

# IN SEARCH OF TINTERILLOS

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*Abstract: The tradition of intermediaries negotiating conflicts between Indigenous and Western worlds in Latin America can be traced back to the colonial period. Beginning in the middle of the nineteenth century, semiprofessional or petty lawyers known as tinterillos assumed a seemingly ubiquitous presence in rural communities in Ecuador. Often local elites with some education, tinterillos commanded respect among their largely nonliterate Indigenous neighbors because of their ability to read, write, and handle documents. These intermediaries commonly exploited their privileged position for their own economic, social, and political benefit. Nevertheless, Indigenous peoples came to rely on tinterillos to petition the government and to challenge landholder abuses. On occasion, rather than feeling disempowered or victimized, Indigenous peoples learned to negotiate these relationships to their advantage. Tinterillos provide a convenient medium through which to examine how power relations were negotiated between different cultures and across deep class divides.*

In May 1929, a group of Indigenous workers from the Zumbahua hacienda in the central highland Ecuadorian province of León (today called Cotopaxi) arrived at the Social Welfare Ministry in Quito with complaints of abuses that they had suffered at the hands of the estate's overseers. Alberto Moncayo, the hacienda's renter, claimed that he had made very favorable concessions to the workers, that their accusations were false, and that the leaders who were in Quito were the only ones unsatisfied with their treatment. If left alone, Moncayo asserted, these "ignorant Indians" would not be causing problems. Therefore, outsiders must have been manipulating the situation for their own gain.<sup>1</sup> Under pressure from the central government, the provincial governor G. I. Iturralde arranged for the Indigenous workers and the hacienda's renter to agree to a series of reforms to resolve the ongoing conflict. "Now the situation is absolutely calm," the governor concluded. "I have discovered the tinterillo, the instigator of this situation, and he will be punished severely."<sup>2</sup>

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1. J. Alberto Moncayo, "Remitido," *El Día*, May 22, 1929, 1. The use of a capital *I* in reference to Indigenous peoples is intentional and reflects a strong embrace of their ethnic identities.

2. Letter from G. I. Iturralde P., Gobernador de León, to Director de la Junta de Asistencia Pública, June 30, 1929, Oficio No. 150, Comunicaciones Recibidas, Enero-Junio 1929, Archivo Nacional de Medi-

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Who was this instigator, and what exactly had he done to receive such strong condemnation from the government and landholding elites? The tradition of intermediaries negotiating legal or cultural conflicts between the dominant classes and local Indigenous communities can be traced back to the colonial period, and even to Spain. Indigenous peoples had long used the legal mechanisms of state structures to present their demands to the government. For several decades after independence, the office of the *protector de indios* (Indigenous protector) continued the colonial tradition of having a person from Western society mediate on behalf of Indigenous peoples. This changed in Ecuador with an 1854 law that removed Indigenous peoples from the tutelage of local political or religious officials, thereby privatizing their legal functions. Subsequently, *tinterillos* emerged as a new type of intermediary between marginalized communities and the dominant culture. Indigenous peoples quickly came to depend on these scribes, who offered their Spanish-language skills and educational training to draft petitions and provide other legal services.

Despite the significance of these informal intermediaries, they have received little attention in the scholarly literature. Carlos Aguirre (n.d.) argues that examining these mediators is important to “understand the actual ways in which ordinary and disenfranchised people experience, confront, and use state law,” as well as to “improve our understanding of the complex negotiations between oral and written cultures, white/Mestizo and Indigenous groups, the urban and rural worlds, and so forth.” Michiel Baud (2007, 87) adds that “since their texts are the basis of our historical analysis, we need to know more about their social origins and their relations with Indian petitioners.” As an extralegal phenomenon, however, *tinterillos* often remained unnamed (as in the case of Zumbahua) and difficult to document in the historical record. Their work required leaving behind as few traces as possible, leading to the irony that Andrés Guerrero (2010, 322) notes of their ubiquitous omnipresence in rural communities but elusive absence in the archival record or subsequent historical studies that would explain where *tinterillos* came from or why Indigenous communities became reliant on their services. Rather than the flesh-and-blood realities of formally recognized legal practitioners, we are left with vague manifestations that served the political and economic interests of others. Often *tinterillo* was used as a derogatory label to discredit an opponent. No one would ever self-identify or sign a document as a *tinterillo*, which resulted in a mythical image of them as elusive subjects, as if they were reflections in a mirror. Brooke Larson (2004, 130) describes them as “shadowy souls” who “occupied a strategic position in rural society amidst extreme judicial and political flux.” As did blacksmiths, *tinterillos* held a skill that was not widely distributed, and when their services were required, villagers had a limited range of options as to where they could turn for help. In those situations, their trades as informal lawyers, notaries, or scribes proved of utmost importance.

*Tinterillos* played a more specific role than the *escribanos* (scribes) who commonly stationed themselves in public spaces and sold their writing skills, as

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cina del Museo Nacional de Medicina “Dr. Eduardo Estrella,” Fondo Junta Central de Asistencia Pública (hereafter cited as JCAP), Quito, Ecuador, 338–339.

memorably portrayed in the Brazilian film *Central Station*, until advances in literacy and technology, as well as cultural changes, rendered their profession antiquated. They were closer in function to *despachantes* (dispatchers), intermediaries who were indispensable to conducting almost any bureaucratic undertaking in Brazil. Similarly in Spanish America, *tramitadores* were brokers who provided assistance in acquiring and processing legal documents (*trámites*). Along with the related terms of *papelista* (paper pusher), *picapleito* (caseless lawyer), or *leguleyo* (shyster), *tinterillo* described those who practiced law without a license, often with the strongly negative connotations of incompetence or villainous behavior. Nevertheless, as culture brokers, *tinterillos* could operate effectively in two very different environments, often thriving on the tensions inherent in linking dissimilar worlds. They used their roles as intermediaries to become sources of power in rural communities.

