chiapas] never believed that a few individuals could think, in a formal manner, of launching an attack, without resources, against a government such as Guatemala....³⁵⁶

In his inconclusive rebuttal, a deflated Cruz pointed out that, in the end, they were dealing with a very complicated situation where the border was only barely drawn, authorities had not yet taken their place and many people were confused as to what part of the area they belonged. "We cannot fail to keep in mind," wrote Cruz,

that the drawing of the boundary line is of only yesterday in the part that was supposedly trespassed; that there had not yet been a formal sign there, nor had Mexican authorities been established; and, above all, that the supposed territorial violation had been executed in persecution of a faction which, organized in Mexican territory, had come to invade Guatemala.³⁵⁷

In the end, it would once again be the attempts to control the actions of emigrants that provided both nations with the authority, popularity and power to claim territory at all. Meanwhile, people like Melgar, Escobar and Fernández would only be increasing their spheres of power.

Negotiating "Tierra Incognita"

³⁵⁶ AGCA: B Legajo 28674 exp. 151, f. 1.

³⁵⁷ AGCA: B Legajo 28674 exp. 151, f. 1.

One of the problems that many Guatemalans (including Barrios) had with the 1882 treaty was that it projected the delineation of the entire frontier between Mexico and Guatemala, not just the border shared with Chiapas, as had been agreed upon in the original *Bases Preliminares* of 1877.³⁵⁸ There were excellent reasons to question this amendment in the final treaty, yet they were the same reasons that made the amendment necessary to clarifying Mexican-Guatemalan relations and territorial claims: this was an area that continued to remain beyond the sphere of jurisdiction of either state.

Unlike the trajectory between Ocos and the Cerro of Ixbul, just north of Tacaná, the stretch of border between Ixbul and the edge of the Yucatan peninsula, in the north, had been little studied and only erroneously mapped. Encompassing the Lacandon forest, part of the Mexican states of Tabasco and Campeche, the Petén ("officially" part of Yucatan but governed by Guatemalan authorities) and Belize, the area was home to a variety of refugees, deserters, bandits and contrabandists (see Map 8).

³⁵⁸ Ramón Uriarte, *La convención de 7 de diciembre de 1877. Apuntes para la cuestión de límites entre Guatemala y México* (Oaxaca: Imprenta de Gabiño Márquez, 1882).

most of the Guatemalan department of the Petén. According to Norman Schwartz, Guatemalan independence and subsequent political events in the country actually had the effects of increasing the Petén's isolation.³⁶⁰ Travelers passing through the area as late as 1868 had persisted in calling the Petén and the Lacandon forest "tierra incógnita," and, according to the Chief of Guatemala's boundary commission, Claudio Urrutia, all of the maps available of the area before 1882 presented it only "in an imaginary way."³⁶¹ Chiapas' own map of the area east of Ixbul, dated 1889, titled the area "Desierto incognito possessed by the Lacandons."³⁶² In one case, a Mr. Frazier was permanently lost in the jungle attempting to find the Usumacinta, despite the fact that, as a U.S. citizen, even national authorities and the U.S. representative in Mexico had been alerted.³⁶³

Yet, what made questions of jurisdiction more complicated in this area was its increasingly central role in burgeoning economic developments in Tabasco, Campeche and Belize. Along with southeastern Yucatan, which shared its borders with the northern Petén, the Mexican states of Tabasco and Campeche, and the British territory of Belize underwent profound demographic and economic transformations between 1840 and 1880. On the eve of the Yucatan Caste War in the late 1840s, commercial agricultural expansion and increased labor recruitment for cattle and sugar estates had pushed thousands of Maya, not to mention mestizo military

at an extremely reduced number, practicing swidden agriculture, hunting and gathering. In 1865, a missionary report put their population at 674, yet a visit by the anthropologist Carl Sapper, 30 years later, suggests that they responded to increased influx into the jungle by colonists and entrepreneurs by retreating farther away (De Vos, *La paz de Dios*, 400 n 68).

³⁶⁰ Schwartz, *Forest Society*, 77.

³⁶¹ Claudio Urrutia, Comisión Guatemalteca de Límites con México, *Memoria 1900*, 190.

³⁶² INAH-Chiapas: "Memoria que presenta el C. Manuel Carrascosa. Gobernador del estado de Chiapas a la H. Legislatura en el primer bienio de su Administración, 1889" Vol. 8, doc. 9.

³⁶³ *El Siglo XIX*, 28 de junio, 1868.

deserters and entrepreneurs, from the western peninsular regions of Campeche and Mérida to the east, towards the Caribbean ocean.³⁶⁴ A rebellion eventually broke out among those who refused to accept the new taxes, land encroachment, labor recruitment and interruption of what had become a brisk economy with Belize and central Yucatan. The rebels took control of town after town heading back to the peninsula's western flank, laying siege to Mérida in 1848. Pushed back east and southward again by state and national troops during the following year, the rebels established a zone of trade and military defense independent of national government control throughout the southeast by the early 1850s.³⁶⁵

The demographic shift from the west to the east and south in the Yucatan peninsula transformed Belize's status from being a forgotten territory of "usufruct" exploitation by Britain--granted by Mexico, but contested by Guatemala--to being an officially designated British colony in 1861. By the 1880s, Belize's almost exclusive focus on the logging trade had diversified into experiments with cotton, sugar, and, increasingly since the 1890s *chicle* (the resin used to make chewing gum). The British established a permanent government and military and both Guatemala and Mexico were being threatened with further exploitation of the region's resources whilst boundary agreements with Britain languished.³⁶⁶

³⁶⁴ Here I am keeping to the Yucatecan custom to refer to non-indigenous, or culturally hispanicized members of the population as "mestizos," rather than "ladinos," the label more often used in Guatemala and Chiapas.

³⁶⁵ The most comprehensive book to date on the Yucatecan caste war is Don Dumond, *The Machete and the Cross: Campesino Rebellion in Yucatán* (Lincoln: University of Nebraska, 1997).

³⁶⁶ Excellent sources on this process include Angel Cal, "Rural society and economic development: British mercantile capital in nineteenth-century Belize" (PhD dissertation, University of Arizona, 1991); Norman Ashcraft, *Colonialism and Underdevelopment, Processes of Economic and Political Change in British Honduras* (New York: Columbia University Teacher's College Press, 1973); Nigel Bolland, *The Formation of Colonial Society: Belize, from Conquest to Crown Colony* (Baltimore: Johns Hopkins University Press, 1977); and Wayne Clegern, *British Honduras: Colonial Dead End, 1859-1900* (Baton Rouge: Louisiana State University, 1967).

Founded in 1863, the Mexican state of Campeche had also benefited from the demographic flow to the Yucatan peninsula's southeast. What had merely been a busy dyewood port now laid claim to all the land along Yucatan's southern border and controlled the line of military posts that would increasingly be entrusted with "defending the frontier" against rebel Mayan attacks from the east. These conditions increased Campeche's importance to Díaz's expansionist aspirations in Belize, the Petén and Guatemala, especially in the hands of the Campeche governor Joaquín Baranda. In 1873, Baranda, a deputy to the Mexican National Congress and later Secretary of Justice and Public Instruction under Díaz, published a full briefing on "the Belize question" alerting the Mexican federal government to the damaging demographic and thus economic effects of Belize's growth and potential full legal control by Britain.³⁶⁷ The Baranda family had played an important part in attaining statehood for Campeche, separate from the Yucatan, a process which included taking military control over south-central Campeche and the many Mayan communities that had taken refuge there after the initial Yucatecan Caste War of 1847-1853.

As early as 1873, a Mexican engineer commissioned by the Mexican national government (and approved by Guatemalan authorities) was sent to verify the location of the border between Mexico and Guatemala in the area of the Usumacinta, the river formed by the Pasión and the Chixoy (originated in the Guatemalan highlands) and flowing out through northeastern Chiapas and eventually emptying into the Gulf of Mexico via tributaries in Tabasco. For these purposes, the engineer used maps produced by the governments of Chiapas, Tabasco and Campeche, and

³⁶⁷ Joaquín Baranda, *La cuestión de Belice. Informe que respecto a ella ha emitido el gobierno del estado de Campeche al supremo de la unión* (Campeche: Imprenta de la Sociedad Tipográfica, 1873).

conducted *in situ* interviews with the area's loggers and other residents.³⁶⁸ In 1878, the Mexican Secretary of Foreign Affairs again requested information regarding Guatemalan claims in the area, without the approval of the Guatemalan government and specifically aimed at charting Guatemalan encroachment as documented by the abutting Mexican states of Chiapas, Tabasco and Campeche. Once again, Campeche took the lead in supporting Mexico's territorial claims against Guatemala. In response to the queries of the Ministry of Foreign Affairs, Campechan officials sent a report stating that Guatemala had usurped Mexican territory in the Petén especially in the years after 1865, as a result of the continued flow of Mexicans southward during Yucatan's caste war.³⁶⁹ In response, the Mexican executive ordered troops, accompanied by Governor Baranda, to search out these "usurped" villages and install Mexican authorities in the area.³⁷⁰

Yucatan's henequen boom, beginning in 1880, had begun to present investors and diplomats, such as Porfirio Díaz, with yet another regional force in need of executive control: Yucatecan elites such as Olegario Molina and the Peón family. The Molinas and Peóns had profited not only from the business of henequen but also from their various political connections, and were eager to extend their businesses and exploit Yucatan's east coast, among other ambitions.³⁷¹ Simultaneously, Mexico's foot-dragging on a boundary treaty with Britain, which would recognize British control of Belize, went accompanied by increasing collusion between the rebel Maya of the peninsula's eastern flank and enterprising British loggers, who were allowed to

³⁶⁸ *El Mensajero de Centro-América*, "Cuestiones entre Guatemala y México (colección de artículos)" [1895] republished in *Límites entre Guatemala y México*, Guatemala: Editorial "José de Pineda Ibarra," 1964, 151; Zorrilla, *Relaciones de México*, 332.

³⁶⁹ Zorrilla, *Relaciones de México*, 406-407.

³⁷⁰ Zorrilla, *Relaciones de México*, 408.

³⁷¹ Gilbert Joseph, *Revolution from Without: Yucatan, Mexico and the United States 1880-1924* (Durham: Duke, 1988), 33-53; and Marie Lapointe, *Los mayas rebeldes de Yucatán*, 2nd ed. (Merida: Maldonado Editores, 1997), 140-144, 148-166.

exploit rebel territory for a small rent.³⁷² Though the Mexican executive had ordered hundreds of troops to be stationed just west of rebel territory, and military pontoons had been patrolling the waters of the peninsula's eastern shore since the mid-1880s, the rebel stronghold remained in place, to the dismay of Mexican Foreign Minister Mariscal and his predecessor, José María Lafragua, both of whom saw the defeat of the rebels as a prerequisite for ratification of any boundary treaty.³⁷³

Meanwhile, Barrios and his successors were eagerly investing in railroad building, having successfully established the first railroad, the Occidente, in 1877; inaugurating another, in 1884 (the Central); and finally witnessing another built by German *finqueros*, in Verapaz, between 1892-1898. A fourth line, the Northern, was to run between just south of Livingston (Guatemala), in the Gulf of Honduras, and Guatemala City, and would be a key part of developing the banana industry that had begun near that coast as early as mid-century (see Map 9). The project was abandoned by Barrillas and would be taken up again by José María Reina Barrios (1891-1897). However, as in the case of Díaz and the Peón/Molina set, bringing these railroad building projects to fruition was as much about managing the politics of concessions as they were about promoting economic exploitation and trade.³⁷⁴ By the mid-1890s, all the Guatemalan railroads were

³⁷² Dumond, *The Machete and the Cross*, 371-379; Lapointe, *Los mayas rebeldes*, 210-212.

³⁷³ Secretaría de Relaciones Exteriores de México, *Correspondencia diplomática cambiada entre el gobierno de la República y el de su Majestad Británica con relación al territorio llamado Belice, 1872-1878*, Mexico: Imprenta Ignacio Cumplido, 1878; and Secretaría de Relaciones Exteriores de México, *Defensa del tratado de límites entre Yucatán y Belice con respuesta a las objeciones que se han hecho en su contra, apoyado en algunos documentos inéditos y seguida de otros ya conocidos así como de los principales artículos de prensa metropolitana y yucateca que lo ha defendido* (Mexico: El Siglo XIX Editores, 1894).

³⁷⁴ Jason M. Colby, *The Business of Empire United Fruit, Race, and U.S. Expansion in Central America*, (Ithaca: Cornell University Press, 2011), 53-71; and Paul Dosal, *Doing Business with the Dictators: a Political History of United Fruit in Guatemala, 1899-1944* (Wilmington: SR Books, 1993), 17-30.

acquired by foreign companies and individuals, including Minor Keith, who by 1899 had joined the United Fruit Company and would begin to monopolize the fruit trade out of Guatemala.³⁷⁵

Federal efforts to manage railroad concessions in Guatemala had direct implications for treaty-making with Mexico. According to Paul Dosal, Reina Barrios had been nearly obsessed with the Northern Railroad (running along the southern border of Belize) and its possibilities for promoting the banana industry and moving goods not just via the Pacific but the Gulf of Honduras as well.³⁷⁶ Yet these hopes required some kind of agreement with Britain, since Belizean boundaries, still not officially determined, bled into Guatemala's most direct route to the port (see Map 9). Of course Belize's official status as a territory, and any recognized boundaries it might have, hinged on Britain's negotiations with Mexico, and all of these regions' increasingly conflicted control over the Petén.³⁷⁷

Finally, there was the growing logging business in the Petén's western section abutting Chiapas. Logging in Campeche and Tabasco, as in Belize, had been an important motor for the local economy as far back as the colonial period, and saw a resurgence in the 1860s and 1870s, primarily in mahogany but also in cedar and dyewood. It was an entirely extractive activity so by

³⁷⁵ Dosal, *Doing Business with the Dictators*, 17-30. The Guatemalan government would get sued by one of the Americans they had hired to operate the Northern Railroad while it was still under Guatemalan control, in 1898. See the case of Robert May, United Nations, "Reports of International Arbitral Awards: The May Case (Guatemala/United States), 16 November, 1900," (Vol. 25, 47-75).

³⁷⁶ Dosal, *Doing Business with the Dictators*, 28-32.

