

## Grounding rights: populist and peasant conceptions of entitlement in rural Nicaragua

### Abstract

Since the Sandinistas returned to power in Nicaragua in 2007, ideas about rights have been central to the governing party's populist project. The rights in question are understood to require the production of 'organized' citizens, integrated into mechanisms of popular governance. But for rural Sandinistas who participated in the revolutionary agrarian reform of the 1980s, rights are about land; and for some, realizing rights has required *disentangling* themselves from local organs of organized life, resulting in their exclusion from the government's populist model of rights. The contending ideas about how to legitimately ground rights that result—and the effort of these excluded Sandinistas to make revolutionary 'struggle' the basis of entitlements—trouble a standard anthropological model which views abstract rights as subsequently particularized in practice.

Keywords: campesinos, Central America, FSLN, land, Nicaragua, peasants, populism, rights

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### Bio

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*What are we doing, what have we been doing? We've been re-establishing the rights of the People.*

Rosario Murillo, Vice-President, and First Lady, of Nicaragua.

As I write in April 2018, social media is erupting in response to an outbreak of state violence in Nicaragua, with hashtags such as #SOSNicaragua gathering a torrent of tweets and Facebook posts calling for international attention and condemnation. Nationwide protests against a presidential decree which aimed to reduce pension entitlements were met by a severe crackdown, and reports assert that dozens have been killed as police assaulted protesters with live ammunition. In the years since the FSLN's<sup>1</sup> return to power in 2007, scholars have described an increased centralization of power in the executive branch in Nicaragua (Close 2016: 135-162; Martí i Puig 2016). With the country's long experience of authoritarian rule in the 20<sup>th</sup> century serving as a primary point of critical comparison, accusations of 'dictatorship' have been a central resource for those opposed to the FSLN, who have consistently focused on claims that political liberties and freedoms are being eroded. Running alongside these developments, however—with Rosario Murillo's words above a characteristic example—the FSLN has consistently deployed a rhetoric of 'rights'. The government's project, it is constantly asserted in speeches, policy documents and state-controlled media, has been all about the 'restitution' of rights to Nicaraguans. What to make of this? The terms of critique laid out by Nicaragua's political opposition offer a simple interpretation. From the perspective of a critique of authoritarianism, the FSLN's rhetoric of rights shows up as quite simply a falsehood: an Orwellian exercise in propaganda, aiming to disguise the true nature of political reality in the country.

Existing anthropological scholarship, drawing on a highly influential approach to the analysis of rights discourse, provides an alternative perspective; rights are the *de facto* language of globalized governance, and operate as a discursive mechanism by which diverse local particulars are bound up into the universalism of a (neo)liberal global order (Englund 2006; Goodale 2006, 2007; Goodale and Merry 2007; Merry 2006, 2009; Zigon 2018). If governments in a place such as Nicaragua choose to frame their own projects in reference to ‘rights’, then, we might read this as indicative of the extent to which a globally-hegemonic liberalism has succeeded in making its own key categories an enabling foundation of transnational connection. Flows of international funding, regimes of transparency and accountability, an international development apparatus whose staff flexibly translate ideas about rights into local contexts (Abu-Lughod 2010; Howe 2013); these borderless flows and networks bind governments, movements and organizations into a transnational liberal regime. And certainly, to an extent, such an analysis would ring true. Since the FSLN’s return to power, the government has been careful to retain the approval of international lenders, carefully balancing budgets and implementing the World Bank’s macro-economic recommendations (Close 2016: 141). The Sandinista rhetoric of rights would here be understood as a disjunctive import imposed as a conditionality; liberalism’s core concept grafted uneasily onto an alien political culture due to the exigencies of integration into a global economy; working, perhaps, to facilitate that very process of integration (Englund 2006). And rights, from such a perspective, would be analyzed as the kind of ‘universal’ influentially explored by Anna Tsing (2005), facilitating ‘sticky engagements’ between localized political cultures and the transnational networks of a globalizing world (see, e.g., Howe 2013).

For residents of Gualiqueme, the community in Nicaragua’s northern mountains where I conducted fieldwork, ideas about rights—*derechos*—were also a constant theme in everyday

conversation. Gualiqueme was created as a fully-collectivized cooperative as part of the major agrarian reform implemented under the revolutionary Sandinista government in the 1980s, and residents remain firm supporters of the FSLN. In the years since the Sandinistas' electoral defeat in 1989, cooperative members informally divided out the cooperative's land and assets. When people in Gualiqueme spoke about rights, then, they were primarily talking about the right to lay claim to land within their fragmenting cooperative's territory. But as we shall see below, the efforts of a substantial group of members to protect and guarantee these rights by seeking legal title, led directly to their exclusion from the kind of rights the FSLN claims to be delivering. And paying close attention to exactly what kind of rights the FSLN purports to be 'restoring' to Nicaraguans, I want to suggest, is crucial for understanding the dilemma that these Gualiqueme residents faced. Both of the analytical avenues sketched above for thinking about the FSLN's rhetoric begin from a liberal conception of rights; whether these are dispelled as falsehoods, or described as being 'translated' when transposed into 'particular' local contexts. In trying to understand the implications of 'rights talk' (Merry 2003) for people in Gualiqueme, I begin from a different set of questions. What kind of thing are rights presumed to be? What kind of work is understood to be required in order to secure, establish or defend rights? What kinds of interventions does a project of producing rights imply, and what are the premises which give coherence to such a project?