Cultural borders are a universal phenomenon and emerge whenever people come in contact with one another. Mediators have long provided a variety of services to bridge deep linguistic, economic, spiritual, educational, political, artistic, scientific, and medical divides. Negotiating these boundaries requires extraordinary skill. "Their grasp of different perspectives," Margaret Szasz (1994, 19) observes, "led all sides to value them, although not all may have trusted them." Not only did brokers work to bridge differences, but also they commonly had a strong motivation to perpetuate these divides to retain their strategic advantages (Wolf 1956). By necessity, Indigenous peoples became reliant on *tinterillos*, but they could still have very antagonistic relations with these intermediaries who exploited their lack of education and legal knowledge. Eventually, increases in literacy and the emergence of politically engaged activists displaced *tinterillos*. Charles Wagley (1964, 46–47) distinguishes between, on the one hand, "traditional brokers" such as *tinterillos* who focused on internal relations and were a force for continuity rather than change, and on the other hand, "new brokers" who interacted with a broader political economy as they became a force for change. New strategies included the formation of Indigenous federations that emphasized forming alliances with sympathetic leftists who placed Indigenous peoples and their interests at the center of debates on the shaping of a country's future.

Although sufficient studies exist on the broader phenomenon of how people become intermediaries and on the origins of their power, we know little about how people in rural communities viewed *tinterillos* and their attempts to maintain and extend cultural divides. Instead, we are largely left with stereotypical images in both contemporary writings and subsequent secondary literature of *tinterillos* as abusive players involved in power games in rural communities. But if these mediators were exploitative of rural community members, why would Indigenous peoples rely so extensively on their services? Ostensibly, if they were not effective (at least part of the time), petitioners would not have continued to turn to them for assistance. At the same time, *tinterillos* emerged in contexts in which subalterns had few and perhaps no good mechanisms through which to communicate their concerns with the dominant culture.

Reading petitions from nonliterate peoples always raises questions about whose words appear on the written page. "The words of the document are the

work of a ventriloquist," Guerrero (1997, 589–590) famously argues, "a social intermediary who knows the semantic field that has to be put into the mouth of the Indians, who knows the content, the range and the tone of what the Liberal State is willing and able to understand." The voice we are hearing, according to Guerrero, is not authentically Indigenous but rather a mediated one that reflects the concerns and interests of the scribe. The tinterillos' petitions do not represent a verbatim transcription of a nonliterate worker's words. In highland Ecuador, the Indigenous peoples' first language was Kichwa; the tinterillos undoubtedly saw it as part of their mandate to polish the "uneducated" farmers' phrasing to make it more presentable to an educated, urban audience. Scribes took subaltern complaints (orally and often in Kichwa) and translated and transcribed them into written legal documents that the government could understand and accept. Indigenous peoples contracted their services to record their demands in the proper format and present them on legal paper that gave their petitions more legitimacy. In the process, it would be hard for the tinterillos' own stereotypes and assumptions not to emerge in these petitions. In the Andean world, where identity is overwhelmingly local, and in a political situation where Indigenous peoples were not citizens, it is questionable whether hacienda workers would use language such as *infelices ecuatorianos* (miserable Ecuadorians) that commonly emerged in the petitions. Surrounded with family and rooted in a proud cultural tradition, would they see themselves as miserable, or as Ecuadorians for that matter, or were these constructions just a ploy to gain the sympathy of governmental officials, who articulated a theoretically inclusive liberal ideology?

Baud presents a more positive view of tinterillos than Guerrero. Although elites typically cast tinterillos in a negative light, Baud (2007, 87) postulates that as "bridge" characters they "might more appropriately be called a local intelligentsia, popular intellectuals who were able to formulate more or less coherent ideas about society." As such, they introduced political strategies to isolated communities. Similar to Baud, Ibarra (1999, 80–81) applies Antonio Gramsci's concepts of organic intellectuals to the mediating roles that tinterillos played in negotiating relationships between the government and rural communities. The tinterillos "filtered" Indigenous demands, "giving them an appropriate form that would be acceptable and understandable for the authorities to whom they were addressed." Although usually not having Indigenous authorship, they could contain "an expression that corresponded to Indigenous thought." This discourse might include elements of piety and compassion, denunciations of Indigenous destruction, and requests for protection. The discourse that the tinterillos used often contained overtones of appeals to morality, in addition to demands for legal justice.

The roles that tinterillos played tended to be much more complicated and conflictive than what many contemporary elites and subsequent scholars commonly assumed. Furthermore, images of tinterillos changed not only according to the location of the observer but also over time as legal, economic, and land tenure patterns evolved. Largely focusing on case studies in the Ecuadorian highlands, this article explores competing (and somewhat overlapping) views of tinterillos as (1) an essentially parasitic profession, serving their own economic and political interests; (2) an ethnographic creation; (3) outside agitators stirring up Indigenous

peoples; (4) Indigenous allies who advanced the interests of rural communities, leading them into conflict with the elite classes; and (5) tools of elite domination of the countryside. These images became an arena in which various actors played out their competing economic and political agendas. In addition, tinterillos interacted with Indigenous communities in ways that produced mixed and sometimes unexpected results. They were by no means a homogeneous group, and at different points they appeared alternatively to underscore and undermine both subaltern and elite interests. A study of tinterillos helps us understand underlying conflicts in rural communities and highlights the actions of Indigenous peoples as historical agents enmeshed in the process of coming to terms with a complex modern world.

#### A BIT OF HISTORY

Tinterillos first appeared in Ecuador in the aftermath of an 1854 law that proclaimed, "Indigenous adults do not need the intervention of a protector, priest, or defender to participate in legal cases, draft contracts, or participate in any other civil or political legal act." The law declared that Indigenous peoples "have the same legal standing as any other Ecuadorian" (Rubio Orbe 1954, 58). Those in rural communities, however, did not have the tradition or skills necessary to defend their own legal interests. With the political vacuum left in the aftermath of the disappearance of the protector and a shortage of trained lawyers, a "cloud of tinterillos who lacked knowledge of laws" emerged with a vengeance to insert themselves into legal processes (Ibarra 1990, 223). In 1861, the governor of Tungurahua complained that tinterillos had descended on rural communities "without distinguishing between their concerns, piling up writings that in addition to being unnecessary hinder the quick conclusion of judicial processes" (Ibarra 1992, 330–331). From the authority's perspective, tinterillos became greedy and unscrupulous masters of legal trickeries who assumed a seemingly ubiquitous presence in rural communities.