³⁷⁷ As early as 1859, Guatemala and Great Britain signed a treaty which agreed on their limits as being the Sarstoon river (at the foot of what is now Belize), following this west to "Gracias a Dios" falls, and then heading up to the frontier with Mexico (which of course had not been fixed yet). Article 7 of the treaty also stipulated mutual collaboration in paying for a source of transportation from the Gulf of Honduras to Guatemala city, "which would only promote the commerce of England and the material prosperity of Guatemala," as cited in the ex-Foreign Minister of Guatemala, Alberto Herrarte's text, *El caso de Belice y la mediación de los Estados Unidos* (Guatemala: Editorial Académica Centroamericana, 1980), 62-63. Coming on the heels of American filibusterer William Walker's fleeting takeover of Nicaragua, and just preceding Belize's own demographic, economic and infrastructural growth, the treaty fell into decay, unsupported by the supposed projects of delineation, mapping, border markers and, what had been the ideal, a mutually-beneficial railroad, as Central American and Mexican politics took new turns in the 1860s and 1870s.

the latter part of the nineteenth century, especially in Tabasco and Campeche, it was becoming more difficult to find trees to cut down and send downriver to the ports of La Frontera (Tabasco) and Ciudad del Carmen (Campeche). As a result, loggers were travelling even farther inland, towards the Lacandon jungle, in search of stands of exportable trees.

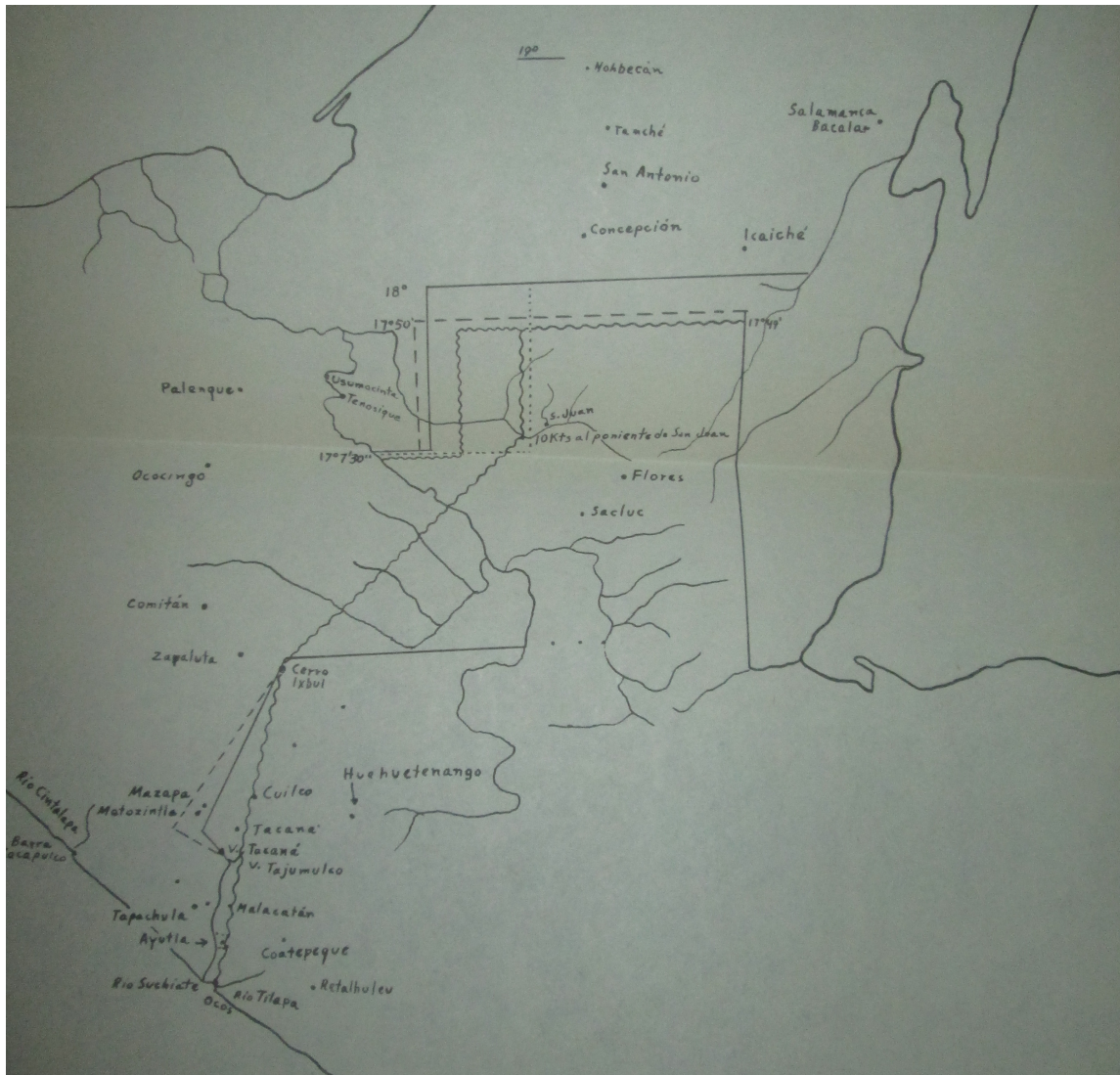
Logging had begun in the Petén in the 1860s via licenses issued by the *corregidor* (governor) in Flores, whose isolation as one of few governmental authorities in the area enabled him to navigate the circuits of contraband, labor recruitment and taxation in the area with a fair amount of independence.³⁷⁸ Yet more loggers were driven into the depths of the jungle in the 1880s and 1890s, leading them down the various sections and tributaries of the Usumacinta River. In many places the river bed was too rocky or too dangerous to be useful for transporting wood successfully, thus leading to increasingly intricate ways of monopolizing routes and access. As a result, loggers began to focus more urgently on locking down concessions to well-placed and abundant stands of forest. Other difficulties included providing food for beasts of burden and workers, as well as making sure the latter did not escape to freedom somewhere in the forest.³⁷⁹

³⁷⁸ On the Petén governors' historically independent position vis-a-vis Guatemala, see Schwartz, *Forest Society*, 82-83.

³⁷⁹ Cuauhtémoc González Pacheco, *Capital extranjero en la selva de Chiapas, 1863-1982* (Mexico: Instituto de Investigaciones Economicas, UNAM, 1983), 83-90.



Map 9. Guatemalan railroads. From Rodney Long, "Railways of Central America and the West Indies" (US Department of Commerce, Washington DC, 1925), Figure 3 (between page 4 and page 5).



Map 10. The wavy lines indicate borders proposed by Mexico, the slotted lines those proposed by Guatemala, the solid ones those finally adopted (from Luís Zorrilla, *Relaciones*, 414).

Despite the increasingly cut-throat nature of the logging business, and the huge risks and difficulties it entailed, as early as 1877 the woods collected represented more than 20% of Mexico's major exports. By the 1890s, these exports had been reduced by the fact that the amount of wood itself had been decimated, but this reduced supply only foisted prices up higher.

On the Guatemalan side, exploitation of the forests near the Usumacinta had become increasingly lucrative. According to González Pacheco, in only four months during 1879, Guatemala issued twelve different licenses to cut wood in the Lacandon forest, between the Pasión, Usumacinta, and Lacantún rivers. These concessions authorized the exploitation of a total of 24, 570 cubic meters of wood (the majority of which was extracted from what would become Mexican territory--see Map 10).³⁸⁰ The Jamet and Sastre company, owned by Mexicans and based in Tabasco but which depended from beginning to end on licenses issued in Guatemala, was awarded concessions to cut in that area in repeated cycles, in 1880, 1885, and again in 1890.³⁸¹

There is little doubt that when Mexican and Guatemalan authorities signed the 1882 treaty, they were aware that delineating the northern stretch of their mutual boundary would translate into delays and conflicts of interests. Clearly both the Barrios and González administrations were focused, by September of 1882, on simply putting an end to border disputes over which the federal governments still lacked clear-cut jurisdiction. Yet what they may not have foreseen was the sheer number of competing parties interested in holding onto their particular investment in the northern section of the frontier; the degree of ambiguity of not only the Mexico-Guatemala frontier but also the state limits of Yucatan and Campeche and the territorial limits of Belize; or the fact that the delineation process itself would provide a new crop

³⁸⁰ González Pacheco, *Capital extranjero*, 80.

³⁸¹ De Vos, *Oro verde*, 10.

of territorial claims and abuses, such as the efforts on behalf of loggers and contrabandists to exploit confusion and avoid paying rent to anyone whilst extracting trees from both countries' territory.

The complicated reality produced by these competing interests resulted in an additional thirteen-year lapse beyond what had originally been forecasted for finalizing the boundary's delineation. Following a fairly efficient process of locating and marking the new border between Ocos and the Cerro of Ixbul, and an agreement between the two engineering teams in 1884, a pattern of repeated stalling began in the summer of 1885. Forced to stop because of the summer's heavy rains (they were now working in the midst of the jungle) their work did not start again until the winter of 1886.³⁸²

Because the various maps which they had at their disposal were contradictory and inaccurate, the Mexican and Guatemalan engineers were forced to reconsider the 1882 treaty's original projected dividing line, which envisioned the Usumacinta River as flowing in a more or less straight line from just east of Ixbul to Yaxchilán, in the north (see Map 10). Looking at it from the ground, the engineers became aware of how far east the Usumacinta actually was from Ixbul, especially if one chose to interpret the Pasión River, its easternmost tributary, as its "beginning."³⁸³

³⁸² Claudio Urrutia, Jefe de la Comisión Guatemalteca de Límites con México, *Memoria 1900*, 187.

³⁸³ Article III, sections 4 and 5, of the 1882 treaty read as follows: [the limits between the two nations will, in perpetuity, be the following]... 4) the parallel of the latitude which passes by this last point [Ixbul], heading east, until encountering the deepest channel of the Usumacinta river, or that of the Chixoy, in the case that the expressed parallel does not reach the first of these rivers; 5) the middle of the deepest channel of the Usumacinta (or the Chixoy) and later the Usumacinta, following this [the Usumacinta], in the other, from the point where one or the other river meets the previous parallel, until the deepest channel of the Usumacinta meets the parallel located at 25 kilometers to the south of Tenosique, in Tabasco..." (Secretaría de Relaciones Exteriores de México, "Tratado sobre límites").

As might be imagined, the Guatemalan team advocated for a more western tributary, the Chixoy River, as the Usumacinta's origin, thus pushing the frontier closer to Chiapas and granting Guatemala more land in a particularly favorable area for logging, with abundant woods and rivers. Mexico disagreed. This new debate over which tributary should be considered the origin of the Usumacinta, and thus the territorial boundary according to the 1882 treaty, brought the engineers' calculations and the construction of boundary markers to a halt, as did the next summer's rains, in 1886. According to Claudio Urrutia's final report, the summer of 1886 also marked severe losses of life within the Guatemalan team, which was "attacked by pernicious fever," including some of the assistant engineers of both commissions as well as "many of the soldiers and workers assisting them," and killing a total of approximately 300 workers.³⁸⁴ At this point, Rock began to refuse working at all until there was a mutual decision between the engineers to have the border be Chixoy.

The leaders of both the Mexican and Guatemalan engineering teams were forced to leave the forests to consult their superiors on the next steps. For Miles Rock, representative of the Guatemalan team despite his U.S. nationality and affiliation, this included a return to the States to consult officials in Washington. Meanwhile, Manuel Pastrana, the leader of the Mexican team, retreated to Mexico, but continued discussions of how to proceed with Eduardo Rockstroh, another member of the Guatemalan team. The two groups continued to disagree on how to proceed, rejecting proposals and counterproposals aimed at speeding up the border-drawing process and simultaneously remaining faithful to the original 1882 treaty, which had stipulated that the frontier should be drawn east from Ixbul "until encountering the deepest channel of the Usumacinta River, or of the Chixoy, in the case that the expressed

³⁸⁴ Claudio Urrutia, Jefe de la Comisión Guatemalteca de Límites con México, *Memoria 1900*, 187.

parallel does not cross with the first of these rivers."³⁸⁵ As written, the treaty was, again, ambiguous. Though Rock reappeared in Flores, Petén, during the winter of 1887, the discussions again failed to move forward. As another flurry of local territorial and jurisdictional conflicts again reached both countries' offices of Foreign Affairs between 1886 and 1890, the exercise of drawing the line languished, both literally and figuratively.

Conclusion

Given the many uncertainties inscribed in the 1882 treaty, it is surprising it has gained any notoriety as the alleged closing of Mexico and Guatemala's boundary conflicts. However, as Michael Witgen has argued, such official documents provide convenient devices of commemoration and history-making.³⁸⁶ As such, treaties are also another example of a "site" for jurisdictional ambiguities. These "openings" (and "re-openings") of discourse around conflict, authority and territoriality are just as useful to government and residents as the possible sense of "closure" treaties purport to grant. The treaty's ceremonial "solution" to dispute and the text's reproduction of ambiguity embodied the same contradictions between state law and governmental discourse and its renegotiation, as witnessed in the case of liberal land reform on the border in the previous chapter.

Rather than serving as a form of dispute resolution and closure, the treaty opened further discussion. Politically, however, "continued debate" is an untenable outcome. Treaties are made for political reasons and imply a political unit--they perform solutions, demonstrate executive authority and define the imagined and physical confines of the nation-state. Along the Chiapas-

³⁸⁵ Secretaria de Relaciones Exteriores de Mexico, "Tratado Sobre los límites", art. 4-6.

³⁸⁶ Witgen, "Rituals of Possession," 639.

Guatemala border, the treaty embodied the measurements that occurred during the negotiations, the public involvement in the negotiations, the increasing awareness of what the border meant in terms of one's legal rights, and provided mechanisms for new claims and strategies of political negotiation. These included kidnapping, speculation, military "defense," and "exploration," among others. At the international level, it meant inviting the U.S. into the Mexico-Guatemala debate over Chiapas. Yet Justo Rufino Barrios in Guatemala and Manuel González and Porfirio Díaz in Mexico all benefitted in the treaty's aftermath. One got rid of his political enemies and consolidated his hold on Congress while the other two finally buried the question of Chiapan jurisdiction.