Asking these questions in relation to the dilemma faced by Gualiqueme residents leads me to suggest that their scenario is best understood as a clash between 'populist' and '*campesino*' premises for the production of rights. Populist rights in Sandinista Nicaragua move from the claim that rights can only be achieved through the active incorporation of populations into organs of popular governance; a move understood to constitute 'the People' as a viable political subject. An imperative of transformation underpins this project, focused on the work of producing the kinds of citizens capable of being 'organized'. *Campesino* rights,

meanwhile, derive from the transformations effected by the human capacity to work the land, framed by idiom of effort and struggle: rights in land can be created by the performance of labor, so long as such performances are recognized. The case explored here describes the ways in which a group of agrarian reform beneficiaries found themselves caught between these two rights-producing projects, and consequently found themselves directly excluded from the FSLN's populist vision of rights-bearing citizenship. Their exclusion emerged not as the result of the *absence* of a liberal version of rights, nor as the imperfect translation of universal liberal rights into Nicaragua's particular political context, but rather as a product of the premises of a basically non-liberal project for producing rights. These excluded Sandinistas' subsequent efforts to insist upon their own eligibilities are best understood as an attempt to reconcile the divergent stipulations of these distinct projects for the production of rights, casting a recent history of difficulty and struggle as foundational to their status as Sandinista citizens.

As we shall see below, this attempt to navigate dissonant, overlapping rights-producing projects required Gualaqueme residents themselves to directly engage with the question of what kind of thing rights are, and especially, the question of whether rights should be thought of as formal entitlements guaranteed by an abstract domain of laws, norms and rules. Two distinct fields of anthropological debate of close relevance to the case under consideration—the study of human rights on the one hand, and land rights in contexts of post-socialist de-collectivization on the other—frequently stake out a role for the ethnographic study of rights that accords a prior status to an abstract conception of rights (Cowan et al. 2001; Englund 2006; Goodale and Merry 2007; Hann 2007; Howe 2013; Merry 2006, 2009; Tate 2007; Verdery 2003). Rights within such analyses are presented as *beginning* in the abstract; as legal prescriptions, bureaucratic or governmental plans, or formal theoretical models. And anthropology's role is cast as exploring the ways in which those detached legal injunctions

come to be ‘vernacularized’ (Goldstein 2013; Merry 2009) as they are implemented within the ‘messy realities’ (Hann 2007: 296) of each particular context, in ways that invariably deviate from the prescribed schema (see also Scott 1998). This article, in part, builds on the insights of such studies by tracing the ‘social life of rights’ (Abu-Lughod 2010: 5), but in a context where state-promoted rights derive from explicitly anti-individualist premises. The fact that excluded Sandinistas encountered a conception of rights as grounded in abstract conventions as a direct threat, however, should also prompt us to think carefully about the role of this model of prior abstraction in defining anthropology’s distinctive contribution to the study of rights. Kregg Hetherington (2009), in an important study of ideas about land rights in rural Paraguay, shows how a *campesino* conception of labor as the foundation of property rights can come to stand in direct tension with a view of rights as abstract legal conventions. Building on Hetherington’s analysis, the approach proposed here—tracing the varying techniques through which rights are produced, and following how opposed ways of working to create rights intersect—allows the social life of rights to be explored, while leaving the question of how rights should be grounded open to ethnographic specification.

#### [Rights in the FSLN’s project of \*Poder Ciudadano\*](#)

In a second-grade Community and Citizenship (*Convivencia y Civismo*) textbook produced by the Nicaraguan government, in a section titled ‘the importance of organizing yourselves’, students are asked to read and interpret a parable which tells of the plight of a group of animals riven by conflict (MINED 2014: 124-5). Constantly fighting among themselves, and over-using of the resources of the forest, they eventually decide to ‘organize themselves’ in order to ‘work better’. They hold an assembly, and decide to elect a president. Various candidates are nominated but rejected; the snake because she is easily angered. The flea because it nominates itself, but also because it gains its living at the expense of others. Finally, the ant is put forward, and those present agree that it demonstrates all the virtues

required for the role; ‘The ant is careful, hard-working, solidary and collaborative.’ The ant agrees to assume the burden of leadership, but is careful to insist that the endeavor be a collective one; ‘I accept, but only if everyone helps me to work, because nothing can be achieved alone.’ (“Please insert Figure 1 here. Caption: Page from a Community and Citizenship textbook produced by MINED (2014)”)

Elsewhere in the same textbook, another interpretation exercise relates a breakfast-table conversation between Sonia, Pedro and their mother. Their conversation is kicked off by Sonia, who recalls having learned in school that the equal rights enjoyed by women in the country stand as ‘one of the victories’ of contemporary Nicaraguan society. This prompts Pedro to observe that a whole series of changes were instigated when the FSLN returned to power; ‘The government is working to create the conditions required in order for every member of the community to be a protagonist in the eradication of poverty in Nicaragua, and the restoration of rights to life in all its expressions, by means of social programs’. And the family proceeds to review and celebrate several of the FSLN’s key projects since its return to power; *Programa Amor, Plan Techo, Usura Cero*.