Tinterillos often were mestizos who had recently left the Indigenous world but still retained contacts in those communities and used their knowledge of language and local culture to provide a bridge to the dominant society. They knew how to read and write, had acquired some legal knowledge, and as a result learned "the very complicated process of filing a lawsuit" (Rodríguez Sandoval 1949, 29). Though respected for their education and literary skills, tinterillos did not enjoy much social prestige, particularly because of their reputation for abuse and corruption. People would respectfully address them as "doctors" to their faces, but behind their backs they would call them tinterillos or even worse epithets such as "pig" or "dog." Nevertheless, they became "an obligatory stop for legal paperwork for Indigenous peasants before approaching provincial or national authorities" (Ibarra 1984, 71). Although tinterillos also operated in urban centers, they had a much more prevalent presence in rural communities, where literacy rates were much lower. Considering that women were commonly limited to the private sphere and less likely to acquire literacy skills, predictably most tinterillos were men who could navigate both Indigenous and Western worlds.

After the 1895 liberal revolution, Eloy Alfaro's new government promulgated legislation designed to defend the rights of rural farmers. An 1896 decree proclaimed that Indigenous peoples could present their appeals on plain paper, rather than purchasing the stamped paper typically required for legal documents, but that an attorney or defender needed to sign the petition (Rubio Orbe 1954, 64). The promises of liberal legislation sparked the imagination of rural peoples, empowering and mobilizing entire communities. On September 5, 1899, two Indigenous workers from Azuay wrote to President Alfaro to demand enforcement of an executive decree against servitude that the government had passed five months earlier (Baud 2007, 81). This correspondence often concluded with a formulaic statement that, because the petitioners did not know how to read or write, their defender was signing as their witness, rarely with any indication as to who this defender was or what that person's qualifications might be. An unprecedented level of legal activity together with an increasingly negative reputation "as meddling individuals who manipulated ignorant indigenous peoples" appears to have been an unintended consequence of liberal attempts to legislate Indigenous issues (O'Connor 2002, 100).

A subsequent series of legislative efforts sought to bring *tinterillos* back under control of the judicial system. Delegates gathered in Quito at the 1896–1897 constituent assembly hotly debated the topic of informal lawyers. Their first concern was how to define the term *tinterillo*. Deputy Egas observed that the law could not outlaw *tinterillos* if the legislators did "not give a technical definition of this word that is not Spanish." It would be difficult to abolish something that remained vague and ill defined. Deputy Coronel pointed out that the term was commonly used to refer to those who practiced law without a license. The purpose of this legislation was to stop "this pernicious plague of *tinterillos* who live off the sweat of the poor and the ignorance of simple men." Deputy Bueno proposed that rather than defining who was a *tinterillo*, the assembly should simply stipulate that all written documents needed to be signed by a lawyer. His proposal passed. This was apparently the first attempt in Ecuador to legislate and eliminate the actions of *tinterillos* (Ecuador 1896–1897, 993–994).

A 1907 revision to the Organic Law of Judicial Power endeavored to exclude *tinterillos* by stipulating that lawyers were "professors of law who, with legal title, dedicate themselves to the legal defense of the interests and causes of litigants" (Ecuador 1907, 60, 4). The 1911 Police Code penalized *tinterillos*, those who "exercise law or any other profession without a legal title," with a fine of 23 to 30 sucres and a prison sentence of five to seven days. Officials could also bar *tinterillos* from courtrooms (Ecuador 1911, 30, 47). The 1917 Civil Code added that in addition to a fine and prison sentence, *tinterillos* would lose their citizenship rights for five years, and that only the Supreme Court could reinstate those rights (Cadena Arteaga and Cabrera M. 1927, 26). In 1936, the government raised the penalty to three months to three years in prison, and implemented a fine of one hundred to one thousand sucres in addition to court costs. Lawyers found guilty of collaborating with a *tinterillo* could lose their license to practice law for up to three years. Judges, government ministers, and other legal agents were required



to inform the Superior Court when they discovered a tinterillo. Upon conviction, the court was obligated to inform local judges of the presence of the tinterillo in their district (Páez 1936, 360–361). This legislation reflects a growing political opposition to tinterillos.

All the complications that tinterillos introduced into rural communities led some jurists to call for a simplification of judicial proceedings so that Indigenous peoples could pursue cases without outside intervention. “Perhaps it would be possible,” one advocate proposed, “to create a special form for peasant lawsuits to accelerate them and avoid the delays and paperwork of normal court rooms” (Buitrón 1948, 129). The idea was to control lawsuits and the tendency of rural folk to enter into them. The best solution, however, would be to train Indigenous peoples to solve their own conflicts. Otherwise, they would continue to remain open to abuses at the hands of tinterillos.

#### TINTERILLOS AS OPPORTUNISTIC PARASITES

In 1934, the wealthy landowner José Ignacio Izurieta dismissed complaints of Indigenous workers on his Tolóntag estate east of the capital city of Quito as nothing more than the manipulation of tinterillos. Laborers had gone on strike over disagreements on pay and work requirements and had sent a delegation to the national congress to present their demands directly to the government. “The three signers of the statement have disappeared,” Izurieta wrote to the government, “because this is what the tinterillo who exploits them has taught or advised.” Further complicating the problem, Izurieta complained, the police had done nothing to solve these problems.<sup>3</sup> “I knew that it was not possible to resolve anything,” a government official responded, “because a Dr. Ayala (they say he is a tinterillo) does not facilitate any solution to the problem.”<sup>4</sup>

The events at Tolóntag typify the most common and persistent image of tinterillos as engaged in a parasitic profession, as opportunists who served their own economic and political interests. They emerged in the context of the privatization of public administration and exploited those political changes to their benefit. From the perspective of government agents, wealthy landholders, and other members of the dominant classes, Indigenous petitioners had become unwitting victims of their exploitative actions, and for this reason tinterillos needed to be regulated or eliminated. Rather than acting out of a paternalistic sense of compassion for marginalized communities, the elite felt threatened when tinterillos intervened into the spheres in which they previously had held hegemonic control. When the priest José María Coba Robalino (1929, 206) bitterly complained about the “iniquitous exploitation” of Indigenous peoples by “bad lawyers and tinteri-

3. Letter from José Ignacio Izurieta to Director General Junta Central de Asistencia Pública, Quito, September 1934[?], Comunicaciones Recibidas, Julio–Diciembre 1934, JCAP, 848–849.

4. Letter from Augusto Egas, Director, Junta Central de Asistencia Pública, to Sr. Ministro de Gobierno y Asistencia Pública, Quito, October 6, 1934, Oficio No. 927, Libro de Comunicaciones, vol. 35, 1934–1935, JCAP, 87–89.

llos," it was not that he had suddenly discovered a newfound concern for subaltern rights, but that tinterillos were claiming representation over the interests of those whom the Catholic Church had previously controlled.