Unsurprisingly, the treaty's final text allowed for continued jurisdictional fictions, as well as political control in the hands of transnational actors. The executive continued to tolerate the tendency of subaltern authorities to claim and exert jurisdiction, to enact excessive punishments over people whose nationality had become unclear, and make new claims to the "rights" of nations and towns. As in the case of the previous chapter, we see Barrios' role as a dual one of both an extension of the state in Guatemala and a borderland resident himself, further contributing to the consolidation of a context in which the government operated at the behest of local transnational actors, rather than the greater interest of "Guatemala" as a whole.

Chapter 6

Outsiders in No-Man's Land: Outsourcing Arbitration, 1890-1899

Introduction

Throughout this dissertation I have aimed to turn our lens away from "nation-building" and towards exiles', contrabandists' and others' management of multiple national affiliations, changing our understanding of both nations and international politics in important ways. In the following chapter I use a number of cases to argue that, even in the face of multi-country alliances, "criminal" and nationally "unattached" individuals could successfully delegitimize the work of state officials, the rules of international law and the "rights" of a nation. More than merely complicating narratives of Chiapan and Guatemalan "modernization" or their takeover by foreign interests, I show the powerful ways in which "third spaces" and their occupants could and were used to conduct international politics.

The historiography of the last decade of the nineteenth century in Guatemala and Chiapas has been dominated by studies of the growing export economies: four different railroad lines were installed in Guatemala between 1884 and 1894, coffee had become a major export out of Guatemala and Soconusco by the early 1890s, with cacao and logging dominating the nearby Mexican state of Tabasco and *chicle* an increasingly important import out of the Petén. At the same time, exploitation of indigenous labor appeared in some of its most violent and destructive forms during the period: scores of indigenous workers died in the logging camps and forced labor on coffee plantations was common. Finally, the 1890s is generally recognized as an era where foreign investors came to play a critical role in all of these economic transformations.

What, then, is the role of the state at this time in Guatemala and Chiapas? Was this merely an era of foreign robber barons, corrupt contractors, and pauperized communities? Can one talk of state power when the American enterprise the Pacific Mail Steamship Company had a virtual monopoly on Pacific coast transport, United Fruit controlled much of the railway travel as well as the growing banana business, and one man, Policarpo Valenzuela, owned "the entire state of Tabasco," not to mention enormous swaths of land throughout Mexico and some of the most valuable logging camps in Chiapas?³⁸⁷ What of the wealth and power of the British-owned Mexican Land Colonization Company, whose contracted land surveyors were awarded one-third of every stretch of untitled land that they surveyed, enabling them to hold 6,565,687 hectares of land by 1889?³⁸⁸ The dictatorship of Porfirio Díaz, described at its apex in the early 1890s as "uncontested" by biographer Paul Garner, clearly overshadowed the power of Guatemalan leader Lisandro Barrillas (1885-1891) and his successor, José María Reyna Barrios (1892-1898).³⁸⁹ Yet all of these men's

³⁸⁷ González Pacheco, *Capital extranjero*. According to Holden, "in 1910, four years before Valenzuela's death, an official biographer reported that, besides owning the railroad from Villa Cardenas to Rio Grijalva, Valenzuela was a shipowner, merchant, president of the Banco de Tabasco and 'partner in a huge number of industrial, agricultural and economic businesses, since the range of his trading operations knows no limit.' He cut timber, raised sugarcane and operated a firm in the state capital that ran five steamships up and down the state's rivers, 'that main part of a great fleet that once made up the only comfortable means of internal transportation'" (Holden, *Survey*, 158). See also, Armando Bartra, *El México Bárbaro: Plantaciones y monterías del sureste durante el Porfiriato* (Mexico: El Atajo Ediciones, 1996), and Jan de Vos, *Oro Verde*.

³⁸⁸ Along with "four steamships, a hotel in Ensenada, the property of the Yaqui River Mining Company, 200,000 of the 250,000 shares in the Mexican Phosphate and Sulfur Company, and a telegraph line from Ensenada to San Diego" (Holden, *Survey*, 149-150, and Appendix A, Table 18).

³⁸⁹ Paul Garner, *Porfirio Díaz*, 98. Other than Garner's biography, my sources for Díaz and the *porfiriato* have centered on economic statistics, especially as affecting coffee, timber and land sales, including Holden, *Surveys*; Stephen Haber, *Crony Capitalism and Economic Growth in Latin America: Theory and Evidence* (Stanford: Hoover Institution Press, Stanford University, 2002), and "Assessing the Obstacles to Industrialisation: The Mexican Economy, 1830-1940," *Journal of Latin American Studies* 24, no. 1 (February 1992); Francisco Calderón, Luis Nicolau D'Oliver, and Daniel Cosío Villegas, "El Porfiriato: la vida económica," in Daniel Cosío Villegas, Francisco Calderón, Moisés González Navarro, Luis González y González, and Emma Cosío Villegas, eds., *Historia Moderna de Mexico*, Vol 7 (Mexico/Buenos Aires: Editorial Hermes, 1955-1974), 8 Vols.; and Lomeli Venegas, Leonardo, "Ciencia económica y positivismo: hacia una nueva interpretación de la política económica del Porfiriato," *Jornadas Porfirianas, Seminario Nacional*, Morelia, Instituto de

political influence also needs to be understood in the context of what Jurgen Buchenau has called the new "fatal triangle" of power between Mexico, the U.S. and Central America by the last quarter of the nineteenth century.³⁹⁰

In this chapter I step away from all of these forms of political power, and their various relations to the state, to look instead to where these seem absent: to the places of unclear jurisdiction, to the people of unclear affiliation, and to the exchanges and connections that fall outside of the state's purview. In doing so, I show the importance of these interstitial spaces, between one government's claim to jurisdiction and that of another, as critical to the function of state power especially on the international stage. The need to negotiate who may control these spaces and how they do so is the basis of much of the diplomatic mediation between economic and military prerogatives, on one hand, and political alliances, on the other, all of which are critical ingredients to understanding what informs governmental

Investigaciones Historicas, Universidad Michoacana de San Nicolás de Hidalgo, 2003). For the development of related institutions governing labor, territorial defense and mapping during this period, I used Holden, *Surveys*; Craib, *Cartographic Mexico*; Moisés González Navarro, "El Porfiriato: la vida social" in *Historia Moderna de Mexico*; González y González, *Obras completas* (Mexico: Clio, 1995); Antonio Escobar Ohmstede and Matthew Butler eds., *Mexico in transition: new perspectives on Mexican agrarian history, nineteenth and twentieth centuries* = *México y sus transiciones: reconsideraciones sobre la historia agraria mexicana, siglos XIX y XX* (Mexico: CIESAS, 2013); and Romana Falcón Vega, *El arte de la petición: rituales de obediencia y negociación, México, segunda mitad del siglo XIX* (Durham: Duke 2006). For foreign relations, especially with Britain, the U.S. and Central America, I used Cosío Villegas, "El Porfiriato: la vida política exterior", Vols 5-6 in *Historia Moderna de Mexico*; Roberta Lajous, *La política exterior del porfiriato (1876-1910)* (Mexico: Colmex, 2010); Daniela Spencer, Jorge Schiavo, and Mario Vázquez Olivera, *En busca de una nación soberana: relaciones internacionales de México, siglos XIX y XX* (Mexico: Centro de Investigación y Docencia Económicas, 2006); Zorrilla, *Relaciones de México*; and Verónica González Arriaga, *La política exterior de México hacia Centroamérica, 1890-1906* (Morelia, Mich., México: Universidad Michoacana de San Nicolás de Hidalgo, Instituto de Investigaciones Históricas, Departamento de Historia Latinoamericana, 2000). For Díaz's management of relationships with regional elites and powerholders in Chiapas, Yucatán, and Tabasco, I used Benjamin, *Rich Land*; Joseph, *Revolution from Without*; Antonio Elías Balcázar, *Tabasco en sepia: Economía y sociedad 1880-1940* (Villahermosa, Tabasco: Universidad Juárez Autónoma de Tabasco, División Académica de Ciencias Sociales y Humanidades, 2003); and Martínez Assad, *El laboratorio de la Revolución: el Tabasco garridista* (México: Siglo Veintiuno Editores, 1979). Finally, regarding Díaz's personal involvement in the economy, as "entrepreneur," I used Jorge Jiménez Muñoz, *Empresario y dictador: los negocios de Porfirio Díaz, 1876-1911* (México: Editorial RM, 2015).

³⁹⁰ Jurgen Buchenau, *In the Shadow of the Giant. The Making of Mexico's Central American Policy, 1876-1930* (Tuscaloosa/London: University of Alabama Press, 1996), 22.

policy and its many contingencies.

The chapter opens with the case of Juan Martín Barrundia, an exile from Guatemala who attempted to use Mexican support and the protection of an American steamer to move guns to El Salvador in support of an attack on the Guatemalan leadership of Lisandro Barrillas. Barrundia's apparent failure to make any political gains by triangulating international powers in his favor nonetheless resulted in the forced resignation of Lansing Mizner, the U.S. ambassador to Central America, made particularly embarrassing by a later lawsuit brought against the U.S. by Barrundia's widow. Despite the fact that Barrundia himself was only a political exile accused of writing anonymous pamphlets against the Barrillas regime and making a number of failed attempts to "invade" Guatemala, he was nonetheless able to place Guatemala, and the U.S.--which was reaching the status of a nascent world power--into the awkward positions of having to defend what amounted to an extralegal assassination on an international stage.

This chapter also looks at the results of the Binational Claims Commission. Created to adjudicate claims attributed to Mexico and Guatemala's continuous border disputes, the commission was meant to be impartial--judged by a Guatemalan and Mexican representative and by a third-party arbiter, Sir Spencer St. John, the Plenipotentiary Minister of Britain in Mexico. In this case, and following the example of a similar commission set up to adjudicate binational cases along Mexico's northern border with the U.S., both the Mexican and Guatemalan authorities voluntarily gave up the final word on arbitration--and, in a sense, their nations' sovereignty--to the representative of another country, one that had played a key role in absorbing both countries' resources throughout the previous decades. More intriguing than this seeming abandonment of state power on the part of the Mexican and Guatemalan

governments, however, were some of the cases that were brought to the tribunal, and how they were resolved. Most cases were dismissed or not awarded any indemnities. Yet the few that resulted in compensation by the two governments included those of indigenous families; a "concubine"; a homeless gambler swindled by Barrios; and a number of proven criminals. Not only did the Commission question the ability of the Mexican or Guatemalan states alone to bring about justice for their own citizens, but it revealed the fallout of failed governance generally. Finally, in rewarding criminals indemnities and rejecting claims by prominent political elites such as Romero, the Commission highlighted the ways the divide between "legitimate" and "criminal," or those who followed state law and those who did not, did not always coincide with what was either just or convenient for public good.

I end the chapter looking at the final battles over the placement of the border between Guatemala and Mexico. Focusing on the delays caused, not by jungle rains or the inaccuracy of old maps, but by the efforts of state authorities, diplomats, investors, and indigenous communities alike to postpone the process, I argue that the shifting multinational alliances characteristic of the last decade of the nineteenth century actually created their own crop of spaces and people "between" jurisdictions that were fundamental to deciding the extent of the state's territorial control.

Exporting Jurisdictional Fictions: the "Barrundia Affair"

Throughout this dissertation I have pointed to the ways in which *emigrados*, and their pursuit by the government that ousted them because of the threats they represented, created openings for a variety of historical actors to dispute governmental power. When exile

Manuel José Arce appeared in Soconusco in 1831 to retake the reins of the Central American government from Francisco Morazán, he enabled other exiles to join him, offered Mexican diplomats the power to support or take down the Central American regime then in place, and provided local Chiapan military and political leaders with "extraordinary" authority to intervene in Soconusco and on the border to further modify political outcomes to their interests. The pattern repeated itself with Ortega and Chacón's creation of an alternative space for political negotiation and a new form of government for Chiapas.

What came to be known as the "Barrundia affair" was another dramatic example of a displaced (and criminalized) political actor who nonetheless was able to use jurisdictional ambiguities to create political openings not simply for himself but also for governmental authorities and marginalized social actors simultaneously. Barrundia's actions brought what might have been unimportant historical actors (his wife, a steamboat captain, and an American diplomat) onto the international political stage in ways that forced the U.S., Guatemalan (and, to a lesser degree the Salvadoran and Mexican) governments to renegotiate their own diplomatic strategies and international policies.

Martín Barrundia, Minister of War under Barrios, emigrated to Chiapas upon the rise to power of Barrios' successor, Lisandro Barrillas (1885-1891). Not only did he chafe under the rule of a political rival, but after Barrios' death he was vulnerable to government suspicions of his less than resplendent record as an abusive manipulator and torturer of opponents.³⁹¹ Still, in the broader context of U.S.-Mexico-Guatemala-Central America

³⁹¹ According to report provided by the Guatemalan Secretary of Foreign Affairs, in 1891, Barrundia's exile was voluntary and self-imposed, a result of a growing knowledge of his embezzlement of funds under the Barrios regime. See Guatemala Secretaria de Relaciones Exteriores, *Report of the Secretary of Foreign Relations of the Republic of Guatemala to the National Executive* (Guatemala: Tipografía El Modelo, 1891), 5-6).

relations, he did not lack for followers and people who would take advantage of the trail he blazed.