The thoroughly politicized nature of the school curriculum, unsurprisingly, has infuriated liberal opponents of the governing FSLN. But taken together these prescribed reading exercises, intended to educate schoolchildren in the essential prerequisites of proper citizenship, sketch the contours of the FSLN’s view of its own project, and point us towards the distinctive conception of rights underpinning their strategies of governance. The possibility of ‘working better’, and the related prospect of economic development, is cast as depending upon the production of an organized citizenry. And this, in turn, is presumed to demand the cultivation of the civic virtues required for organized life to be viable in the first place. If the parable of organizing animals suggests that the moral qualities required for ‘solidarity’ may be innate, the fact that this appears in a textbook intended to educate children

makes clear that the active production of virtuous citizens is presumed to be an ongoing project. And if the school system is one avenue for instilling solidary virtue, the primary mechanism for producing the organized citizen—who stands as a ‘protagonist’ in his or her own economic and social betterment precisely by virtue of being organized—is understood to be the FSLN’s delivery of a whole series of social programs, and the educational and training requirements that participants in such programs are required to undertake. Rights will be ‘restored’ to Nicaraguans, government rhetoric and policy documents insist, through participation in these programs, and in the organs of local governance which administer them.

Since the FSLN’s return to power, a series of legal and institutional transformations have been enacted in an effort to bring this vision of citizenship into fruition under the government’s slogan of *Poder Ciudadano*, or ‘Citizen Power’ (Close 2016; Cruz Feliciano 2009; Francis forthcoming; Spalding 2012). Claiming to be implementing a thoroughgoing system of ‘direct democracy’, the FSLN has, by presidential decree, enacted legal provisions allowing for the creation of new organs of local governance, initially known as Citizen’s Power Councils<sup>2</sup>. In an early national meeting of these new institutions, first lady Rosario Murillo—who had been installed by one such presidential decree as coordinator of the central institution tasked with integrating local CPCs into structures of national governance—stated that president ‘Daniel’s’ first instruction upon regaining power was that the government ‘return Power to the People’ (Gobierno de Reconciliación y Unidad Nacional 2008). Her speech made explicit the populist logic underpinning the program in terms which are characteristic of Sandinista statements regarding the project of *Poder Ciudadano*;

We commit ourselves to governing from the People, with the People; and for the People, we have had to work to strengthen, within our People, Consciousness of Citizenship, Consciousness of Rights, because to hold Power means being aware that every one of us



has the right to exercise that Power, from the most humble level in society to the national level (p.3, my translation).

An imperative to devolve ‘Power’ to the ‘People’ by working to strengthen their ‘Consciousness’, Murillo makes clear, is understood to render ‘Government’ coterminous with the category of the People, and goes hand in hand with the more practical administrative role assigned to the institutions tasked with allocating and overseeing the local delivery of the FSLN’s programs.

This set of claims regarding what the delivery of rights require has remained consistent throughout the FSLN’s ongoing incumbency, operating as a constant point of reference in policy-documents, speeches, and in the arguments and rhetoric adopted by party-controlled media outlets. To give another example, the government’s 2012 *Plan Nacional de Desarrollo Humano*—a key public statement published as the FSLN assumed its second term in office—further develops the themes above (Gobierno de Reconciliacion y Unidad Nacional 2012). The FSLN’s project, according to this document, remained one of transforming and overturning the ‘neoliberal’ society imposed by the governments that held power between 1990 and 2006. Implementing the project of *Poder Ciudadano* would integrate ‘the organized people’ into government, and overturn the individualistic ‘antivalues’ (*antivalores*) promoted by those governments with a ‘Christian, Socialist and Solidary Model (p.8). If the FSLN was no longer advocating the thoroughgoing transformation of society that underpinned the party’s revolutionary project in the 1980s, the premise that politics is fundamentally transformational remained intact, focused instead upon the transformation of Nicaraguans as ethical citizens; ‘The model assumes that the only way to transform Nicaragua is by transforming Nicaraguans’ (p.8). Far from rights accorded on the basis of humanity as such, or by sheer membership of the polity, this is a conception of rights closely bound up with an imperative of subjective and organizational transformation: rights are contingent upon

integration into organs of solidary citizenship, and upon the cultivation and exhibition of ethical orientations appropriate to a unified ‘People’. It is through popular participation in social projects that the Sandinista state understands itself to be able to work upon Nicaraguans in this way, restoring rights by producing the kind of *pueblo organizado* required for the ‘People’ to fully become ‘protagonists’; a ‘*Pueblo Presidente*’<sup>3</sup>.

Rights for the FSLN, then, have been made to depend upon being ‘organized’. But I turn now to an account of a very different project for the production of rights which came to stand in direct tension with this centrality of ‘organization’; the efforts by members of an agrarian reform community to secure property rights over formerly-collective land, efforts which resulted in their direct exclusion from the project of *Poder Ciudadano*. Withdrawing from cooperative membership in an effort to secure individual title, this group of Sandinista supporters faced the dilemma of how to assert their eligibility for rights, at the same time as they worked to separate themselves from organization; the basic precondition for rights on the model of a *Pueblo Presidente*.