Depicting tinterillos as parasites had been part of the dominant discourse since the mid-1850s, but elite denunciations gained increased urgency when liberal legislation inadvertently created new openings for tinterillos. A 1918 law that abolished imprisonment for debts, similar to Alfaro's reforms a score of years earlier, opened up the floodgates for lawsuits. An article in the newspaper *Los Andes* stated that the new law became "a mine from which tinterillos have begun to extract an enormous advantage" (Cevallos 1990, 251). Rather than the desired goal of benefiting rural laborers, elites complained that the law led Indigenous workers to abandon their work in the fields to pursue legal actions. The author of this article urged prosecution of tinterillos to the fullest extent of the law to stop their actions. By the 1920s, Ibarra (1990, 249) notes, "the tinterillo that had been a nightmare of hacendados or regional authorities in the nineteenth century" became "a ghost that traveled throughout the agricultural highlands." This new legislation permitted tinterillos to "contribute to the erosion of the traditional forms of control and domination" (Ibarra 1992, 343). Enrique Bonilla, a wealthy estate owner in Chimborazo, condemned the abuses of "tinterillos who try to exploit the situation of Indigenous peoples" and in the process compromised elite domination over the countryside.<sup>5</sup> Underscoring such statements were newspaper reports that portrayed tinterillos as terrorizing local communities.<sup>6</sup> Rather than taking Indigenous concerns seriously, elites looked for whom they could blame for the disturbances. Both economic elites and government officials sought to stamp out tinterillos to reassert their hegemonic domination over rural communities.

The increase in the number of informal lawyers needed to meet the growing quantity of petitions created by stronger functioning state structures eventually led to a surplus of legal providers. As a result, lawyers' associations looked for ways to eliminate their rivals and ensure the continuance of their dominant position in society. To put this in context, medical professionals similarly sought to limit their competition, although arguably tinterillos were not as dangerous as those derisively termed *curanderos* (natural or spiritual healers), who could more easily physically harm a person. A key underlying issue was who granted titles to lawyers and who had access to that privilege. Without the benefits of higher education and the social networking opportunities available to urban elites, tinterillos simply could not acquire the proper legal credentials to exercise their chosen profession. Although tinterillos might be comparatively well educated in a local context, typically they would have attended only primary school. The university education necessary to gain a doctorate of jurisprudence remained a distant and unrealizable dream. Tinterillos became an excellent example of the contrast between insider and outsider elites; although they held power on a local level, their

5. Letter from Enrique Bonilla to Director de la Junta Central de Asistencia Pública, Riobamba, April 13, 1930, Comunicaciones Recibidas, Enero–Junio 1930, JCAP, 920.

6. Telmo, "Famoso tinterillo terror de una comarca," *El Día*, November 19, 1931, 4.



hegemony quickly evaporated on the national stage, where superior officials excluded them from power.

Facing pressure from lawyers' associations, in February 1926 the government distributed a circular seeking to stop the actions of "people of bad faith" who hindered the implementation of justice.<sup>7</sup> Journalists echoed complaints that shortcomings in legal processes allowed tinterillos to stir up rural communities. The liberal daily *El Día* characterized the declarations of Celestino Chávez and Guillermo Garcés in a case against Felipe Mendoza in the province of Los Ríos as acts of "vergonzosas tinterilladas," as something that was "shamefully" improper because of how these informal lawyers needlessly extended the legal process through baseless petitions.<sup>8</sup> An editorial stated, "Indigenous ignorance requires the help of someone who can read to learn of the contents of titles and documents." This opened the door for tinterillos and lawyers who "found in Indigenous petitions a fertile ground for lucrative harvests." The government urgently needed to address this issue. Because of their condition, Indians required "paternal protection."<sup>9</sup> The Supreme Court president M. R. Balarezo (1930, 532) contended that the vagueness and imprecision of laws governing Indigenous communities compromised the administration of justice. He provided an example of a judge who acquitted several people accused of being tinterillos because the law defined tinterillos as a "lawyer of little knowledge and respect," when in fact the government should punish those who practiced law without holding a formal title. The result was a poor and delayed administration of justice. Balarezo called for a more effective and professional legal system.

Charges of being a tinterillo could also become a mechanism of competition between different groups of elites. In 1934, Carlos Tabango wrote to the Ministry of Government in the name of the community of Quichinche in the province of Imbabura to complain that Ezequiel Andrade, a secretary in the local land registry, had sold lands at Cumba-chiquito-Gualsaqui to Víctor Galarza. They asked the government to take action against the *teniente político* and other local officials who were involved in this theft. Galarza, however, presented a different version of the story. According to him, he had legally purchased the land, and several Indigenous peoples "poorly advised by tinterillos without any conscience" had tried to reclaim it. They were successful only because the *jefe político*, the regional governmental representative in Otavalo, "favors the petitions of the well-known Aurora Herrera (tinterilla) who exploits the poor Indians" and prevented Galarza from working in peace. In this case, the central government sided with the community against the local elites, declaring that the actions of Andrade and Galarza were an "outrage" and denouncing their actions as those of a tinterillo.<sup>10</sup>

7. "Contra las tinterilladas," *El Día*, February 2, 1926, 6.

8. "En el proceso Mendoza siguen cometiéndose varias vergonzosas tinterilladas," *El Día*, September 26, 1930, 1.

9. "Los litigios de indios," *El Día*, March 15, 1934, 3.

10. Letter from Carlos Tabango to Ministro de Previsión Social y Trabajo, May 8, 1934, box 181, folder 3, Archivo del Ministerio de Previsión Social, Archivo Intermedio, Quito (hereafter cited as AMPS), 2; letter from Víctor M. Galarza to Ministro de Gobierno y Previsión Social, 1933[?], box 181, folder 3, AMPS, 6-7.

Most commonly, however, the interests of landholders, government officials, and lawyers converged to create an image of tinterillos as unscrupulous villains who manipulated situations to their benefit. In 1957, government officials charged that tinterillos took advantage of Indigenous ignorance to bring groundless complaints to government ministries, and they reported that tinterillos “constitute a social plague.”<sup>11</sup> Three years later, local officials in Otavalo once again made similar complaints—that tinterillos continued to exploit Indigenous ignorance to their material benefit and in the process violated the integrity of legal procedures.<sup>12</sup> Although framed as a paternalistic concern for the well-being of “miserable Indians,” in reality elites felt threatened by challenges to their hegemonic control. The issue of who controlled the representation of country people in the public sphere always remained an underlying concern.