Barrios' death in 1885, and his replacement by Barrillas, did not end, but only rearranged the continuous jousting for power and authority in the Mexico-Guatemala borderlands. The old tactic of one government using border area authorities, victim's claims and a general reputation for chaos and conspiracy to take the moral high ground against a neighboring administration was far from over. Yet Barrillas' rise to power did put into motion the precarious balancing of power that would define Mexican-U.S.-Central American relations for years to come.³⁹²

Over the course of his rule, Barrios favored puppet governments in El Salvador and Honduras, which had initially appeared to support his project of making a Central American union with Barrios as its leader. Yet after Barrios was able to get official support from his Legislative Assembly for such a union, Rafael Zaldívar, the president of El Salvador, refused to back up the decree.³⁹³ Further, El Salvador joined Costa Rica and Nicaragua in asking help from Porfirio Díaz to stop Barrios. At the same time that Barrios was declaring war on El Salvador, in 1885, Mexico had mobilized troops along the Chiapas-Guatemala border. Barrios' death in battle, in April of 1885, would be the beginning of a string of Mexican

³⁹² Buchenau describes this "triangulation" as a result of Mexico's increasing focus on nationalism and thus, secondarily, reinforcing its relationship with the U.S. and Central America (Jurgen Buchenau, *In the Shadow of the Giant*, 22). For Roberta Lajous, much of this "triangulation" came from Central American fears of Mexico, and efforts to bring in the U.S. as a barrier to Mexican "annexionist" aspirations (Roberta Lajous, *La política exterior*, 85-99). For Toussaint, the "fatal triangle" emanated from both Mexico's desire to overshadow Guatemala's control over the isthmus and its efforts to act as a "counterweight" to the U.S. in Central America (see her "El triángulo fatal en la geopolítica regional: frontera, unión, y paz" in *En busca de una nación soberana*, 203). See, also, David Mares, "Mexico's Foreign Policy as a Middle Power: the Nicaragua Connection, 1884-1986," *Latin American Research Review*, 23, no. 3 (Jan 1988): 81-107, in which he points to collaboration between Mexico and Nicaragua in attempting to keep the U.S. out of the isthmus.

³⁹³ For the role of Zaldívar and his later exile and support in Mexico, see Juana Nava Ortiz, "Rafael Zaldívar y la reforma liberal salvadoreña, 1876-1885," Tesis de Licenciatura, Universidad Michoana de San Nicolás de Hidalgo, 2001.

efforts to use its ties to El Salvador as a buffer against Guatemalan aggression.³⁹⁴ After Barrios' death, his former supporters became labeled as "pernicious" by many of the military and police forces under Barrillas, and fled to Chiapas. Meanwhile, the Barrillas administration hastened to organize a new means of control of Guatemala's borders, preserve the nationalist fervor supporting Guatemala's directorship of the Central American Union begun under Barrios, and triangulate the U.S.-Mexico-Central America alliances so as to secure Guatemalan stability and power on the hemispheric stage.

In the Chiapas-Guatemala borderlands, Barrillas was less than successful in his efforts to assert governmental control and keeping a semblance of "maintaining Guatemalan sovereignty." Less than two years after the episode with Melgar, in June of 1886, a group of Guatemalans arrived in Mexico again in the area of Mazapa. With the Guatemalan general Daniel Marroquín at their head, they found their way to Mazapa's municipal delegate and announced "we come having been defeated and we are looking for hospitality in this Republic, have no fear."³⁹⁵ Given the region's history, this was hardly an omen of peace, and in December of that year fifteen of these men launched another attack on the besieged Guatemalan border town of Malacatán.³⁹⁶ This time, the Mexican government wasted little time in ordering the "internación" (resettlement in the interior) of these conspirators, should

³⁹⁴ See Graciela De Garay Arellano, *Relaciones consulares y diplomáticas México-El Salvador, 1825-1971* (Mexico: Secretaría de Relaciones Exteriores, 1987); and Verónica González Arriaga, "Política exterior de México hacia Centroamérica 1890-1906," *Alborada Latinoamericana* 13, Morelia, Instituto de investigaciones Históricas, Universidad Michoacana de San Nicolás de Hidalgo, 2000.

³⁹⁵ AGCA: "Guatemala, diciembre 23 de 1886. Carta al ministro de relaciones exteriores de Guatemala, sobre los hechos originados en Malacatán por los emigrados guatemaltecos" B99-25-21, Leg. 6449.

³⁹⁶ AGCA: "Guatemala, diciembre 23 de 1886. Carta al ministro de relaciones exteriores de Guatemala, sobre los hechos originados en Malacatán por los emigrados guatemaltecos" B99-25-21, Leg. 6449.

they show up any closer than 45 miles from the border.³⁹⁷

Continued rumors of *emigrados* and their conspiracies in the Soconusco-San Marcos area were punctuated by Guatemalan president Barrillas' self-coup (*autogolpe*) in 1887 with which he aimed to extend his rule. Barrillas dissolved the Legislative Assembly and put together another to rewrite the Constitution and extend presidential terms from four to six years, thus keeping him in office until 1891.³⁹⁸

Though his transition into a longer term was fairly peaceful, it resulted in a number of his rivals again fleeing to Chiapas. This new wave of emigrant arrivals could only have pleased Barrundia. In diplomatic correspondence within Mexico and Guatemala and in both countries' newspapers between 1886 and 1890, Barrundia appeared various times as a suspicious *emigrado* who had a comfortable relationship with the Díaz regime. In the U.S. press, Barrundia was rumored to have been supported by Díaz, based on their mutual alliance with officials in El Salvador.³⁹⁹ Simultaneously, Barrillas was portrayed as weak and tyrannical.⁴⁰⁰

Since Barrios' death, President Díaz had tightened his relationship with El Salvador, a source of chronic antagonism to Guatemalan power and the aspiration of Guatemalan

³⁹⁷ AGCA: "Guatemala, diciembre 23 de 1886. Carta al ministro de relaciones exteriores de Guatemala, sobre los hechos originados en Malacatán por los emigrados guatemaltecos" B99-25-21, Leg. 6449.

³⁹⁸ Jorge Luján Muñoz, *Las revoluciones de 1897, la muerte de J. Reina Barrios, y la elección de M. Estrada Cabrera* (Guatemala: Artemis Edinter, 2003), 6.

³⁹⁹ José Salazar to Francisco Anguiano, Feb. 29, 1888, including the copy of Feb. 29, 1888 of "Diario del Hogar"; José Salazar to Anguiano January 10, 1888 (AGCA: B99-30-4, Leg. 6714). See, also, various reports of Barrundia in Tapachula (AGCA: B118.2.4 Leg. 2449, exp. 58758 and 58784).

³⁹⁹ *El Guatemalteco* 1888 enero no. 5, p. 25, "Proclamas desde Tapachula"; *New York Tribune*, Nov. 12, 1889; *Los Angeles Daily Herald*, Nov. 3, 1889.

⁴⁰⁰ AGCA: "Diario del Hogar, 29 de febrero, 1888" (B99-30-4, Leg. 6714); *New York Daily Tribune*, June 7, 1885; *Colonial Guardian* (Belize), "Central American News" Aug. 27, 1887; *Los Angeles Daily Herald*, Nov. 3, 1889.

leadership of a Central American Union, proposed in 1885 and again in 1890.⁴⁰¹ By 1888 it became clear that the alliance between Díaz and El Salvador also involved Barrundia, who would make various connections with Guatemala's eastern neighbor.⁴⁰²

The renewed threat posed by Barrundia coincided with Barrillas' declaration of war against Carlos Ezeta, immediately following Ezeta's takeover in El Salvador via a coup in June of 1890. By that time, Barrundia had again begun appearing on the front pages of Central American, Mexican and U.S. newspapers.⁴⁰³ According to the later report put together by Guatemalan Secretary of Foreign Relations, Francisco Anguiano, in March of 1889 Barrundia had attempted to start a rebellion against the Barrillas regime, crossing into southwestern Guatemala from Mexico, thereby justifying his pursuit as an enemy of the nation. Though Barrundia was then stopped by Chiapan authorities at the border and his arms confiscated, by late July of that same year the Guatemalan government had been informed that Barrundia had new plans to leave Tapachula en route to Tacaná, to make another attempt at what they again reported as an "invasion."⁴⁰⁴ In response, Chiapan authorities again confiscated Barrundia's arms in Tapachula, as a preventative measure. Guatemalan demands that Barrundia be removed from the frontier entirely were then later complied with by Chiapan officials.⁴⁰⁵

⁴⁰¹ On Mexico's relationship with El Salvador during this period, see Buchenau, *In the Shadow of the Giant*; Graciela De Garay Arellano, *Relaciones consulares*; and González Arriaga, *Política exterior*.

⁴⁰² "Proclamas desde Tapachula" *Guatemalteco* 1888 enero no. 5, 25; AGCA: B118.2.4 Leg. 2449, exp. 58758 and 58784.

⁴⁰³ *Los Angeles Daily Herald*, Nov. 3, 1889; "The Guatemalan Revolution," in *The Indianapolis Journal*, Oct. 30, 1889; *Star and Herald Panama* July 15, 1890; *Los Angeles Herald*, July 21, 1890; *Los Angeles Herald*, July 21, 1890; *Star and Herald Panama*, July 15, 1890.

⁴⁰⁴ Secretaria de Relaciones Exteriores de Guatemala, *Report of the Secretary of Foreign Relations*, 7-9.

⁴⁰⁵ Secretaria de Relaciones Exteriores de Guatemala, *Report of the Secretary of Foreign Relations*, 7-9; and AGCA: B99-30-4, Leg. 6714.

While it is quite possible that Barrundia intended to destabilize the Barrillas government in any number of ways, there is little concrete evidence of any illegal, or “treasonous” actions, towards this end, nor of any attempt to invade Guatemala beyond merely crossing the border. According to Anguiano's later report, Barrundia had been disseminating "treasonous pamphlets" throughout his stay in Chiapas, yet there was little evidence of these, nor did pamphlets merit arrest for treason. Instead, Barrillas was conjuring up as many reasons as possible to keep Barrundia in check, and to harness Mexico's support in doing so.

Undeterred, Barrundia traveled to Acapulco, Mexico, to board a steamer from that port and head to El Salvador, where Ezeta had been waiting for him to join forces against Barrillas, according to a telegram to Barrundia dated the 26th of July.⁴⁰⁶ Again the Guatemalan government sent out a flurry of correspondence to various port authorities informing them that Barrundia was wanted for treason against the Guatemalan nation and that he should be arrested.⁴⁰⁷

However, at this point circumstances had shifted slightly--now Barrundia was on an American merchant steamer headed to El Salvador, which made him both more dangerous a foe and more difficult to catch.⁴⁰⁸ His steamer, the *Acapulco*, was scheduled to make a one-day stop in the port of Champerico (Guatemala) on August 25-26 and San José (Guatemala)

⁴⁰⁶ Secretaria de Relaciones Exteriores de Guatemala, *Report of the Secretary of Foreign Relations*, 13.

⁴⁰⁷ Secretaria de Relaciones Exteriores de Guatemala, *Report of the Secretary of Foreign Relations*, 13-15; and AGCA: B118.2.4 Leg. 2449, exp. 58758 and 58784.

⁴⁰⁸ In theory, a ship sailing under an American flag was also sailing "under the American Constitution," and thus a foreign criminal was safe on that ship unless he was handed over to his home government based on an international extradition agreement between, for example, the U.S. and Guatemala. Though such an agreement did exist between Guatemala and the U.S. at this time, no communication had as yet been made with the U.S. State Department regarding Barrundia specifically, and so there was no authorization to arrest him on the *Acapulco*.

from the 26th to the 27th. All Guatemalan port commanders were instructed to be ready for his arrival. They were also asked to write letters to the U.S. Consular Agent of their respective ports, informing them that a Guatemalan citizen, who had "committed high treason," was on board an American steamer and would be arrested upon arrival in the next Guatemalan port. They were further instructed to remind the U.S. consul to inform all steamers' captains to comply with Guatemalan authorities in the arrest. These letters were sent onto the Consul General of the U.S. in Guatemala City.

In the meantime, a sizeable trail of formal letters back and forth between port commanders, consuls and the Guatemalan Foreign Minister was accumulating, even though, as Foreign Minister Anguiano himself pointed out, none of these letters were required. Although Barrundia was traveling on a U.S. merchant vessel, Guatemalan notice to U.S. representatives that they planned on making an arrest on the steamer was, in legal terms, only a "courtesy," since the vessel would be anchored within Guatemalan national boundaries. Further, if Barrundia was not only a "pernicious *emigrado*" wanted for embezzlement and abuses but also charged with treason, then his arrest could be justified. Because he was headed into enemy territory (El Salvador) with arms, he was also considered "contraband of war." The plan was for the Guatemalan port commander to alert the Guatemalan police, upon the *Acapulco*'s arrival in port, at which point the Guatemalan police would march onto the steamer *Acapulco* and arrest Barrundia.

The problem was his status as a threatening *emigrado* was not reason enough for Barrundia to be arrested, and certainly not sufficient reason to get rid of him entirely. Further, despite the fact that after his eventual arrest, Anguiano claimed that more treasonous pamphlets were found in Barrundia's suitcases, these still did not justify his prior arrest, if in

fact these papers existed. A thorough examination of Anguiano's later report to the U.S. government does not show any evidence of any crime on Barrundia's part, even as Minister of War under Barrios. Instead, it reveals the Guatemalan administration's uncharacteristically meticulous bureaucratic diligence in tracking this "national threat." It reveals a carefully constructed case based solely on the administration's fear both of Barrundia and of the possible international response to having him executed.

Justification was even harder to come by in the last 24 hours before the arrest happened. Prior to that point, Barrundia had theoretically been heading to enemy territory during a war, with the intention of assisting foreign forces in the war against Guatemala. Yet even this presumed crime disintegrated on the eve of August 26th, precisely when the *Acapulco* made anchor at the Guatemalan port of San José. By that time, El Salvador and Guatemala agreed to a truce mediated by the U.S. Minister to Central America, Lansing Mizner. Nonetheless, in consultation with Anguiano (who again claimed he only spoke to Mizner out of "courtesy"), Mizner agreed, that same evening of the 26th, that letting the Guatemalan police board Barrundia's steamer and arresting him was the best way to proceed.⁴⁰⁹ Mizner did make specific reference to the fact that the arrest should be done with caution, that Barrundia should be protected from harm, and that, given the fact that a truce had been agreed upon between El Salvador and Guatemala, Barrundia could not be considered treasonous via his relationship with Ezeta, since a general amnesty had also been authorized.⁴¹⁰ Nonetheless, Anguiano's later report stated that no sooner had the officers

⁴⁰⁹ Telegram from Mizner to Anguiano, Aug. 26, 1890, in *Report of the Secretary of Foreign Relations*, Secretaria de Relaciones Exteriores de Guatemala, 20-23.