#### Rights as the recognition of work: *derecho* in Gualiqueme

Gualiqueme is a village of around 700 people in Nicaragua’s Segovian mountains.<sup>4</sup> The village was created in 1984, when founding members of the Rigoberto Cruz Cooperative—a militarized, fully-collectivized Sandinista Defense Cooperative—took up residence on a large tract of land granted by the revolutionary government. Though during the 1980s the cooperative had been one among a number of adjoining collectivized institutions, many of its neighbors had formally dissolved and legally divided out land among members.<sup>5</sup> Members (*socios*) of Rigoberto Cruz had also stopped working collectively towards the end of the 1980s. The economic problems faced by agrarian cooperatives across Nicaragua had been compounded by the difficulties of operating in the midst of Contra activity, and further aggravated by mismanagement, leaving the institution in serious debt. A collective dairy herd

was sold off to repay the debt, and the tractors which had been allocated to the cooperative—reflecting the assumption that collectivization would render peasant production a thing of the past—were also either sold off or stolen. As state support for cooperatives dwindled towards the end of the revolutionary decade, and cut off completely with the electoral defeat of the FSLN in 1990, members elected to divide collective coffee land into individual parcels of approximately 1 *manzana* per member.<sup>6</sup> Some areas previously used as pasture were also shared out among members, as individuals and families began farming their own maize and beans once more. In the context of this process of fragmentation—and despite the fact that land continued to be legally owned under collective title by the cooperative—many members asserted the idea that cooperative membership entailed the ‘right’ (*derecho*) to receive a full and fair share of the cooperative’s total territory, which would amount to around 10 *manzanas* per member. And one of the central ways through which this idea was asserted was by ‘grabbing’ (*agarrando*) parcels of uncultivated land; a process still underway during my fieldwork in the village. During the years of the FSLN’s time in opposition, the once-collective cooperative became primarily a vehicle for the export of individually-produced coffee. With the return of the FSLN to power, however, cooperatives such as the Rigoberto Cruz again came to be viewed by powerholders as key institutions reflecting the project of producing, and governing through, an ‘organized people’. The conflict over rights in the cooperative I explore here, in consequence, became closely entangled with the question of how ‘rights’ in the FSLN’s broader project were defined and grounded.

The power of the techniques Gualiqueme residents drew upon as they sought to assert rights to land were strikingly illustrated to me during a walk through a commercial pine forest; the only part of Rigoberto Cruz Cooperative that continued to be managed collectively. On the trunk of a pine tree, somebody had sprayed the letter ‘P’, followed by the number 17, and similar marks had been made at periodic intervals alongside a narrow footpath running

through the forest. Small bare patches could be seen on other trees, where bark had been chopped by machete, and subtler marks barely visible to my own unaccustomed eyes, I was assured, were present on yet others. The men I was accompanying told me that the marks indicated a perimeter; the outskirts of an area of the forest that had been marked out by a group of disgruntled cooperative members determined to finally lay full claim to their ‘rights’. The ‘P’ stood for private, they explained, and the land had been ‘grabbed’ by the group of 17 individuals, with the marked trunks indicating where the claimants planned, one day, to install barbed wire. According to the rules established by the cooperative any such claim was completely prohibited. But at the time of my walk through the forest, everyone in Gualiqueme spoke of this forced acquisition as an accomplished fact. It was not that the group of 17 were *attempting* to claim the land, or *planning* to do so; the land, everyone agreed, had been grabbed. Simply painting a few marks and cutting a few patches of bark with a machete had been enough to overturn a property regime backed by the state. (“Please insert Figures 2 & 3 here. Caption: ‘Signs’ placed on trees by land claimants. Photos by author.”)

I want to focus on the way these claims to a *socio*’s rights were produced through the performance and recognition of labor. As indicated by the collective claim to part of the cooperative’s forest land, the critical initiation of the process of grabbing a parcel was the act of placing ‘signs’ around the perimeter, demonstrating that the land had an owner. These signs stood as statements of intent, informing others that the claimant considered the parcel to be in their possession, and could range from marks cut in the bark of trees, to stones placed upon the ground, or sticks inserted as posts. The work of clearing underbrush (*carillando*) was also held to be a critical display of ownership rights, and if appropriately placed trees or readily available stones were not present, this was sometimes the only material indication of an ownership claim. Placing marks and signs in this way, as with the ‘grabbed’ area of forest

land, often pointed towards *future* acts of labor which would properly transform the land, indicating an intention to work towards the fully-realized state of ownership represented by a well-fenced, well-worked area; promissory performances asserting that an owner planned to properly work the parcel, one day soon.