#### TINTERILLOS AS AN ETHNOGRAPHIC CREATION

Moisés Sáenz (1933, 134–135), the first anthropologist to conduct a sustained study of the Ecuadorian countryside, contended that tinterillos “made a career of defending the Indian, complicating the trials, embroiled problems, making efforts, always with a view to charging a tribute payment, a gift, or payment of a greater amount in cash.” He considered most of their petitions relatively insignificant: they concerned land and property, as well as conflicts with their neighbors. The involvement of tinterillos resulted in a “costly, complicated, and inefficient” justice system. Sáenz concludes that “tinterillos and lawyers are professional exploiters of Indigenous peoples.” A “complicated judicial system, little willingness among authorities to help Indians, and the tendency of Indians for eternal petitions” led to a further intrusion of intermediaries into rural communities (Sáenz 1933, 192).

As a respected scholar and commentator, Sáenz legitimized negative portrayals of tinterillos as parasites preying on innocent victims. His comments set the tone for many subsequent ethnographic treatments. Writing fifteen years later, the anthropologist Aníbal Buitrón (1948, 115, 128, 121) echoes Sáenz’s complaints that these “constant and interminable lawsuits” were “a costly diversion.” He identified the main problems that Indigenous peoples faced as a lack of land, ignorance, alcoholism, civil authorities, and tinterillos. All of these, he argued, could be traced back to peasant ignorance, which left them open to abuses from intermediaries. Often tinterillos became involved in “issues that peasants could solve themselves or with *tenientes políticos*.” Lawsuits were so common, Buitrón complained, “that it is difficult to find a family or a village that has not had a lawsuit on which they had spent their small savings on lawyers and tinterillos.” These intermediaries drew Indigenous peoples into “court cases that are lost before they

11. Letter from Luis A. Rosanía D., President, Municipality of Otavalo, to Ministerio de Previsión Social, July 8, 1957, Oficio No. 482-P, Dirección Nacional de Desarrollo Campesino, Ministerio de Agricultura, Quito (hereafter cited as DNDC).

12. Letter from V. Humberto Acosta F., Presidente del Concejo, Otavalo, to Gobernador de Imbabura, February 15, 1960, Oficio No. 022/JC, DNDC.

begin." When peasants needed a lawyer, they would first contact an intermediary to establish a relationship with the lawyer, thereby "paying two times instead of just once." Occasionally, these petty lawyers would represent both sides in a conflict and play the litigants off of each other to their own benefit. Buitrón relates the case of neighboring villages that contracted two lawyers who were brothers to solve a land dispute. As a result, the farmers wasted all their money and resources on cases that went nowhere and did nothing but enrich the intermediaries who manipulated conflicts to their own financial gain.

"With the goal of exploiting the Indians," Leonidas Rodríguez Sandoval (1949, 29) comments, the tinterillos "quickly intervene in conflicts and complicate matters when they can." They easily deceived their "gullible and inadvertent victims" with "their foolish advice," drawing simple Indians needlessly into "endless lawsuits that will cost them a lot of money." Early ethnographers played an important intellectual function in reinforcing dominant images of tinterillos as exploiting their privileged position to their own benefit. Their writings heavily influenced subsequent academic interpretations that tinterillos were parasites who hurt the inhabitants of rural communities whom they allegedly served.

#### TINTERILLOS AS OUTSIDE AGITATORS

On the morning of September 13, 1923, an army squadron killed more than thirty agricultural workers, including women and children, on the Leito hacienda in the province of Tungurahua. The massacre was the culmination of a long and intense conflict over labor demands and land access between Indigenous workers and the owners of the hacienda. The daily newspaper *El Comercio* editorialized that "never have we seen a crime more horrible." At the same time, it blamed the uprising on a "tinterillo or *abogado* [bad lawyer], which in this case is the same."<sup>13</sup> Marco Restrepo (1958, 153), a subsequent owner of the hacienda, attributed the massacre to the physical absence of then owner Luis A. Fernández Salvador, which provided an opening for a lawyer to convince the Indigenous workers that they could confiscate the land.

Depictions of tinterillos as outside agitators, as was the case at Leito, were an extension of representations of them as opportunistic parasites, though with more explicitly political connotations. For elites, agitators were worse than parasites because not only did they raise the issue of who controlled rural communities, but such tinterillos also turned Indigenous workers against their class interests. Landowners in particular found these types of intermediaries bothersome because they threatened to empower Indigenous peoples. Casting tinterillos as outside agitators also provided a convenient excuse to ignore serious charges of abuse and exploitation. Those targeted with legal complaints would dodge them by contending (as did a parish priest in Bolívar province in 1892) that "a local tinterillo had drummed up the charges among his (ostensibly content) Indians" (O'Connor 2007, 109). The estate owner Nicolás Martínez (1993, 214) blamed repeated Indigenous uprisings in Tungurahua as part of a history written with the

13. "Los sucesos de Leito," *El Comercio*, September 27, 1923, 1.

blood of hapless Indians who were the “unconscious victims of lawyers operating on bad faith, criminal tinterillos, Indigenous authorities, and ambitious priests who have not hesitated to sacrifice unhappy people to profit from their blood.” If before tinterillos were a nuisance, they now came to represent a vital danger to elite domination over rural society.

Elites constantly expressed their fears of tinterillos stirring up otherwise passive rural communities. One report on a 1935 uprising at the San Agustín de Cajas hacienda concluded that “the inhabitants and Indigenous peoples, deceived by tinterillos, committed acts of banditry, whose responsibility the judicial power should investigate.”<sup>14</sup> *El Comercio* reported that local officials in Alausí attempted to pressure the Ministry of Social Welfare in Quito to protect landholders from the manipulations of tinterillos who were urging Indigenous communities to occupy their lands.<sup>15</sup> Another report similarly blamed an Indigenous uprising over low wages and increased workload at the Chalúa hacienda in Cotopaxi on tinterillos who exploited the situation to their own gain.<sup>16</sup> In 1942, J. T. Espinosa, a teniente político in the canton of Riobamba, complained to Chimborazo governor Leonardo Dávalos that “unfortunately these unhappy Indigenous peoples are guided by a tinterillo of uncertain origin.” They were “victims of his exploitation who deceives them from behind a sinister veil of mysticism.” Indigenous ignorance prevented them from presenting their own complaints in person, and instead they were tricked and deceived by the tinterillo who had “converted himself into a modern Fray de las Casas.”<sup>17</sup> Similar to sixteenth-century colonist complaints against the defender of the Indians, their twentieth-century descendants likewise condemned the actions of outside agitators among subaltern populations.