⁴¹⁰ Telegram from Mizner to Anguiano, Aug. 26, 1890, in *Report of the Secretary of Foreign Relations*, Secretaria de Relaciones Exteriores de Guatemala, 20-23.

boarded the *Acapulco* the night of the 26th, Barrundia attempted to shoot his way out of the situation. In "defense" the Guatemalan police opened fire. A barrage of fifty bullets left Barrundia a riddled corpse.⁴¹¹

After Guatemalan authorities rifled through the belongings Barrundia had on board the *Acapulco*, he was "proven guilty" of planning Barrillas' demise. Along with arms found stowed were a number of letters and pamphlets Barrundia had written against the Guatemalan government, seen by the arresting officers as more than sufficient proof of Barrundia's conspiracy.⁴¹² A telegram from Ezeta, dated July 26, which warned Barrundia, "Don't delay. Our forces are marching on from one triumph to another. The capital of Guatemala is almost in anarchy. Hurry up!" was also supposedly found aboard the steamer.⁴¹³ From Anguiano's perspective, when added to Barrundia's foul record of abuses and fiscal mismanagement, this "evidence" justified his arrest--enabling justice to be carried out, however sloppily.

Yet this "sloppiness" revealed a breach of Guatemala's jurisdiction. Not because, as Anguiano pointed out, they were not safely in Guatemalan territory, but because Guatemalan officials were overstepping their authority, whether or not the shootout was premeditated. In doing so they created a space of jurisdictional ambiguity where it had not existed before. The shootout became the launchpad for a variety of new claims of authority over Barrundia's life. In the U.S., American ambassador Mizner was harshly admonished, and eventually forced to

⁴¹¹ Secretaría de Relaciones Exteriores de Guatemala, *Report of the Secretary of Foreign Relations*, 31-32; "Barrundia Fired First," *New York Times*, Sept. 13, 1890; "Minister Mizner's Defense," *New York Times*, Jan 27, 1891; "Mizner Inexcusable Complacency," *International Herald Tribune*, Sept, 1890; , "Mizner's Action," *Sacramento Daily Record Union*, Sept. 23, 1890; and "Killing of Barrundia," *New York Times*, Sept. 1, 1890

⁴¹² Secretaría de Relaciones Exteriores de Guatemala, *Report of the Secretary of Foreign Relations*, 11.

⁴¹³ Secretaría de Relaciones Exteriores de Guatemala, *Report of the Secretary of Foreign Relations*, 13.

resign, as a result of having let Guatemalan forces arrest Barrundia at the port. According to the U.S. State Department, Mizner's response was unmeditated, leaving Barrundia in a circumstance where he was certain to be killed. After review of all the correspondence that had transpired, on November 18, 1890, Secretary of State Blaine declared to Mizner in writing,

The more this question is analyzed in the light of the facts that have lately been discovered, the more indignity is caused by the fact that you went beyond the limits of your legitimate faculties, to the point of having signed the paper that in the hands of the Guatemalan functionaries was an authorization to arrest Barrundia.

Blaine rejected Guatemala's claim to the "right" to arrest Barrundia, asserting the lack of foundation for Barrundia's arrest in the first place. Yet more importantly, Blaine chastised Mizner for placing U.S. authority at the center of the tragedy. Mizner's letters giving the arrest's go-ahead to the *Acapulco's* captain, themselves an overreach of Mizner's jurisdiction, were never reported to the State Department, nor were Mizner's continued negotiations with the Guatemalan government over securing Barrundia's safety. More than behaving recklessly and overreaching his authority, Mizner had done so under the mantle of the American flag. The U.S. government, then, had to answer for his gambles, placing U.S. diplomats in the awkward position of having to explain away Barrundia's death, even in the face of an attempt on Mizner's life by Barrundia's daughter and a later legal suit filed against the U.S. government by Barrundia's wife.

More painfully for the U.S. administration, however, was the fact that their increased use of "neutrality," "mediation" of international conflicts, and extradition as a way to extend U.S. sovereignty into new territories had now been threatened. Explaining this tactic of U.S. administrations to extend their power during the pre-1898 period, historian Daniel Margolies describes their use of asylum for political offenders as "cast as a defensive act produced by

the necessities of the situation instead of as a unilateralist, sovereign exclusion coupled with a jurisdictional incursion."⁴¹⁴ According to Margolies, "It is clear that sovereign exceptions like that produced by asylum or in the determination of political offenses could be carved for any number of state purposes but were balanced neatly upon the political situation and rhetorically draped with the language of immediacy." Clearly, Secretary of State Blaine Blaine's response to Barrundia's death reaffirmed the usefulness of the U.S. claiming its "right" to intervene on the behalf of political exiles or in cases of extradition. Wrote Blaine, "More than once this government has permitted its legations and warships to offer hospitality to political refugees. This is done because of humanitarian motives." In reality, despite the fact that ships carrying the American flag were supposed to be spaces of American jurisdiction, according to international regulations, Guatemalans did have the right to embark on those ships while in Guatemalan waters. Yet the jurisdictional rules fell apart once Barrundia's arrest, and violent end, took place. What would have been needed at the least was an extradition agreement, and even then a shootout could not be condoned. Yet, as Margolies argues, the flexible criteria of "humanitarian motives" and "extreme violence" allowed people like Blaine to bend U.S. "rights" to favor intervention or not, as best served the purposes of international diplomacy. Wrote Blaine,

[Humanitarian] intentions would not have been less pronounced if, besides the humanitarian concerns of this question, there also would have been the obligation of stopping merchant ships from being the theater of illegitimate violence, caused by unfounded and illegal arrests, without even the appearance of being legal.⁴¹⁵

⁴¹⁴ Daniel Margolies, *Spaces of Law in American Foreign Relations: Extradition and Extraterritoriality in the Borderlands and Beyond, 1877-1898* (Athens: Univ. of Georgia, 2011), 294.

⁴¹⁵ AGCA: Telegram from Manuel Diegues to the Ministerio de Relaciones Exteriores, Dec. 16, 1890; and *El Tiempo*, 16 Dic. 1890 (B99-30-4, Leg. 6714). According to *El Tiempo*, Blaine had failed to get all the relevant information of the case for consideration by Congress for their September sessions, and for this reason no final resolutions were handed down from the State Department until December.

Even naval officers in charge of two other steamers present at the San José port that night, privy to Barrundia's pending arrest and connected circumstances, were originally subject to questioning.⁴¹⁶

The upshot of the "Affair" was that, though Mizner had neither the power nor the responsibility to keep Barrundia from getting killed, he had committed a diplomatic mistake by enabling the Guatemalan government to proceed as it wanted when U.S. control of political relations between Mexico, Guatemala and El Salvador was at stake.

The Mexican press, too, critiqued Guatemala's display of "justice" enough that the Minister of Guatemala in Mexico, Manuel Diegues, beseeched Manuel Azpiroz, Subsecretary of the Office of Foreign Relations in Mexico, to "propose to the [Mexican] president a way of reining in" the press' accusations. Azpiroz appeared to genuinely agree with Diegues that the criticisms made by the Mexican press were indeed unfortunate (though, as he pointed out, since in his country freedom of the press was guaranteed by law, there was really nothing he could do).⁴¹⁷

There did not seem to be any real proof of Barrundias' embezzlement of funds or his abuse of power under Barrios, both not unlikely crimes but for which any testimonies or evidence were conspicuously absent, even in Anguiano's detailed report, written in English, and clearly for President Harrison's consumption. The argument that Barrundia had engaged in "contraband of war" because he was in Guatemalan waters at wartime also did not quite hold water, since amnesty had just been declared. Finally, "treason," the crime for which

⁴¹⁶ *New York Times*, Oct. 5, 1890; *International Herald Tribune*, Sept. 1, 1890; "Record of Political Events," *Political Science Quarterly*, Nov. 1, 1890 to May 1891, 379-380.

⁴¹⁷ AGCA: Manuel Diegues reporting his conversation with Azpiroz, September 10, 1890 (B99-30-4, Leg. 6714).

Barrundia was theoretically most guilty, was only evident in the papers (treasonous pamphlets in which he called for revolution and the telegram from Ezeta) that were (supposedly) found among his belongings on board after the fact.

The Guatemalan administration's apparent eagerness to maintain a clean record in the face of possible denunciation on the part of U.S. State Department, the Mexican press and any others, may have reached the extent of doctoring evidence to justify their actions. Not only did Guatemalan Minister of Foreign Relations, Francisco Anguiano, produce the abovementioned lengthy report, which included copies of "original" correspondence between Anguiano, port captains, James Hosmer (the U.S. General Consul in Guatemala) and Mizner, but only weeks before Barrundia's death, on the 10th of August, a number of urgent telegrams were exchanged between Diegues and Anguiano. Apparently, Secretary of State Blaine had been inquiring, as early as the first week in August, if Barrundia was really planning to invade Guatemala when they found him in Tapachula, and whether Mexican authorities had actually aided Barrundia in these efforts at any time. The Mexican Subsecretary of Foreign Affairs, Azpiroz, apparently denied any Mexican aid to Barrundia, questioning the Guatemalan story that Barrundia was committing treasonous acts and that the extent of his following and his resources in Mexico should be feared. After Diegues demanded of Guatemalan Secretary of Foreign Affairs Anguiano that he be informed of "the actual situation of Barrundia," he sent Anguiano a second telegram saying that he would generate, "extra-officially," the information that Barrundia had indeed invaded, "with the acquiescence of Chiapan subaltern authorities." Still, in exasperation, Diegues ended his telegram demanding "in detail" all there was to know regarding Barrundia, since in his most recent note, Anguiano had informed him that Barrundia had actually been brought to

Tapachula by others.⁴¹⁸

Anguiano's 1891 report sent to the U.S. Secretary of State had also painted Mizner as a deeply dedicated and upstanding ambassador, invested both in upholding the law and avoiding bloodshed. Yet Anguiano's internal report (submitted to the Guatemala Office of Foreign Affairs) on his interview with Mizner was rather different. In response to Anguiano's plea that Mizner intervene to convince the captain of the *Acapulco* to let Guatemalan authorities arrest Barrundia and confiscate his baggage, Mizner said that he would send a note to the captain, but that, "hoping to avoid further disagreements, he did not want mix himself more in the issue that had given rise to their conversation."⁴¹⁹ The Guatemalan Minister clearly felt pressure to bend the precise nature of the facts in order to pull together a viable defense against denunciations from the U.S. State Department and press.

The Barrillas administration had reason to be insecure about its reputation and stability. Just before the war with El Salvador, in the summer of 1890, a rebellion broke out in Santa Rosa and Matesquintla, east of Guatemala City.⁴²⁰ Further, according to Arturo Taracena, by 1890, regional elites, like those of the western highlands and Quetzaltenango, felt disappointed and disillusioned by Barrillas, who they had supported in his rise to the presidency, only to find their particular needs and interests ignored. They too, were ready to

⁴¹⁸ AGCA: "Diegues to Anguiano," August 10, 1890, and "Diegues to Anguiano," August 10, 1890 (B99-30-4, Leg. 6714). See also, "Diegues to Anguiano" July 23, 1890 (B118.2.4 Leg. 2449, exp. 58785).

⁴¹⁹ AGCA: Anguiano, 29 August 1890 (B99-30-4, Leg. 6714).

⁴²⁰ In fact, this actually amounted to little more than a three-day scuffle. Yet it was perceived by some as indicative of a generalized instability in the Barrillas regime, at least as indicated by the press elsewhere in Central America, and in Mexico and the U.S. (see, for example, *Los Angeles Herald*, July 27, 1890; *La Voz de Mexico*, 31 July 1890).

support attacks on the president.⁴²¹

Yet the Harrison administration apparently also had its reputation to worry about.

Barrundia's widow, an exile in El Salvador and mother of six, decided to sue the U.S. government for one million dollars for her husband's death. Given the fact that the U.S. government ended up forcing Mizner to resign, "Madame Barrundia" (as she was referred to in the U.S. press) must have known her chances for arguing against Barrundia's sentencing might gain some traction in the United States.⁴²² Mrs. Barrundia's suit, however, was apparently sufficiently embarrassing to the U.S. government's image to merit its hiding from the public eye.⁴²³

Yet, simultaneously, Blaine's dramatic, and much publicized critique of Mizner may well have contributed to the U.S.'s own embarrassing embroilment in the suit with Barrundia's widow. According to the Mexican liberal paper *El Hijo del Ahuizote*, "Uncle Sam" was once again forced to bring these errant characters in line, "pulling their ears." Yet Sam was not pulling El Salvador and Guatemala's ears, but two members of the U.S.'s own administration (see Fig. 1). The U.S. government was battling its own contradictory factions, while Guatemala and El Salvador would continue armed conflict or at least diplomatic saber rattling, as well as supporting coups and assassinations against the opponent, for years to

⁴²¹ Arturo Taracena, "El regionalismo altense y la élite ladina de Quetzaltenango (1880-1920)," *TRACE* 37 (2000): 41-54. Taracena defines these "elites" as "intellectuals and political organizers, businessmen, and agriculturalists who defined themselves as the voices of regional liberal discourse" (Taracena, "El regionalismo altense," 42).

⁴²² "Madame Barrundia's Suit," *The Watertown Re-Union*, Feb. 25, 1891; "Mme Barrundia Sues Uncle Sam," *Salt Lake Herald*, Feb. 21, 1891; "Barrundia's Heirs Ask for Money," *New York Times*, Dec. 5, 1890.

⁴²³ According to the article in the *The Watertown Re-Union*, "The World's Washington special says the State Department people were surprised last night to find that any one knew that General Barrundia's widow had presented a claim for 1,000,000 damages. Secretary Blaine was inaccessible and his assistants were very reticent. They professed to have no knowledge of the subject" (Feb. 25, 1891).

come.

For its part, the Barrundias' suit was doomed, since they were attempting to sue one country in the name of no country at all.⁴²⁴ However, the usefulness of manipulating national and emigrant status, for all involved--the U.S. executive, the Guatemalan government, Mr. Barrundia and Mrs. Barrundia--was clearly reaffirmed. Further, the leverage that could be gained by managing the movement of citizens and arms, and designating territory as legal, illegal or as an in-between space of diplomatic negotiation, stemmed from Guatemala's continuing efforts to control its frontier with Mexico. Barrundia's initial welcome in Mexico, his ability to recruit followers there and buy arms, were the first barriers to national control that Guatemala had to overcome.

⁴²⁴ *The Watertown Re-Union*, Feb. 25, 1891. See the discussion of the case in the *Indianapolis Journal*, 4 March 1891.