It seemed surprising to me that these promissory assertions of ownership could carry such force of local recognition. Couldn't rivals just ignore the 'signs' placed by another and claim the land for themselves, if they were just a few scratches on the trees? Couldn't the cooperative simply insist that the forest land still belonged to the collective? When I raised the possibility with Gualiqueme residents, they were unequivocal in asserting this to be impossible. Once a parcel had an owner, and that ownership was made visible, the claim had to be recognized. One man I discussed the topic with described a rather calm hypothetical dispute. If somebody was to try and put a fence up on land that had been grabbed by someone else, he stated, the owner would come along, explain that the parcel already had an owner, and the claimant would have to leave. No violence in this imagined scenario, then, but it was generally taken for granted that any attempt to dislodge an owner from owned land would be likely to provoke defense, and therefore necessarily implied violence. At the same time, though, a correlate of the need to actively work land in order to create property was the prospect that if land fell into disuse, rights came to be up for grabs. On one occasion I participated in several days' work clearing the undergrowth on an uncultivated plot claimed many years previously by my hosts in Gualiqueme, after they received a tip-off that a neighbor had begun the process of planting coffee trees. Though my hosts had no intention of bringing the parcel into cultivation that year, the newly-visible signs of an owner's work were enough of a signal to ward off the incursion, and the intruder quietly abandoned their tentative claim. Rights, then, had to be constantly renewed through active labor to retain validity. The land's ongoing transformation by work had to remain visible by means of marks

and signs — even if it was also the case that land sometimes needed to remain fallow in order to recover its productive qualities. Unworked land, left idle to the extent that it lost those visible signs of human intervention and transformation, became fair game. It could be claimed by other cooperative members, and if others succeeded in undertaking the work of making their own claims visible, ownership would legitimately cede to them.

The seizure described above stood as merely the latest in a long sequence of personal claims which had almost completely divided the cooperative's collective territory into personal holdings, and the group laying claim to part of the forest was simply extending a technique of claim-making which had been deployed by more or less all *socios*. These strategies for producing property amounted to a reassertion of what Hetherington (2009: 225) terms '*campesino* notions of property' in the wake of the FSLN's collectivizing project, with personal claims performatively aiming to produce property 'as a material product of [...] work.' But it was also the case that this assertion of *campesino* property in the specific form of 'rights' within the cooperative closely conditioned the local implications of these widespread rural strategies for asserting legitimate ownership. Across rural Latin America (and frequently beyond), ethnographers have noted the centrality of labor in rural thinking about legitimate property, prompting comparison with a Lockean liberal tradition in which 'natural rights' of private ownership derive from the way human labor renders the God-given common resources of nature useful and productive (Gudeman and Rivera 1990; Hetherington 2009; Wolford 2007. See also Li 2014). Locke related his justification of private property to a proprietary conception of personhood; it was because man was inherently the owner of his own person, and by extension of the effects of his capacity to act within the world, that the transformations effected by labor legitimately produced private property (Macpherson 2010). But for members of the Rigoberto Cruz Cooperative, the capacity of an individual's labor to produce property was firmly situated within the institutional context of cooperative

membership, and within the broader political relationships that ‘rights’ within the cooperative were thought to entail. It was certainly not the case, for example, that just anybody could come and legitimately create rights in the cooperative by simply working the land. Indeed, past intrusions into the fringes of cooperative territory by residents of neighboring communities had been met with firm resistance, and those cases where non-members had acquired parcels of land through allocation or sale remained intensely controversial. If Lockean ideas about property take shape in relation to an imagined originary moment of unoccupied land (Hetherington 2009; Macpherson 2010; Wolford 2007), Gualiqueme residents ideas about ‘rights’, as they asserted personal claims, were most centrally shaped by the vision of a fair share of the cooperative’s total, with cooperative membership the basic prerequisite for entitlement to a share.

This simple vision of a fair share, however, carried several key implications. If the demonstrations of worked land described above often carried a crucial temporal inflection—effectively promising future acts of labor—the whole idea of a full fair share of the cooperative’s holdings was also oriented towards the future, depending on the *anticipated* prospect of an eventual full, equal division of the cooperative’s land. Dividing the total area of cooperative land by the number of members resulted in a figure of about 10 *manzanas*, and members calculated their *derecho* in relation to this prospective entitlement. As members had attempted to claim their *derecho* through performances of labor, two important visions of the process of fragmentation emerged. On the one hand, a bureaucratic vision of orderly and documented allocation was frequently voiced. Clearly, a system of accounting, registration, mapping, and centralized knowledge would be required for a process of spontaneous ‘grabbing’ within the limits of a fair share to be plausible. Though no such system existed, many spoke about the personal claims that had been established within the cooperative’s territory—and about the innumerable transactions of sale and exchange that had subsequently

been conducted—as if this repository of knowledge really existed. The cooperative leadership, many asserted, ‘knew’ the exact status of each parcel within the institution’s extensive title, and an eventual process of legal division would fairly reflect this accumulation of knowledge about everything that had been claimed, swapped or sold over the years.