One of the landowners’ common complaints was that tinterillos promised false land titles to rural inhabitants. In 1925, a land entrepreneur from the United States invoked “the phantom of the hated tinterillos” in a campaign to purchase public lands. “The corruption of local elites, and the machinations of tinterillos” prevented the entrepreneur from realizing success with his enterprises (Foote 2004). In 1937, Rafael Velasco, a police chief in Bolívar Province, wrote to the president of the republic to denounce three tinterillos who had falsely provided local communities with land titles. This created “a truly disorganized state of affairs and no one can continue their labors without securely knowing to whom the land belonged.” The police chief requested the central government’s intervention in order to sort out the mess.<sup>18</sup> In 1943, landholders at La Carolina in the province of Imbabura wrote to president Carlos Alberto Arroyo del Río to complain that tinterillos distributing land titles contributed to “one of the worst scourges that creates enormous harm for the agricultural wealth of the country.” They also asked for

14. “La explicación del Sr. León arrendatario de la hacienda San Agustín,” *El Día*, October 13, 1935, 2.

15. “Proyecto de defensa de las comunidades indígenas del interior,” *El Comercio*, December 23, 1935, 1.

16. “Policías y pesquisas agradecieron a unos indígenas,” *El Comercio*, September 4, 1949, 8.

17. Quoted in letter from Guillermo S. Cisneros, Subsecretario, Ministerio de Gobierno, to Mariano Nama, Yaruquies, Cantón Riobamba, September 22, 1942, Oficio No. 1390-Gb, Sección Gobierno, Varios Autoridades, Julio–Diciembre 1942, No. 618, Archivo General del Ministerio de Gobierno, Quito.

18. Letter from Rafael A. Velasco, Cmt. Jefe de Policía Provincial, Guaranda, Bolívar, to Presidente de la República, October 2, 1937, Oficio No. 70, box 181, folder 5, 8, AMPS.

governmental intervention to stop these abuses.<sup>19</sup> These reports universally cast tinterillos as outside agitators who exploited the ignorance of rural inhabitants and hindered the economic development of the country.

Tinterillos became a convenient foil for any problem that landholders encountered. In January 1945 when an Indigenous community occupied a hacienda in the canton of Pangua in the province of Cotopaxi, the government complained that their actions had been "instigated by *abogadillos* [little lawyers] of bad faith and by exploitative tinterillos." The tinterillos allegedly had charged each member of the community two hens and twenty eggs with the claim that they would be sent to the president of the republic as a token of their appreciation.<sup>20</sup> A landholder in Imbabura similarly complained that people were occupying lands, probably with the help of a tinterillo.<sup>21</sup>

Charging someone as a tinterillo became a convenient mechanism to denounce an opponent and bring a legal petition to a conclusion. "I have become absolutely convinced that the community of Sanancajas does not exist, nor has it ever existed," a government official in Ambato charged in 1933 at the end of a lengthy case. Instead, an exploitative lawyer "in association with the tinterillo Hilario Cuzco has left a small group of ignorant farmers (they are not really Indians) in misery, poisoned with absurd communist ideas."<sup>22</sup> Whether or not Cuzco, who had founded an agricultural association in Sanancajas in 1925, was a tinterillo quickly became a moot point. In fact, typically tinterillos were not leaders but simply intermediaries (Botero 2001, 119). Nevertheless, the label itself became an arena for political disputes. Responding to this type of pressure, the police announced that they were compiling a list of tinterillos and would begin to move against them to crack down on outside agitators.<sup>23</sup> As rural agitation increased, the Supreme Court sent a circular to courts throughout the country cautioning them to be on the lookout for such "scandalous frauds" that victimized Indigenous peoples.<sup>24</sup> Police actions, however, achieved few concrete results in slowing the involvement of tinterillos in rural communities. Dismissal of opposition to exploitation as little more than the work of outside agitators and tinterillos failed to address serious and legitimate subaltern complaints.

#### TINTERILLOS AS INDIGENOUS ALLIES

Facing an Indigenous uprising at Pesillo in 1930, Augusto Egas, the government official who oversaw state-owned haciendas, wrote to rector José Rafael Delgado

19. Letter to Carlos Alberto Arroyo del Río, Presidente Constitucional de la República, La Carolina, February 1, 1943, Oficio No. 883, box 195, folder 6, 59, AMPS.

20. "Comuneros se resisten a desocupar una hacienda situada en el cantón Pangua," *El Comercio*, January 25, 1945, 12.

21. Letter from Miguel Hernández to Ministerio de Previsión Social, Ibarra, April 20, 1945, Oficio No. 127, DNDC.

22. Letter from Luis de J. Valverde, Jefe de Previsión Social y Trabajo, to Ministro de Previsión Social, Ambato, July 15, 1933, box 176, folder 8, AMPS, 153.

23. "El tinterillaje se apresta para combatir la reforma judicial," *El Día*, October 19, 1935, 1; "Campaña contra los tinterillos," *El Comercio*, November 10, 1935, 13.