Fig. 1. "THE EAR PULLING resulting from Barrundia's assassination; What Uncle Sam should do." *El Hijo del Ahuizote*, 7 de septiembre, 1890 (AGCA: B99-30-4, Leg. 6714).

Like the cases of Melgar and even of the residents of the newly Guatemalan town of Ayutla, Barrundia took advantage of the spaces--physical, legal and diplomatic--that were offered by ambiguous, undetermined and open-ended treaties and borders. It was not drawing borders and agreeing on international laws that presented possibilities of political mobility (in the case of Melgar or the Barrundias) or political power (in the case of national governments). Rather, political influence derived from the tension that existed as a result of the absence of resolution, a place where everyone had a stake in making claims to possible legitimacy.

Institutionalizing In-Betweenness: the Binational Claims Commission

The "Barrundia Affair" is only one example of the ways that international diplomacy opened up, and used, spaces that could be manipulated by unattached outsiders--criminals, exiles and others who had fled or been pushed out of their own national territory. Mexico and Guatemala's Binational Claims Commission (Comisión Mixta de Reclamaciones) similarly produced a "third space" which Mexico and Guatemala participated in creating--a space from which, in contrast to much of the literature focusing on these countries' foreign relations, some of the most marginalized members of society would benefit. Further, in many senses these benefits would come at the expense of the authority of the Mexican and Guatemalan states, which were forced not only to pay indemnities and admit their wrongdoings, but in many cases would be ordered to do so by a third party.

The Commission's purpose was to settle claims made against both countries as a result of their ongoing border dispute. These included any damages that could not be taken

to local, regional or national authorities, or at least adjudicated by these. Mexican emigrants complaining that they had not been sufficiently defended or supported by their national representatives while in Guatemala, was a common example. In other cases, Guatemalans or Mexicans who had suffered losses as a result of the attacks on Malacatán, Guatemala, or on Tuxtla Chico, Mexico, were also considered by the Commission, since the nationality of the attackers was mixed and thus the authorities responsible remained unclear.

Yet the Commission also clearly provided yet another venue for representatives from both countries to make public their own claims to territory, since critical to the adjudication process was figuring out which country owed the claimant money for their losses. Guatemalan authorities still insisted that many of the attacks on border-area towns had been committed by Mexicans, and visa versa. In one case, that of Matías Domínguez, the Guatemalan representative, Manuel Rivera Martínez, proceeded to revisit Mexico's claims to Chiapas, reminding his audience that Chiapas had been taken by force from its rightful authority, Guatemala.⁴²⁵

Another ongoing problem was dealing with complaints from people who were of unclear nationality at the time of the offense, for example foreigners who still had not been naturalized. Further, according to the much-disputed Article 2 of the Commission's 1890 Convention, no complaints emanating "from damages caused in disputed territory before both Republics' limits were fixed definitively," in cases where the determination of legality depended on verifying national affiliation, would be considered.⁴²⁶ As Mexican

⁴²⁵ AHSREM: "Reclamaciones entre México y Guatemala sobre la convención para el arreglo de los citados y designación de árbitro al C. Lic. Manuel Azpiroz," (II) exp. H242 (72; 728.D/67) Legajo L-E-44.

⁴²⁶ AHSREM: "Reclamaciones entre México y Guatemala sobre la convención para el arreglo de los citados y designación de árbitro al C. Lic. Manuel Azpiroz," (II) exp. H242 (72; 728.D/67) Legajo L-E-2213.

representative Sánchez Azcona had complained during the original struggle to draft the Convention (a process which took a full two years) this demand that national affiliation be established before making any decisions would result in "an abundance of cases of legal incompetence, or at the very least will give way to enormous doubts and confusions."⁴²⁷ Both countries also agreed on considering cases ranging as far back as 1873. This meant that not only did the process give both sides the opportunity revisit old disputes but long-forgotten complaints of individuals and groups could also be brought to trial for the first time.

Finally, the Commission also resulted in the eventual out-sourcing of both states' juridical powers, since any disagreement between the two countries' representatives would be settled by a third party arbiter, Sir Spencer St. John, the British Plenipotentiary Minister in Mexico. St. John's presence was critical to the consequences of the Commission's work for society at large. Indemnities were granted to a diverse panorama of claimants, one that included some of the most marginalized members of Mexican and Guatemalan society. In one case, Matías Domínguez, a homeless (and apparently shoeless) Mexican man who had crossed into Guatemala ended up being hired by President Barrios to be a spy--and seemingly also partnered with the president in a plan to start an underground gambling house. Nonetheless, Barrios had cut him off from the business and deported him after an argument in which Domínguez, apparently drunk, had insulted the dictator. In 1890, five years after Barrios' death, Domínguez appealed to the Binational Claims Commission for coverage of

⁴²⁷ AHSREM: "Reclamaciones entre México y Guatemala sobre la convención para el arreglo de los citados y designación de árbitro al C. Lic. Manuel Azpiroz," (II) exp. H242 (72; 728.D/67) Legajo L-E-2213.

his losses, not only from the having lost his job as spy and being cut out of the gambling business, but also for being forced penniless out of the country.⁴²⁸

Despite the Guatemalan representative's vigorous rejection of Domínguez's appeal, the arbiter, Spencer St. John, saw Domínguez's case as a valid one, arguing that justice was unfairly denied him, he lost three years in jail, and was then forced out of the country with no viable subsistence options.⁴²⁹ Another case, that of Rafael Ortiz, also raised objections from Manuel Rivera Martínez, but received recognition from Spencer St. John. The head of a poor indigenous family, Ortíz had been one of the victims of the violence following the transfer of Motozintla from Guatemala to Mexico as a result of the 1882 treaty, a transfer which had begun after engineers had marked the border and begun to draw the line, in 1884. Mexican authorities and census-takers began to appear in the area to prepare for taxation assessments and the appointment of political representatives. Previous Guatemalan authorities, now reduced to the jurisdiction of Tacaná, clashed with Guatemala's frontier forces, charged with pursuing suspicious emigrants who were using the new border marker to shield themselves from Guatemalan police. In Ortiz's case, part of his corn fields remained in Guatemalan territory after the new division, while his home and other property were now located in Mexico. Guatemalan authorities attempted to arrest Ortiz, claiming that his father owed money to a store in Tacaná, but Ortíz escaped, fleeing back to the Mexican side of the line. Undeterred, the Guatemalan authorities then arrested Ortiz's brother, also found on the Guatemalan side of the border, forcing him to sell his horse in order to pay his father's fine as well as a fee for his brother's resistance. After this payment, Guatemalan authorities

⁴²⁸ AHSREM: "Reclamaciones entre México y Guatemala sobre la convención para el arreglo de los citados y designación de árbitro al C. Lic. Manuel Azpiroz," (II) exp. H242 (72; 728.D/67) Legajo L-E-44.

⁴²⁹ AHSREM: "Reclamaciones entre México y Guatemala sobre la convención para el arreglo de los citados y designación de árbitro al C. Lic. Manuel Azpiroz," (II) exp. H242 (72; 728.D/67) Legajo L-E-44.

continued to retain the brother, forcing him to work for free in public building projects until the father's original fine, which had already been paid, was covered. The besieged brother was able to escape after a few days of work, only to be replaced by his wife, who was caught in Tacaná doing her shopping. Though she was also put to work to "pay off the fine," she also managed to escape. Nonetheless, the family was forced to abandon their cornfield on the Guatemalan side for fear of being once again impressed into work or prison.⁴³⁰

Possibly one of the most striking cases of adjudication by the Commission can be found in Mexico's Ministry of Foreign Relations archives, dealing with the Becerra family. In this case, a mother of ten children had been the concubine of a man who had died during the attacks on Tuxtla Chico in 1880. Because of her "illicit" relationship, the mother herself did not make the claim for indemnities, but the oldest of her ten children, her daughter Jacinta, did. Jacinta argued that because her mother's partner, Victor García, had provided for their upkeep, his death in a raid provoked by Mexico and Guatemala's conflicts rendered Jacinta and her siblings' dependents, and thus deserving of provision by the Guatemalan government. The ten children received 10,000 pesos in indemnities--less than a sixth of what they had asked for, but compensation nonetheless.⁴³¹

⁴³⁰ "Certificación de documentos relativos a reclamaciones mutuas, por invasiones hechas a territorio guatemalteco en 1874, 1884 y 1885" (AGCA: El legajo 6448 (Sig. B99-25-21) N° 7. 1890). Another case, that of Segundo Anzueto, seemed fairly typical: after the final drawing of the border, half of his land remained on one side and half remained on the other, resulting in local authorities perceiving one of the halves as "vacant" (*baldio*). Nonetheless, the commission threw out his case, since they decided it should be resolved by each of the relevant local authorities (Segundo Anzueto, reclamo por perjuicios sufridos en sus intereses y despojo de su finca "La Laguna," in AGCA: Leg. 6449, B99-25-21, N° 19. 1890).

⁴³¹ "Becerra, Jacinta. Su reclamación contra Guatemala por el asesinato de su padre Victor García en la invasión de Tuxtla Chico, verificada 20 sept 1880 por una partida de gente armada procedente de dicha república" in *Correspondencia diplomática cambiada entre el gobierno de los Estados Unidos Mexicanos y de varias potencias extranjeras, desde el 30 de junio de 1881 a 30 de junio de 1886*, Tomo IV, Ministerio de Relaciones Exteriores de Mexico (Mexico: Tipografía "La Luz," 1887).

In other cases, more prominent citizens whose interactions with regional and national governments had verged on their expulsion or imprisonment, also petitioned for indemnities. Matías Romero was one of those who took recourse in the new commission, demanding payment for the destruction of his finca Cafetal Juárez, in Muxbal, as well for the value of the land to which he had acquired title but was never able to use, and which was officially lost to Guatemala according to the 1882 treaty. His demand was rejected, however, because the Guatemalan commissioner was able to convincingly prove that most of the land Romero claimed was indeed Guatemalan, both before he arrived and after he left.⁴³² The Chacón brothers of Soconusco, related to Escobar and Soconusco's secessionist movement of 1856, had also filed a complaint, demanding indemnities for having lost land in San Marcos and suffering various assaults and imprisonments during the attacks on Tuxtla Chico. Their demands, too, were rejected, not because there was an enormous likelihood that they had gained the land through violence and extortion in the first place, but because they had never filed a complaint for these issues previously. Similarly, Margarito Barrios, the man who attacked the residents of Tonintaná in 1878, and Rosendo Coutiño, one of the supposed killers of the mayor of Malacatán, also made claims to indemnities. As it happened, in neither case were these indemnities granted.⁴³³ In a second phase of this international arbitration, however, Manuel Torruco, accused of manslaughter, also demanded indemnities, and received \$1,552.⁴³⁴ Rather than merely reflecting some neutral form of justice, the

⁴³² Zorrilla, *Relaciones de México*, 540-541.

⁴³³ For Chacón and Coutiño's cases, see *Correspondencia diplomática*, Tomo IV, 817-823.

⁴³⁴ *Boletín Oficial de la Secretaría de Relaciones Exteriores de México*, Tomo V (1897), 306-307. Torruco had demanded a whopping \$92, 272.00 for damages that included his time in jail and the destruction of logging site by Guatemalan forces. He was only rewarded for the monetary losses he suffered at the hands of Flores authorities, however, including the \$930.00 he paid to get out of jail; the \$72.00 he paid in "taxes" for his logging; and the \$550.00 fine he had been charged for cutting without proper license.

arbitration seemed to reveal, as in the case of the Barrundias, governmental failings of some of the most embarrassing types: in upholding justice, in keeping local order, and in stimulating economic enterprise.

As had been the case with a comparable convention signed between the U.S. and Mexico following their border delineation at mid-century, many of the cases brought before the committee were not even fully considered, since they failed to be submitted on time, omitted relevant information or were missing other requisite formalities.⁴³⁵ In others, claims were passed over because the monetary demand was perceived to be altogether inaccurate and unrealistic--though in most instances the indemnities eventually granted were far lower than demanded anyway.

Why would Mexico or Guatemala promote, and submit to this process in which they found themselves so stripped of juridical power? Why would they so publicly lay bare their nations' vulnerabilities and the obvious gaps in any claims to national sovereignty? Mexico was clearly the promoter of this particular initiative. Mexican representatives had expressed interest in creating the Binational Commission since the 1882 treaty's ratification. It had taken a full six years for the two countries to agree on the basic norms for the Commission's work. Agreeing to a convention would take another two years of strained diplomacy, from 1888 to 1890, when a plan of action and the parameters of complaints considered were finally agreed upon. According to Claudio Urrutia, the Guatemalan Chief of the *Comision de*

⁴³⁵ On the outcome of cases brought to 1868 commission, see *Memoria que en cumplimiento del precepto constitucional presento al septimo congreso de la Union en el primer periodo de sus sesiones Jose Maria Lafrangua*, Secretaria de Relaciones Exteriores de México (Mexico: Imprenta del Gobierno al cargo de Jose Ma Sandoval, 1873; and 1878). For the 1890 Commission with Guatemala, some results can be found in Secretaria de Relaciones Exteriores de México, *Correspondencia diplomática* Tomo IV, and the *Boletin Oficial de la Secretaria de Relaciones Exteriores de Mexico*, Tomo V (1897), 297-306. While the AHSREM houses all of these cases, some are in a separate archive which requires a special requisition, while others are more readily available. In the AGCA, many can be found in Signatura B99-25-21, Leg. 6448, exp. 7, ff. 1-39.

Límites, Mexico was stalling delineation of the frontier precisely in order to force the Guatemalan administration to sign a Claims Commission treaty--and vice versa.⁴³⁶ In late 1890, Mexican Foreign Minister Ignacio Mariscal informed the Minister in Guatemala that, despite the fact that Mexico believed that their engineers were correct in suggesting they stretch the proposed border eastward of the river Chixoy, they would agree to follow Guatemala's wishes, placing the frontier at that river. However, since this concession was "guided only by a conciliatory spirit" (rather than an acceptance of this drawing as accurate) it would only be made on the condition that no other differences would arise between the two countries regarding the line.⁴³⁷ Nonetheless, an agreement on the location of the frontier was never accorded, while the treaty on the Complaints Commission was drawn up in February of that year and duly ratified. Yet, in the end, Mexico would be the country to pay Guatemala, since, according to the final calculations, Mexico owed more than Guatemala in indemnities. Both countries were then forced to pay Spencer St. John for his services.⁴³⁸

The process the Commission pursued appeared to be more of a performance of in the management and delivery of justice, a demonstration and legitimization of each governments' authority, a kind of cleansing ritual through which both the Mexican and Guatemalan governments absolved themselves of past discrepancies, than it was a resolution of problems. Despite embarrassing revelations of governmental negligence and systemic inadequacies, indemnities were paid and understandings of property ownership and citizenship had now

⁴³⁶ Claudio Urrutia, Jefe de la Comisión Guatemalteca de Límites con México, *Memoria 1900*, 196-197; see, also, in the Hemeroteca Nacional de Guatemala (HNG): *Memoria de la Secretaría de Relaciones Exteriores presentada a la Asamblea Legislativa en 1889* (Guatemala: Tipografía "La Union", 1889).