But on the other hand, many cooperative members had increasingly come to articulate a view of the division of the cooperative as an entirely uncontrolled and chaotic process, and one which threatened the basic expectation that ‘rights’ depended upon the prospect of a future full division of the cooperative. Much of the work of carving out personal claims within the cooperative’s territory, especially in more recent years, emerged from the sense that this theoretical future share needed to be urgently claimed in the present, to avoid the risk that a future division of the cooperative would reveal that not enough land really remained in the cooperative’s holdings to fully allocate each *socio* their full share. As founding members’ children had come of age, furthermore, many had been allocated portions of this yet-to-be-claimed share of yet-to-be-divided cooperative land by their parents, in an effort to fulfil inheritance obligations, and many of the more recent acts of ‘grabbing’ land had been undertaken by this younger generation as they made good on such intergenerational transfers. Amid the accelerating proliferation of claims that resulted—and the concern that some *socios* may have been grabbing land, selling it to non-members, and continuing to grab yet more—one group of 48 *socios*, who came to be known locally as the ‘Revueltos’, sought to secure their *derecho* once and for all by launching legal proceedings aimed at demanding legal title to the areas of land they had already acquired within the cooperative.<sup>7</sup> And it was the long-simmering dispute that resulted from this legal effort which brought the two rights-producing projects described so far into direct confrontation, and which forced Gualiqueme residents into opposed positions regarding the basic foundation of, and justification for, rights.



### Populist exclusion and revolutionary recognition

If the political agency of the People is made possible by being ‘organized’, how to remain a viable political subject, one among the People, while simultaneously striving to stand apart from organized life? On what basis can citizenship be asserted, within the field of political possibility opened up by the premises of the FSLN’s program of a *Pueblo Presidente*, if the organs of local governance this program situates as a prerequisite for citizenship are inaccessible? With cooperatives such as Rigoberto Cruz framed, upon the FSLN’s return to power, as precisely the kind of organizational vehicle which might make an ‘organized People’ possible, these were the dilemmas faced by the Revueltos as they strove to assert the legitimacy of their claims to ‘rights’ in the face of the exclusions provoked by their efforts to secure legal title. And just as the logic of their exclusion was a product of the political vision sketched by *Poder Ciudadano*, so the strategies they adopted in arguing for their own eligibility can be understood as an effort to reconcile the two opposed fields for the production of rights described in the preceding sections. Working to produce rights by rendering bodily exertion visible, in order to secure recognition for effort spent and labor invested; this strategy appeared to stand as a resource capable of contesting the specific forms of ineligibility these Gualiqueme residents encountered. But at the same time, the centrality of the People-president relation within the populist vision of a *Pueblo Presidente* offered its own possibilities for re-asserting entitlement.

The Revueltos began their campaign by submitting a formal letter to the then-serving cooperative leadership, demanding that they be ceded full ownership of their possessions within the cooperative’s territory, and that they be delivered the rest of their *derecho* from the cooperative’s remaining unclaimed lands. The cooperative leadership refused their request, arguing that ceding parcels of private property scattered throughout the collective territory

would fundamentally threaten the cooperative, offering instead that the group be ceded a single area at the edge of the territory. The proposal would necessarily have involved the Revueltos giving up lands they had cultivated within the cooperative's collective title. The majority of the Revueltos, however, were uninterested in relocating, or in giving up the lands they had already cultivated and invested in. The lands they were offered, some argued, were of lower quality than those they were required to forfeit, being 'hot', lower-altitude agricultural land suitable for maize and bean production or pasture, as opposed to the more temperate mountain land they already possessed, much of it planted with coffee. They continued to insist that they be given legal individual title to the lands they already had taken possession of within the cooperative's collective title, and solicited the assistance of a lawyer who initiated legal proceedings aiming to secure these objectives. At the time of fieldwork this dispute had to an extent fallen dormant, due to the inability of the Revueltos to further incur the expense of pursuing their legal case. The continuing, and somewhat tense, co-residence of cooperative members along with Revueltos, however, functioned to continually bring competing definitions of rights to the surface of everyday discourse.

For those contesting the Revueltos' claims, even the rights to land already held by the group had been forfeited as a result of their actions. Mauricio, who at the time of our conversation had recently been elected vice-president of Rigoberto Cruz, explained to me that the Revueltos, having renounced their cooperative membership, and having failed to since meet any of the collective duties of cooperative members from that point onwards—attendance at meetings and participation in collective work days in the pine forest in particular—had in theory legally forfeited their right, their *derecho*, to any of the benefits attendant upon cooperative membership, *including* access to or possession of the land. The cooperative itself as an organization, he explained, owned the land and granted entitlement to it; the access of any given member to a particular parcel was only secured through fulfilling the broader

requirements of being a *socio*. He noted that the cooperative had made no direct attempt to remove any of the Revueltos from their possession of cooperative lands, but argued that other benefits, viewed here as similarly concomitant with and contingent upon being a full member, could not possibly be extended to this group given their renunciation and non-participation. Such benefits included the profits from the cooperative's collectively-managed commercial forest, along with access to the benefits of state and NGO projects for which the cooperative functioned as an intermediary.