24. "Medidas para evitar engaños a los indígenas," *El Comercio*, February 6, 1945, 1.

to complain that workers on the estate were being “deceived by exploitative individuals who take advantage of the Indigenous peoples’ ignorance and simplicity to offer them land titles that they could never give them.” Egas told Delgado to keep those “who do nothing but live at the expense of the poor Indians” off the hacienda. “If the peons have any complaints to make,” Egas closed his letter, “they can come without any need for a tinterillo or any other mediators who look for payment or gifts.”<sup>25</sup> Despite such efforts, the protests continued to spread. “There are two classes of people who sow unrest among the Indians instead of contributing to their well being,” Egas later wrote. In addition to the “vago tinterillo” was the “vago comunista” who “does not have a job” and takes advantage of the mental inferiority of Indigenous peoples to exploit them. Of the two, Egas found the communists to be more dangerous and a more significant violator of peace and quiet on the hacienda.<sup>26</sup>

Tinterillos were not universally vilified; subalterns sometimes sought them out as allies in their political struggles. At points they became “indispensable brokers helping Indians negotiate the posttributary judicial system in the absence of their own hereditary ethnic lords and separate legal code” (Larson 2004, 130). In examining the 1885 Atusparia uprising in Peru, Mark Thurner (1997, 144) ponders who the “masked men” were behind the petitions that voiced the concerns of largely illiterate Indigenous leaders. Although the authors simultaneously claimed and displaced Indigenous voices, Thurner suggests that the content of the petitions indicate that these local intellectuals were not “entirely removed from the history of peasant struggles.” Rather, Thurner’s depiction of these intermediaries as “Radical Red *tinterillos* with long experience as defenders of Indians” indicates an ideological engagement that extended beyond financial motivations. Similarly, Alberto Flores Galindo (2010, 178) notes that on occasion tinterillos joined forces with peasant leaders. In these cases, tinterillos functioned similarly to agitators, but with the twist that Indigenous activists welcomed their actions and saw their role as a positive contribution to struggles for social justice.

Even Sáenz (1933, 135), who casts tinterillos in an exceedingly negative light, concedes that at times when Indigenous peoples faced more serious problems “with authorities, with their neighbors, or with whites, the function of the tinterillos became more important.” When a case was valued at more than five hundred sucres, a lawyer was brought into the dispute. Both Indigenous petitioners and tinterillos seemed to recognize when an issue was more than what they could handle. In a study of conflicts at Lake San Pablo in northern Ecuador, Kenneth Kincaid (2005, 136–137) observes that rural concerns in that area “were, in part, made public through the work of those labeled tinterillos.” These intermediaries played a range of roles in negotiating these relationships. “Although there were some who did exploit the ignorance of their native clients,” Kincaid notes, “many

25. Letter from Augusto Egas, Director, Junta Central de Asistencia Pública, to José Rafael Delgado, September 2, 1930, Oficio No. 970, Libro de Oficios que Dirige la Junta de Asistencia Pública (durante el año de 1930), JCAP, 352.

26. Letter from Augusto Egas, Director, Junta Central de Asistencia Pública, to Sr. Ministro de Gobierno y Asistencia Pública, Quito, June 7, 1934, Oficio No. 447, Libro de Comunicaciones, vol. 34, 1933, JCAP, 418–419.



provided legal counsel for indigenous communities who had no one else to whom they could turn." If nothing else, tinterillos became a necessary evil in situations where few other options for legal assistance existed.

Images of tinterillos as Indigenous allies occasionally emerge in the scholarly literature. Carola Lentz (1986, 198) points to tinterillos as part of a broader engagement with the mestizo world that opened up more possibilities for Indigenous peoples, especially as the hacienda system began to break apart in the mid-twentieth century. They represented a diffusion of the art of writing, advancing the democratization and power of literacy to marginal communities. It is perhaps precisely because of their success in bringing visibility and lending strength to Indigenous struggles, as Catherine LeGrand (1986, 69–70) indicates, that elites so vilified tinterillos. Although tinterillos "were skilled at precisely manipulating the Indian dilemma," Erin O'Connor (2007, 46–47, 179) logically deduces that "their clients had to be willing to follow this advice." Indigenous readiness to collaborate with tinterillos illustrates "that they were hardly pawns of tinterillos or scribes and were instead historical agents actively engaged with the political atmosphere in which they lived." Elites hated these rural lawyers, but it is impossible to deny that Indigenous workers "had already been actively manipulating liberal law and ideology, and would have continued to do so without the facilitation of external agents."

"In reality," Arturo Cevallos (1990, 350) argues, "the presence of tinterillos bothered large landholders and local authorities, but they also were the spokespersons for Indigenous interests." Tinterillos brought rural concerns to the government, "loudly petitioning local and regional powers on a daily basis in the name of Indigenous peoples." They played a crucial role in translating Indigenous demands into the proper legal language to present to the courts, and they rallied feelings of hope and justice among their clients. To a certain degree tinterillos conformed to, and represented, local ideas and cosmologies.

When Indigenous people gained the skills to agitate for community concerns, opponents began to speak of them (as with the case of a Mapuche leader in Chile) as "a tinterillo who exploited his own people," even though they did not voice these criticisms when elites cheated Indigenous peoples out of thousands of pesos (Foerster and Montecino Aguirre 1988, 45). Wealthy landholders qualified Alejo Saez, a leader from Chimborazo who rose to the rank of general in Alfaro's liberal revolution, as a thief for working with tinterillos to petition for Indigenous rights (Albornoz Peralta 1988, 47). Commonly these anti-tinterillo attitudes reflected a disdain for subalterns who attempted to rise above their class standing. In one case, the court "happily cast the Indians as the 'eternal victims' of exploitation by 'lawyers without conscience.'" But if the tinterillo were an Indigenous person from the same community, this criticism could be little more than an attempt to undermine the strength of a growing Indigenous bourgeoisie, and even an effort to exploit intercommunity tensions to keep Indigenous peoples in a marginalized position (Foote 2004, 83). Being part of an upwardly mobile and emergent local elite naturally could add friction to many of these relationships.

Denunciations of outside agents became even more pronounced when leftist activists became involved in rural communities (Becker 2008). When Modesto Ri-

vera organized workers on the Razuyacu hacienda, instead of responding to the charges, reuter José Antonio Tapia Vargas accused Rivera of being an abusive tinterillo who infiltrated rural communities, exploited their ignorance, and stirred up social conflict. Rivera did not have the professional title necessary to engage in legal work, Tapia Vargas argued, urging the government to sanction Rivera as a tinterillo.<sup>27</sup> Rivera's Indigenous supporters quickly came to his defense, denying that he was a tinterillo. "He has never been involved in lawsuits," Indigenous leader Dolores Cacuangó replied. "nor has he charged any honorarium." Rather, she accused Tapia Vargas of using an unscrupulous lawyer to dodge his legal responsibilities and to stir up problems.<sup>28</sup>

With the appearance of politically engaged intermediaries, elite images of tinterillos slowly began to merge with those of Bolshevik agitators. "Although it is not easy to establish the exact relations between the types of actions of tinterillos and the role that socialist and communist militants played in rural conflicts," Cevallos (1990, 351) notes, the leftist activists "quickly become the new threat that loomed over the lives and properties of large landholders, and soon earned the degrading label of 'agitator.'" In the minds of elites, tinterillos and communists became one and the same and provided similar threats to the stability of the social order. Although elites might on occasion have welcomed the actions of tinterillos as facilitating the subjugation of Indigenous communities, they would vigorously and without exception denounce the actions of Marxist infiltrators as a subversive presence that empowered rural protests.