⁴³⁷ Cited in Claudio Urrutia, Jefe de la Comisión Guatemalteca de Límites con México, *Memoria 1900*, 197-198.

⁴³⁸ Zorrilla, *Relaciones de México*, 550.

been officially "settled." One of the problems was, however, that new issues arose, precisely after the Commission was supposed to have closed their doors to new cases.

Support and Subterfuge Among Loggers

Throughout the 1870s, various logging companies continued to cut in what could arguably be considered Mexican territory near the Usumacinta--to the left of the lower Usumacinta, after the unification of its tributaries--all the while paying the Peten authorities for their licenses. As more people became attracted to the logging business, and as the engineers from both countries came in contact with these ever-extending logging outposts, competing Mexican and Guatemalan claims would clash and what had been considered an "uninhabited" area, at least by non-native Lacandons, had become yet another node of jousting national sovereignties.⁴³⁹

⁴³⁹ Initially, it was only the Petén *corregidor* that was issuing licenses, through the 1860s. Later, licenses had begun to be issued in Tabasco. De Vos sees this kind of territorial independence of Tabasco's *jefe político* as merely the result of the Díaz administration's ignorance of the territorial outlay of the area and its eagerness to promote concessions of any kind to raise national funds (see De Vos, *Oro verde*, 212). According to González Pacheco, Díaz himself had indirect interests in the logging trade out of Tabasco, via his in-laws (whose investments later ended in bankruptcy--see González Pacheco, *Capital extranjera*, 103). Both authors point to the Mexican 1863 Law of Occupation and Sale of Unused Land, and the 1883 Law of Colonization, along with other "extraordinary" concessions, as examples of Díaz's attitude regarding such contracts. Similarly, Holden asserts that "in the disposition of the public lands, the state's role was clearly defined at the outset. The twin imperatives of raising revenue and stimulating economic growth required action to identify the public land and turn much of it over to private ownership" (Holden, *Survey*, 23). See, also, Jorge H. Jiménez's *Empresario y dictador: los negocios de Porfirio Díaz, 1876-1911* (Mexico: Editorial RM, 2015) in which Díaz's dual role as promoter of both national wealth and of that of his own family is given equal attention.

In 1873 cutting had begun in Ocosingo, clearly part of the state of Chiapas (its northeast corner) and was stopped by authorities from Petén. Protest arose from the Mexican Secretary of Foreign Relations and a formal complaint was issued to the Guatemalan government. See Secretaría de Relaciones Exteriores de México, *Memoria que en cumplimiento del precepto constitucional presentó al séptimo congreso de la Unión en el primer período de sus sesiones José María Lafrangia* (Mexico: Imprenta del Gobierno al cargo de José María Sandoval, 1873), 56. In the Guatemalan case, the central administration's reach into the Petén was extremely limited, especially since the Petén technically remained part of archdiocese of Mérida. This would change by 1865, however, and Modesto Méndez, the long-standing Petén *corregidor* who had aided many Yucatecs and Maya fleeing or negotiating peace during the Yucatan caste war (1847-1853) was replaced by Carrera and the Petén "officially became national" as cited in Terry Rugeley, *Of Wonders and Wise Men*.

The case of Manuel Torruco is illustrative of the increasingly conflict-ridden context of the Lacandon and the Petén. Torruco had been logging in the Petén under licenses issued in Flores (Guatemala) for years when, in 1892, he refused to continue payment, since he claimed that he was operating in what was officially Mexican territory, as per the 1882 treaty. The response from Flores was that, in fact, his *montería* (logging camp) was in Guatemalan territory, since Guatemala had a title to it before 1882 and it was thus considered Guatemalan according to the 1882 treaty, which affirmed that any possessions existing at the time the line was actually drawn would be honored.⁴⁴⁰

In Torruco's case, he had a pending warrant for his arrest in Flores, due to claims that he had been both engaging in contraband and had lapsed in paying his taxes. Further, on the Mexican side, he had attacked Jose Ugalde, one of the Mexican engineers for the Boundary Commission in 1890, who later died from his wounds.⁴⁴¹ Forces from Flores came to Torruco's *montería* "El Egipto" to drag him off to jail, destroying his property in the process.⁴⁴²

Religion and Popular Cultures in Southeast Mexico, 1800-1876 (Austin: University of Texas Press, 2001) 212-231. According to *El Mensajero de Centro-América*, in 1895 all the logging licenses issued by Guatemalan authorities had been published in the official newspaper, as was the policy, inviting any contestants to the territorial allotment to come forth, as was the law for territorial concessions or titling. See *El Mensajero de Centro-América*, "Cuestiones entre Guatemala y Méjico" published in *Límites entre Guatemala y México* (Guatemala: Ed. "José de Pineda Ibarra," [1895] 1964).

⁴⁴⁰ Torruco's case is discussed at length in the following sources: *Correspondencia oficial con motivo de invasiones de Guatemala en territorio mexicano con los antecedentes y el arreglo final* (Mexico: Imprenta ...1895); *El Mensajero de Centro-América*, "Cuestiones entre Guatemala y Méjico," 195; *Relaciones Exteriores de México, Boletín Oficial de la Secretaría de Relaciones Exteriores de México*, Tomo V (1897), 297-306; and Claudio Urrutia, Jefe de la Comisión Guatemalteca de Límites con México, *Memoria 1900*, 211-212.

⁴⁴¹ *El Mensajero de Centro-América*, "Cuestiones entre Guatemala y Méjico," 191; and Nydia Fernanda Caballero Trejo, *El Refugio de la Memoria: La comisión mexicana de límites entre México y Guatemala, 1878-1899* (Mexico: Secretaría de Relaciones Exteriores, 2014).

⁴⁴² *Relaciones Exteriores de México, Boletín Oficial*, Tomo V, 306-307.

Yet other loggers claiming to be exploiting Mexican, not Guatemalan land, after paying the relevant fees, would force the question of territorial division further. Besides insisting that the boundary could in no way be extended to the tributary of the Pasión, the most eastward tributary of the Usumacinta, and that any territory already occupied in 1882 could not be taken away from its current owners, Miles Rock, the chief engineer of the Guatemalan Boundary Commission, would attempt to enforce these claims with troops.

Guatemala was now claiming land to the north of Usumacinta's merging with Chixoy, in areas where Tabascan logging companies were already exploiting the forests under Mexican licenses. As a result of Rock's occupation of the area, between 1893 and 1895, various logging entrepreneurs complained of what they saw as unjust attacks on their properties by Guatemalan officials. Among these complaints were those of Romano y Compañía, a Spanish group working out of Tabasco; Policarpio Valenzuela, Mexican, also working out of Tabasco; and, again, Torruco, though the 1893 attacks by Rock and his cohort were on a newly-established logging camp of Torruco's, "Agua Azul."⁴⁴³ According to a letter of complaint sent by Foreign Minister? Mariscal to his Guatemalan counterpart, Rock claimed for himself the title of "Special Commissioner" of the Guatemalan government and alongside government forces, "destroyed everything he found there, the residents and laborers of logging camps only escaping from his fury by flight." In formal complaints submitted in 1895, Romano, Valenzuela and Torruco elaborated further, stating that Rock and his forces had "burnt everything, homes and cornfields."⁴⁴⁴

⁴⁴³ All of these complaints are detailed in Relaciones Exteriores de México, *Boletín Oficial*, Tomo V., 292-308.

⁴⁴⁴ Relaciones Exteriores de México, *Boletín Oficial*, Tomo V, 292-308

Faced with this tense stalemate, in late 1893 Manuel Pastrana, the leading engineer of the Mexican Boundary Commission, and Rock, of the Guatemalan Commission, retreated to Tabasco and Washington D.C., respectively. Meanwhile, according to Guatemalan reports, in 1895 Valenzuela was taking advantage of the undetermined status of the territory, and of his recent support from Mexico, to cut in an area which was clearly in Guatemalan territory, albeit near the region in question. According to these reports, Valenzuela had cut 5,000,000 kilos of dyewood, and other Tabascan loggers were following suit, when Mexico sent the order to desist to officials in Tenosique, Tabasco.⁴⁴⁵ A new Binational Claims Commission was formed in 1895. Once more, "state" control over law, citizenship and resources had to be reaffirmed through a third party, ceding various sums to loggers in the process.⁴⁴⁶

Conclusion

Even after a border between Mexico and Guatemala was drawn and border markers were set, state control over law, citizenship and resources still had to be out-sourced. U.S. and Guatemalan disagreements over extradition and extraterritoriality; conflicts over how to resolve claims aimed at both the Mexican and Guatemalan governments; and loggers' manipulation of changing jurisdictions in unmapped jungles reveal the drawbacks of national governments' attempts to expand and operationalize their legal control over territory. Such attempts produced spaces of negotiation around the scope and reach of conflicting jurisdictions and the meanings of citizenship, legality/illegality and national loyalty. At the

⁴⁴⁵ Relaciones Exteriores de México, *Boletín Oficial*, Tomo V, 322-323.

⁴⁴⁶ Relaciones Exteriores de México, *Boletín Oficial*, Tomo V, 297-322.

same time, governments, entrepreneurs and angry widows could all use these new spaces to their advantage. They could negotiate national law in these spaces in ways not possible elsewhere. In doing so, they parleyed their social status, their economic conditions and their political mobility. Rather than being peripheral to Chiapan and Guatemalan social histories or to the history of Mexico, Guatemala and U.S. international relations, these spaces were central: they were sites for changes in power dynamics not simply at the level of governmental policy and discourse but also in people's ordinary lives, where the applicability of such policies was put to the test, and then showcased on an international stage.

While a geographical focus on the international border area between Mexico and Guatemala made clear these dynamics of jurisdictional ambiguity and its uses in previous chapters, the present chapter points to one of the many ways in which such ambiguities were not foreclosed with the signing of border agreements, and how the effects of these ambiguities were not limited to the border area. Instead, the utility of places in which jurisdiction could be continuously reconsidered rendered them pervasive, especially as Mexico and Guatemala moved into a period in which foreign investment and presence became increasingly linked to notions of regime legitimacy and solvency.

Chapter 7

Conclusion

"For me, the border is a conceit."

--Soconusco laborer of Mexican and Guatemalan descent, working in the coffee, quinine and banana businesses, interviewed by Patricia Ponce Jiménez, 1985.⁴⁴⁷

On the third of April, 1899, the cartographers in charge of the final maps of the Guatemala-Chiapas divide received a congratulatory letter from President Díaz.⁴⁴⁸ The mission of drawing Mexico and Guatemala's borders, arguably initiated 78 years earlier, had been achieved: both countries had officially agreed on a border, a map had been drawn, and markers had been installed on the ground. Both countries settled on the Chixoy River as their common frontier, with the next trajectory then running along the river in a slow progression westward towards Yaxchilán, in northeastern Chiapas, and Tenosique, in Tabasco. There would then be a final eastward jag back into Guatemala to the Río San Pedro, from whence the frontier would head straight northward to the foot of Campeche, with a final dividing line drawn between the base of the Yucatan peninsula to the Gulf of Honduras, running across northern Belize. Mexico agreed to drop demands for reparations as long as Guatemala removed Rock as their head engineer, though he continued to be part of the commission (Fig. 2).

⁴⁴⁷ "Para mí, la frontera es un egoísmo" cited in *Palabra viva del Soconusco: nuestra frontera del sur*, Patricia Ponce Jiménez (Mexico: Secretaría de Educación Pública, 1985), 48.

⁴⁴⁸ Relaciones Exteriores de México, *Boletín Oficial de la Secretaría de Relaciones Exteriores de México*, Tomo VIII (1899), 11.



Fig. 2. Guatemalan engineering commission (*La Ilustración Guatemalteca*, año 1, n. 20, 15 de mayo 1897, between 280 and 281).

Two years prior to this monumental event, however, the Guatemalan government had once more been interrupted in its functions by rebels on the border with Chiapas. In June of 1897, Guatemalan president José María Reina Barrios, imitated his predecessor, carrying out an *autogolpe*, dissolving the National Assembly and creating a new one that would extend his term. Unlike his predecessor, however, Reina Barrios' self-coup caused two important rebellions to break out, one in eastern Guatemala and one located in Quetzaltenango and San Marcos, both in the fall of 1897. Efficiently put down after only a month of fighting, the uprisings nonetheless indirectly led to President Reina Barrios' assassination in February of 1898, another emigrant invasion from Chiapas, and a new barrage of complaints from the Mexican government.

According to a detailed study by Jorge Luján Muñoz, Reina Barrios' assassin was a close friend of Juan Aparicio Mérida of Quetzaltenango, who had been executed without trial during the 1897 revolt.⁴⁴⁹ The summer of that same year, Prospero Morales, a *quetzalteco* who had fled to Tapachula, Soconusco, after the failed "revolution" of 1897, invaded Guatemala via San Marcos, prompting the interim administration to declare martial law. Though this invasion was also put down within a month, the new Estrada Cabrera administration (1898-1920) now faced claims by the Mexican government that a number of Mexicans living in Quetzaltenango had been illegally imprisoned, and were now demanding indemnities.⁴⁵⁰ Further, U.S. support of Guatemala intermittent as it was, had become more tentative in the face of Estrada Cabrera's seemingly flippant use of the military to promote his aims throughout Central America, potentially creating conflicts that threatened a proposed

⁴⁴⁹ Jorge Luján Muñoz, *Las revoluciones de 1897*, 6.