Recall the central stipulation of the model of a *Pueblo Presidente*; the government's project for the delivery of rights was to be implemented through the realization of an 'organized people'. Organization was the central medium through which rights were to be realized; with the 'rights' in question understood to be closely bound up with participation in state-delivered social projects. And cooperatives, as with the newly created organs of participatory citizenship, were viewed as a channel for this administrative connection between the executive and an organized citizenry. As one FSLN official put it in a local Committee of Sandinista Leadership meeting, 'Everything is delivered through organization'. 'Look', he stated to the audience, 'this government works organizationally, and everything comes through organization.' But for the Revueltos, an effort to secure rights to land, in the context of a fragmenting cooperative, had led them to renounce membership of the central local instance of organized life. Working from the rights-producing premises underpinning the model of a *Pueblo Presidente*, the argument that the Revueltos had necessarily rendered themselves ineligible for rights made perfect sense; both in relation to the cooperative, and in relation to a broader Sandinista polity. How could participation in the projects of *Poder Ciudadano* be extended to those who had explicitly rejected the prospect of being 'organized'? This logic of exclusion, conflating rights in the cooperative with the rights attendant upon participation in the project of *Poder Ciudadano*, was enacted by local leaders

in more or less these terms. Revueltos were not invited to the meetings where members of the local Citizens Power Council were elected, nor to subsequent ones. And they were considered ineligible for the government programs the Council administered. Esperanza, one of the Revueltos, recalled the day when staff of MAGFOR, the state agency then administering the *Bono Productivo*, visited Gualiqueme taking down names of potential participants. She, along with numerous other Revueltos, placed their names hopefully on the list. But as she recounted events, their names were crossed out as soon as MAGFOR staff visited the man serving as president of both cooperative and CPC.

Faced with these assertions that their various kinds of rights had been compromised, the Revueltos worked to focus attention on ways of grounding rights that bypassed both the cooperative and the Citizens Power Councils. In another conversation with Esperanza, she stated at one point that despite numbering among the Revueltos, she was still a *socia* of the cooperative, as she was yet to fully claim her *derecho*. Though she had ‘grabbed’ the majority of her putative share of 10 *manzanas*, she considered herself to have several *manzanas* of her entitlement still owed to her. Her son, listening in, insisted that it was obviously the case that she was *not* a *socia*, because she had renounced her membership as part of her involvement with the Revueltos. Esperanza responded with real anger, supporting her claim by shouting at her son that ‘we were the ones who won it!’ Her rights in the cooperative, she insisted, were rooted in the experience of having participated in and lived through the violence of both the revolutionary uprising and the subsequent civil war. And this was the central defense adopted by the Revueltos; the insistence that their rights to land had nothing to do with the cooperative, standing instead as an allocation awarded by the revolutionary Sandinista government in recognition of their wartime contributions. ‘Daniel’, many said, had given them the land in direct, reciprocal recognition of this history of revolutionary struggle and suffering. Seeing rights as recompense for the suffering that was

required to achieve victory, and to defend the nation against the ‘enemy’—and depicting the whole point of that victory as securing the delivery of the land taken to be the revolution’s prize—such understandings cast *derecho* as a claim to land *painfully* gained through war and struggle. The fact that land had to be independently ‘grabbed’ in order to make good on this vision of personalized reciprocity with the president was not considered to stand in tension with this set of assertions of eligibility.

It is useful to consider this insistence upon rights as revolutionary recognition in relation to the different rights-producing projects discussed above. As Gualiqueme residents ‘grabbed’ land within their fragmenting cooperative, they enacted a shift from rights contingent upon institutional participation and membership towards a mode of producing rights primarily contingent upon an embodied capacity to work. The ability of the laboring body to exert itself upon the land became the central criteria underpinning eligibility for rights. The capacity to claim rights was situated firmly within the person, but, crucially, the viability of rights depended upon eliciting recognition of the signs and promises placed as indicators of effortful authorship. This is precisely what is achieved by casting rights to cooperative land as awarded on the basis of revolutionary recompense. The struggle of revolutionary and wartime experience is placed as a foundational act of rights-producing authorship; the only remaining challenge becomes ensuring the relation of recognition that would serve to fully establish and guarantee such rights. As with the risk of losing land when undergrowth erased signs of effort spent, then, the Revueltos faced the challenge of retaining recognition of their status as veterans. A political meeting in which numerous Revueltos had the opportunity to voice their grievances to the local Mayor clearly indicated this imperative, when Gualiqueme residents filled the meeting with statements of wartime suffering. At the same time, however, the move exploited the blurred logic of President-People relations integral to the rights-producing project of *Poder Ciudadano*. For the Revueltos, insisting that the land they

autonomously seized stood as the realization of a presidential gift—a prize awarded in direct recognition of their own military participation—worked to weave presidential agency into their own claim-making strategies. The signs carved on trees—which cut private property from collective land—were made to stand as the deferred realization of presidential will.

### The work of making rights

The analysis pursued here has emphasized the importance of tracing the specific techniques by which rights are thought to be able to be produced, and the value of charting the intersections between different rights-producing projects in a given context. Pursuing such a line of enquiry opens up the content of ideas about rights to close ethnographic specification. Anthropologists' interested in 'rights' have predominantly been interested in a global regime of liberal human rights, framing their accounts in relation to a paradigm of local-global connections; the purported universalism of liberalism's discourse of rights has been countered by descriptions of the ways in which liberal conceptions rights are transposed, inflected, and reshaped in their intersection with the distinctive particularities of local contexts. Likewise, in the specific case of a liberal conception of private property rights, anthropologists have been centrally interested in the ways in which a normative vision of individual rights has come to be inflected as it is imposed upon the messy realities of social life in a given context. But the extent to which the vision of rights asserted by the governing FSLN in Nicaragua moves from fundamentally non-liberal, populist premises, serves to emphasize the importance of closely contextualizing rights, and attending to scenarios in which state-promoted rights take their shape outside of liberalism. Within the political project being implemented by the governing FSLN, the rights-bearing political subject is not the individual, but the People, and the series of state social programs implemented since 2007 have been conceived of as a governmental mechanism for the production of 'the People' through the active transformation of Nicaraguans themselves. It has been in relation to some

of the exclusionary implications of these premises that rural Nicaraguans have had to argue for their own rights.