#### TINTERILLOS AS TOOLS OF ELITE DOMINATION

In 1944, Crisanto Quilligana wrote to the Ministry of Social Welfare in the name of five hundred fellow community members in Tungurahua to complain that over the years *gamonales* (exploitative landowners) and tinterillos had "slowly, continually, and permanently" taken away their communal landholdings, for which they had land titles from the king of Spain. The worst violator was José Emilio Álvarez, the owner of the Llangahua hacienda.<sup>29</sup> The landholder responded to these charges in a direct and belligerent manner. "The bad faith and recklessness of certain lawyers and some tinterillos," Álvarez charged, "have developed a very lucrative business in exploiting the ignorance of people of the Indigenous race, because due to their idleness and inability they do not find a way to earn a decent living but instead surpass the boundaries of the most rudimentary moral behavior." Álvarez called on the government to bring an end to this "social leprosy."<sup>30</sup> Quilligana responded to the insults with the charge that the true social leprosy was the mestizo and Creole exploitation of the "poor defenseless Indian," who

27. J. A. Tapia Vargas, "Desmintiendo las calumnias de un comunista," *El Comercio*, September 24, 1949, 8.

28. Dolores Cacuangó, "Federación Ecuatoriana de Indios," *El Día*, September 27, 1949, 8.

29. Letter from Crisanto Quilligana to Ministro de Previsión Social y Comunas, September 8, 1944, box 197, folder 22, AMPS, 1.

30. Letter from José Emilio Álvarez to Ministro de Previsión Social y Trabajo, Sección Jurídica, October 6, 1944, box 197, folder 22, AMPS, 16.

since the colonial period had been a “victim of the alliance of gamonalismo with the authorities.” The Indigenous petitioner charged that it was hypocritical for the landholder to claim that the community was in alliance with tinterillos when all they were asking for was social justice. Centuries of legal abuses continued, he charged, with landholder and tinterillo attempts to undermine the community’s rights to petition for their demands.<sup>31</sup>

Subaltern criticisms of tinterillos for acting as tools of elite domination point to the rise of a political consciousness in rural communities. Rural inhabitants who had previously made use of the assistance of tinterillos grew weary of their parasitic nature and heavy-handed presence in their communities. The Colombian organic intellectual Manuel Quintín Lame Chantre (Castillo Cárdenas 1987, 113) describes a typical situation in which a lawyer pretended to help an Indigenous person with a lawsuit but instead repeatedly charged high fees without ever following through on any promised actions. Lame states that the lawyer “is now happy because secretly he was in cahoots with the defendant!” In one of the few essays written specifically on tinterillos in the Andes, Blanca Muratorio (1977, 131) criticized these intermediaries for benefiting the elite, perpetuating systems of exploitation, and throwing up obstacles to broader Indigenous participation in politics. Tinterillos collaborated with judges and lawyers in what became little more than business endeavors to extract payments from Indigenous peoples. Authorities did nothing to stop the thieves, and in fact often accepted bribes from tinterillos so that they could continue abusing people in rural communities. Rather than marginal players, tinterillos were central to the administration of justice. Muratorio concludes that tinterillos only “legitimated the interests of the dominant class.” Although elites commonly vilified tinterillos, on occasion their actions either intentionally or inadvertently became instruments of elite domination of the countryside.

Numerous examples highlight Indigenous challenges of tinterillos when their actions ran counter to community interests. In Otavalo in 1914, community members denounced a tinterillo named Camilo Paste for misappropriation of their land titles. In 1935, the Conference of Indigenous Leaders denounced the actions of the “lawyer who takes their money but almost never makes a just defense.” As a result, the petitioner “almost never recovers a claim” (Conferencia de Cabecillas Indígenas 1936, 2). In 1942, community members from Cangahua wrote to the minister of government to complain that the local judge had not addressed any of their legal concerns but had passed them off to “so-called tinterillos” who became both judge and executioner.<sup>32</sup> Writing in the Indigenous newspaper *Ñucanchic Allpa*, José del Campo (1944, 1) condemned exploitative tinterillos who were allied with the agents of large landholders. In 1954, the Ecuadorian Federation of Indians similarly complained that “authorities, priests, tinterillos, and thieves constitute

31. Letter from Crisanto Quilligana to Ministro de Previsión Social y Comunas, Quito, November 14, 1944, box 197, folder 22, AMPS, 21.

32. Quoted in letter from A. Aguilar Vázquez, Ministerio de Gobierno, to Jefe Político del Cantón Cayambe, Cayambe, July 10, 1942, Oficio No. 1005-Gb, Sección Gobierno, Varios Autoridades, Julio–Septiembre 1942, No. 618, Archivo General del Ministerio de Gobierno, Quito.

a plague that oppresses and impoverishes thousands of peasants.<sup>33</sup> Rather than helping rural communities, tinterillos functioned as tools of elite domination in the countryside. Instead of relying on outside intermediaries, Indigenous leaders advocated turning to their own organizations to petition for their rights.

By the mid-twentieth century an expansion of literacy and growing class consciousness led to a decline in the importance of tinterillos. Increased opportunities for people from Indigenous communities to attend university and earn law degrees reduced the need for tinterillos. Just as important, and in some cases perhaps even more so, was the successful construction of relationships with new types of allies who shared a common political search for social justice. Elites naturally felt threatened by empowered and mobilized Indigenous workers and therefore cast the actions of those who facilitated their protests in the most negative light possible. With the developments of new political organizations, Indigenous peoples gained a stronger position with which to negotiate relationships with the dominant culture. They still sought out allies who could help advance their concerns. Although Indigenous communities were no longer subject to the exploitative actions of tinterillos, the complicated history of conflictive relationships with intermediaries provided them with skills that they needed to confront new political challenges. Far more than victims, Indigenous peoples learned to negotiate relationships with different cultures to their own advantage. Inadvertently, a long history of negotiating relationships with tinterillos provided activists with the skills necessary to create a powerful and ideologically grounded Indigenous movement in Ecuador.

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