⁴⁵⁰ Relaciones Exteriores de México, *Boletín Oficial*, Tomo VIII, 212-213.

U.S.-controlled canal across Nicaragua and U.S. investments elsewhere on the isthmus.⁴⁵¹

Finally, unlike Mexico's, Guatemala's boundaries with Belize remained undrawn, and continued to pose problems for regulating Guatemalan trade and extradition with Belize, and for enforcing Guatemala's commitments to Britain versus the United States, as an undetermined Belize did not support future favors from either the American or European powers.⁴⁵²

For Guatemalans, the cartographic feats of 1899 must have shown themselves in stark contrast to political realities. Although Guatemala and Mexico's limits had been drawn on a map and markers existed to replicate that notion on the ground, the border still served the same function as it had since the 1820s. It provided a space where state control was uneven and intermittent, and fragile at best, even as governmental authorities struggled to formulate strategies for claiming its consolidation. For locals and state authorities alike, the continued ambiguities about what border-drawing meant locally, nationally and internationally served

⁴⁵¹ Walter Lafeber, *Inevitable Revolutions. The United States in Central America* (NYC: Norton and Co. 1984), 40-41; Jorge Antonio Ortega Gaytán, "Conflictos militares del Presidente Manuel Estrada Cabrera: la Guerra del totoposte de 1903 y la Campaña Nacional de 1906" *Anales de la Academia de Geografía e Historia de Guatemala*, 2011, 231-258.

⁴⁵² Despite the fact that Britain and Guatemala had signed a treaty agreeing to set up a group of engineers to draw the boundaries of "British" Belize in 1859, both Guatemalans and the Colonial Office in London had reservations, and very little progress was made on actually delineating the border for the rest of the century. This was, for the most part, because the British had no legitimate title to Belize. Nor could they gain a title without violating the Clayton-Bulwer treaty of 1850, in which Britain and the U.S. promised not to make any new claims in Central America which would affect any Central American state. See United States, *The Clayton and Bulwer Convention of the 19th April, 1850, between the British and American governments concerning Central America: with the correspondence between the negotiators, agreeing that the convention excludes British Honduras from its operation: and also, the correspondence between the Earl of Clarendon and Mr. Buchanan, United States minister at London, in relation to the true construction of this convention* (London, 1856); "Convención entre la república de Guatemala y su majestad británica, relativa a los límites de Honduras Británica [1859]" in *Belize: textos de su historia, 1670-1981*, Monica Toussaint Ribot, ed. (Mexico: Instituto Mora, 2004), 93-96; Dean O. Barrow, *The Guatemalan Claim to Belize - Historical Overview and Current Perspective* (Belmopan: Government of Belize Printery, 1987); and Ministry of Foreign Affairs, Republic of Guatemala, *White Book: Controversy between Guatemala and Great Britain Relative to the Convention of 1859 on Territorial Matters, Belize Question*, (trans.) (Guatemala: Tipografía Nacional, 1938). Despite attempts to resume talks various times throughout the nineteenth and twentieth century, Guatemala still holds to its claim to Belize as Guatemalan territory.

to sustain ongoing reinterpretations of state power and national belonging.

As is evident from the epigraph at the start of this conclusion, the border between Mexico and Guatemala represented more of a pretense of or claim to governmental authority, rather than any actual control over people, politics, economics or loyalties in the area, even in the late 20th century. Control of the flow of people and goods, or who could be punished and by whom, was instead decided locally. According to anthropologist Rebecca Galemba, local control of the border and its meanings continue to this day: in her "Remapping the Border: Taxation, Territory, and (Trans) National Identity at the Mexico-Guatemala Border" Galemba recounts the way unauthorized residents charge random tolls to border crossers, as kind of ad hoc border guards unattached to any government.⁴⁵³

Still, the Mexican and Guatemalan governments have not been absent from these places. Instead, as I have argued throughout this dissertation, they played a strategic role governing an area of continually shifting economic and political dynamics and, most importantly, with a decidedly transnational population. Between 1820 and the 1840s, the area was primarily controlled by different military commanders, often only loosely connected with the territorial prerogatives dictated by central governments in Guatemala and Mexico City. These commanders jostled for control over regions and circuitries of goods and followers, not entire nations. Between the 1840s and the 1870s, the ongoing civil wars in Mexico and continued rivalries in Guatemala between Conservatives and Liberals again made the Chiapas-Guatemala region one of non-nationally-based alliances, of supranational flows of political resources and influence across the blurred border, rendering national jurisdictions continually interrupted or ignored by changing leaders and their constituencies.

⁴⁵³ Rebecca Galemba, "Remapping the Border: Taxation, Territory, and (Trans) National Identity at the Mexico-Guatemala Border," *Environment and Planning D: Society and Space*, 30 (2012): 822-841.

During this first half-century then, both the Mexican and Guatemalan governments were present primarily in name only--invoked by a subaltern authority in an effort to garner support, or by a complainant (for example, from Soconusco) demanding a change in jurisdictional status. Interactions with the central governments in these ways provided borderland residents with the power to alert federal governments to the need for intervention in the border area. This occurred in the 1830s, when Manuel Arce's attempted coup inspired Central America's occupation of Soconusco. In the 1850s, Ortega similarly attempted to redefine how governmental power was distributed (and how his own life would be affected by this change) through initiating a rebellion while simultaneously attempting a dialogue with centralized authorities on both sides of the border. Like Arce, he was contesting the power of the current political leader and the ways that had translated into his own exile. Yet what made these two men stand out is how their transnational status enabled them to engage in a dialogue with the Mexican government and direct engagement with the Guatemalan administration simultaneously. This statewise ability to affect the functionality of both governments from a politically marginalized position existed even when, in both cases, Ortega and Arce were stopped. Further, both Ortega and Arce's actions ended up providing both the Guatemalan and Mexican governments, in different ways, with the excuse to send in troops or to pass the blame on the neighboring authorities. It would be a pattern of "diplomacy" between the two countries that would continue throughout the century.

Between the 1870s and 1899, this same dynamic of power between locals in the borderlands and the Mexican and Guatemalan central governments continued, but under a more nationalist guise. Rather than merely calling for governmental help combatting tyrannical authorities, the threat of violence, or continued destitution, people in the

borderland area began making the claim that they needed help defending their nation. This claim came despite the fact that many of the same people continued to operate on either side of the border, rendering nationalism and the border's implications for the territoriality of nationalist feelings, increasingly shallow. In Matías Romero's dispute with President Barrios over land in Soconusco and Tacaná; in the 1880s Mexican exile Benito Melgar's pre-emptive attack on Guatemalan "revolutionaries" living in Chiapas; and in the 1890s disputes among loggers and locals over territorial claims in the Lacandon and elsewhere, national defense was continually invoked by people engaging in territorial disputes. Yet, in all these cases, national affiliation could not have been more blurry. Barrios' land was in Mexico, and only years later he would give away all of Chiapas (which Guatemala still claimed) to keep his hold on it, while Romero claimed to see the two countries' shared Liberalism as more important than any national divide. Melgar, a renegade military officer from Chiapas, used his understanding of politics on both sides of the border to make his career out of pursuing revolutionaries. Finally, many of the loggers in the Lacandon and families along the border that submitted their claims for indemnities to the Binational Claims Commission were not taking advantage of their nationality, but instead its ambiguity, by going to a third party arbiter.

Rather than a sign of two weak central governments, I have argued that the jurisdictional ambiguities evident in this area functioned to give the central and local governments in Mexico and Guatemala the flexibility to adjust alliances and policies to economic changes, a region of transnational politics and, by the 1880s, an emerging international system, in which the imperial prerogatives of Britain and especially the U.S. played central roles. In a region where not only local but regional power (in the state of

Chiapas and in the departments of San Marcos and Huehuetenango, for example) consistently depended on transnational alliances, attempting to establish durable jurisdiction defined by a border between nations and designated by the central government would have meant disempowering possibilities of national territorial defense and expansion simultaneously.

Within the emerging international system after the 1880s, national territorial and commercial gains were made most often not by acting as the aggressor in an international dispute but as the most likely to gain U.S. alliance. On the other hand, as we see in my final chapter, U.S. presence in the region also allowed for new kinds of jurisdictional disputes and political actors. Battles over who controlled the actions of individuals on boats or at ports, what role extradition, extraterritoriality and diplomatic immunity played, and what kind of indemnities mothers could extract from imperialist forces all become new sites of jurisdictional fictions, claims and renegotiations.

Nor were sites of jurisdictional fictions simply nodes for corruption or rule-bending. A number of authors have questioned how we perceive reported "corruption" at a given time or how we estimate the corruption of the past. As early as the 1960s John Leddy Phelan's "Authority and Flexibility in the Spanish Imperial Bureaucracy" reconfigured our notions of corruption in the Spanish empire by emphasizing the ways the distant authority of the Crown could be reinterpreted by viceroys and others in the Spanish colonies, following the motto of "I obey but do not comply" (*obedezco pero no cumplo*) to apply more locally-designed versions of decrees while still maintaining an understanding of authority's ultimate source in the figure of the king.⁴⁵⁴ Much more recently, Catherine Tracy Goode has highlighted the

⁴⁵⁴ John Phelan, "Authority and Flexibility in the Spanish Imperial Bureaucracy," *Administrative Science Quarterly* 5:1 (1960): 47-65.

ways merchants often functioned simultaneously as bureaucrats in colonial New Spain, thus producing cases of corruption that were nonetheless unavoidable given the conflicts of interest at stake.⁴⁵⁵ For our contemporary world, Josiah Heyman and Howard Campbell have pointed out the symbiotic relationship between criminals and state actors, and the way these two overlap:

...highly important in shaping space and society, are processes of mutual adaptation/reinforcement/symbiosis between illegal markets and criminal organizations, and enforcement arms of states and other state elements, such as taxation, and electoral politics. In such cases, they appear to be in opposition--often involving terrible coercion--but also feeding each other's growth, sophistication, authority, secrecy, violent capacities and so forth.⁴⁵⁶

In all these cases, "corruption" functions not so much as a concrete act in and of itself but as a discursive shorthand--for historians of the past and for its current uses in the case of Campbell and Heyman's work-- for its assessment as anti-state, which in turn demands that we either understand the state as always licit or we reconsider the assumed divide between corrupt and legal activities. In this dissertation, I am analyzing nineteenth century complaints of corruption, contraband, and "threatening" *emigrados* and other transnationals in the borderlands, while simultaneously questioning historians' tendency to repeat such assessments at face value (see, for example, the work of Luis Zorrilla, which in so many other ways has proved crucial to my narrative⁴⁵⁷). In the case of the Mexico-Guatemala borderlands, we need to understand the function of the *discourse* of corruption--who, what

⁴⁵⁵ Catherine Tracy Goode, "Merchant-Bureaucrats, Unwritten Contracts, and Fraud in the Manila Galleon Trade," in *Corruption in the Iberian Empires: Greed, Custom, and Colonial Networks*, ed. Christoph Rosenmüller (Albuquerque: Univ. of New Mexico Press, 2017), 171-195.

⁴⁵⁶ Howard Campbell and Josiah McC. Heyman, "Illicit Economies and State(less) Geographies – The Politics of Illegality: A Commentary by Howard Campbell and Josiah Heyman," *Territory, Politics, Governance* 3 no. 4 (2015): 469-472.

⁴⁵⁷ Zorrilla, *Relaciones de México*.

and where it criminalized, whose authority it bolstered, and what spaces for political negotiation it opened or closed. Almost a century of reports of Soconusco and Comitán, and the border region in general, as a zone of corruption, contraband, and illegal activity, and the tight link between these reports and those of the "pernicious" *emigrados* that lived in this region, appear to have been one of the most prevalent discursive methods employed for defending the ideal of a fixed border and a world divided by nations, or the fiction that these existed. Yet at the same time the claim that the borderlands and their occupants were a "scourge" on society functioned to preserve the region's ungoverned status, in the sense that it suggested it was beyond an effort to govern, as iterated by such political literati of the day such as Emeterio Pineda and Manuel Larraínzar. Simultaneously, the repeated claim that the area was ridden with criminality also provided the justification for putting aside all Constitutional and other barriers to mobilizing troops or civilian protesters in the area, or to taking over decisions about extradition or passport issuing that would otherwise have been made by centralized authorities. In other words, a discourse of corruption and ungovernability in reference to the borderlands and to *emigrados* created and reinforced both jurisdictional fictions and statewise actors. Perhaps this is one tendency that remained constant from the imperial through the national and internationalized periods--corruption did not "exist," but instead it was called upon to generate a reaction from or towards government authorities.

Simultaneously, from the perspective of the Guatemala-Chiapas borderlands, the divide between the meaning of "nation" and "state" become clear. Many scholars have pointed out the importance of making this distinction, but few have understood it as a methodological motor in and of itself. In this dissertation, however, "nation," as a thing that

unites the center and the periphery, is essentially absent. As in the case of the Texas-New Mexico borderlands in Reséndes's work, or the Spanish and French Pyrenees in that of Sahlins, nationalism is almost entirely strategic, precisely because of borderland residents' history of living on both sides of the border simultaneously and the fact that in the Chiapas-Guatemala region, and in Central America as a whole, both national and local politics were transnational affairs. In the words of Luis Roniger,

What in contemporary views could be interpreted as 'invasions' were [in the late nineteenth and early 20th century Central America] considered mere advancements of forces willing to change constellations of power and, in some cases, define state boundaries anew. The wars that ensued were not 'national' wars or 'anti-imperialist' wars. All political forces shared the understanding that these were internal, fratricidal wars.⁴⁵⁸

Nationalism, therefore, was a flexible term in this region. Alliance to one nation or another was most often a purely pragmatic decision based on economic and infrastructural benefits and drawbacks. As such, these alliances often changed over time and bridged a diversity of loyalties on both sides of the border. In this sense these societies were both symbols of the extension of the nation as well as of its ever-threatening fragility: the possibility that territory, resources or citizens would be lost to the other side. The state, however, could remain as long as it was not replaced with an alternative metaphor for ultimate authority. The fictional jurisdiction of the state could be present even in the face of receding and expanding zones of jurisdiction. It was the metaphor for authority, not the certainty of conquest or territory.

⁴⁵⁸ Luis Roniger, *Transnational Politics in Central America* (Gainesville: Univ. Press of Florida, 2011), 39.

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