Most importantly, however, the case suggests that anthropologies of rights should consider the analytical implications of Hetherington's (2009) important insight that *campesino* ideas about rights—insofar as they rest upon the notion that 'practice' should stand as the foundation of rights—render questions 'about the relation between the real and the abstract' of fraught political significance. The conflict described above revolved around opposed views of the fundamental basis of rights which resonate closely with the scenario described by Hetherington. For those opposed to the Revueltos, rights were contingent upon fulfilling the duties attendant upon an organised citizenry, in particular insofar as those duties reflected the obligations of cooperative membership. On this view, rights were thought to derive from the extent to which everyday practice aligned with conventions established in the abstract domain of institutional rules or national law. Given that the Revueltos failed to act in accordance with some of those conventions, it was argued, their rights had necessarily been compromised, and the perspective, in consequence, provided a coherent pretext for excluding the Revueltos from the whole range of Sandinista 'rights' which aimed to produce an organised 'People'. But the Revueltos themselves countered these arguments by insisting that the legitimacy of their ability to produce rights through work derived not from the correspondence of their behaviour to abstract conventions, but from the ways in which their rights within cooperative and national polity alike were founded upon comparable forms of bodily struggle and suffering. Positioning rights of different kinds as fundamentally a product of effort—with legal title to land, or formal membership of the cooperative cast as tokens of recognition of that foundational struggle—rendered the question of correspondence between convention and practice irrelevant.

As was noted above, anthropologists have frequently positioned the possibility of a distinctively ethnographic view on rights as emerging at that theoretical moment when an abstract domain of formal norms and laws comes to be implemented in practice, amid the contingencies of a ‘particular’ local context. The fact that questions about the relation between convention and practice were so contentious in Gualiqueme should alert us to the way this remit for ethnography’s relevance carries implicit claims about the basic nature of rights. Following different forms of ‘rights’ in rural Nicaragua pointed us towards various techniques for their production; ethical and educational work upon citizens, compliance with duties established by institutional and legal convention, attempts to gain recognition of material indicators of labor invested, and attempts to secure recognition from powerholders for efforts invested in a revolutionary project. Each of these strategies for producing rights, in turn, entailed its own implicit claims about the kind of thing rights are, and the kinds of relationships—between state and citizen, President and People, convention and practice—required to establish them. This diversity of premises for how to ground rights, and the fractious nature of their entanglement in the case explored here, suggests that anthropologists would do well to view a conception of rights as initially founded in formal law *not* as a prior moment preceding the complex informalities of everyday practice, but as one claim among many regarding the possibility of producing rights.

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## Notes

<sup>1</sup> The ‘FSLN’ is the Sandinista National Liberation Front (Frente Sandinista de Liberacion Nacional), also frequently referred to as the ‘Sandinistas’.

<sup>2</sup> These institutions were abolished and replaced in many of their functions by Cabinets of Family, Health and Life (*Gabinetes de la Familia, Salud y Vida*), but Gualiqueme residents presumed a basic continuity, continuing to refer to these new institutions as ‘CPCs’.



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<sup>3</sup> David Close (2016: 145) discusses the question of how to translate this phrase into English as follows; ‘Exactly what that slogan means is not self-evident, although in political-ad English it would probably be “The People: President,” or “The People as President”—something catchy but ambiguous.’

<sup>4</sup> This article is based upon ethnographic fieldwork conducted in Gualiqueme and neighbouring villages between November 2011–July 2012, and January 2013–July 2013. A return visit was made in November-December 2015.

<sup>5</sup> An extensive literature documents the various phases of the major agrarian reform implemented by the FSLN, which initially prioritised state farms, and subsequently collectivised cooperatives, eventually shifting in response to rural discontent towards the allocation of land to individuals (see, for example, Baumeister 1984, 1985, 2009; Enríquez 1991; Martí i Puig and Baumeister 2017; Saldaña-Portillo 1997, 2003; Thiesenhusen 1995).

<sup>6</sup> 1 *manzana* is approximately 0.7 hectares.

<sup>7</sup> The ‘Revueltos’ were groups of re-armed combatants in the post-civil war context in Nicaragua, composed of Sandinistas and Contras. By giving the group the nickname Revueltos, their opponents within the cooperative were implying that their effort to secure individual title to their lands reflected a compromised political identity as Sandinistas. Despite the pejorative connotations of the name among this loyally-Sandinista community, the group didn’t establish a self-ascribed alternative, and so many members of the group had themselves started using the term.

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