

1 The Scope

Life is full of disputes and struggles. First, we have to understand why they exist if we want to survive and live in peace.

José Gomez, Costa Rican campesino, 1980

Introduction

Conventional wisdom in North American society and most professional knowledge assume a clear and distinct line between the study of disputes and deviance. This distinction has become blurred increasingly by recent studies which reveal that law is more than simply an affair of making and enforcing rules (Henry 1983; Black 1989; Merry 1990; Nader 1990a). In this book we explore those aspects of law and their relationship to the study of deviance and disputes that typically are ignored or suffocated before they become public. We suggest some basic steps for integrating the study of disputes with research on the sociology of law and deviance by examining the conditions under which definitions and labels of deviance are created and employed in disputes, rather than studying deviants simply as violators of laws, rules, or norms.

We examine in detail nine land disputes in Costa Rica, including disputes between insiders and outsiders, and Costa Rica's place in the world system. Our analysis includes an emphasis on the power and forms of domination that can be gained from the creation and manipulation of definitions of who or what is deviant: in particular, the methods used by participants and formal agents of social control to manipulate the dispute agenda. This analysis is informed by a broader nascent theoretical framework suggesting that instead of disputes being resolved by official agents of control, they recur often in different guises over and over because they express underlying structural problems. Experts of dispute resolution, unreflective legal agents, or charismatic leaders

often create the illusion of being able to resolve the disputes rather than actually resolving them or the underlying structural problems. We view law, deviance, and disputes as one integral process, a process which politically determines the negotiation of deviant identities and the control of the dispute agenda—particularly whether the underlying conflict is allowed to emerge into the open to be negotiated or is ignored or suppressed.

Having studied disputes, deviance, and law in the United States for a number of years, we turned to a comparative study in order to examine systematically those dimensions of disputing that are common across societies as well as those that are culturally different. As a first step in our comparative work, we chose a setting in Costa Rica where our type of ethnographic work was possible, since we have developed close interpersonal contact with the people in the area over the past twelve years and because the setting has some similarities to the U.S.A., yet possesses important differences. In general, the relatively small country of Costa Rica is less developed technologically, has a more socialistic political organization, and embodies a different style of law. These encompassing factors are especially relevant for a comparison of the similarities and differences in disputing and social control. The comparative setting can help us sharpen our analysis of disputes by examining the role of people who are defined either as insiders or outsiders, and the cultural versus noncultural means used to define and manage disputes. Moreover, we can examine those factors that seem to be common to most disputes, such as the importance of status hierarchies, the use of the label of deviance, access to forums of social control, and the cost of disputing. Basically, the Costa Rican community serves as a setting in which to examine fundamental ideas about deviance, disputes, and law.

Our initial chapter serves as an introduction to the way in which we approached and conducted our analysis of disputes from the broader perspective of law and deviance. We also present a brief analysis of specific geographic, cultural, and technological factors which form the background for understanding the disputes. The chapter ends with a discussion of the more specific conditions that appear crucial to the study of disputes: the nature of social and political relationships, informal and formal social control, cost, time, and access to dispute forums.

We examine, for example, one common conception of formal social control based upon the belief that law serves to improve the

human condition by providing more predictability, safety, and stability in daily life. Yet, while law typically offers the illusion of fairness and equality, access to legal institutions is not equal for all. And bureaucratic control over resources such as money entails an emphasis upon regularity, predictability, efficiency, and cost effectiveness. Increases in levels of rationalization, the existence of explicit, abstract, and calculable rules and procedures that lead to an increase in predictability, do tend to make the dispute process more predictable, but typically increase formal social control as it is implemented largely through the political processes of the dominant users of law.

Next, we present a brief section on the larger context within which the disputes arise. The section includes an examination of the debate over the intentions and consequences of the Nicaraguan Contras who often operated from Costa Rican territory. It explores the sources of the simple dichotomies that persist—deviants versus patriots, or terrorists versus freedom fighters, and the impact of such dichotomous labels. In this section, we also examine overarching conflict primarily from the perspective of Costa Rica's position within the region and the world system. Costa Rica has attempted to shield itself from short-term approaches to conflict resolution by abolishing its army, developing a policy of neutrality in the disputes of other nations, and emphasizing formal, legal approaches to the management of internal disputes. Yet such measures are difficult to maintain in a world economic and political system that impinges upon its national stability and self-determination. The impact of external conflict and various attempts at external control is felt at numerous levels within any society. We pay particular attention to disputes in relation to Costa Rica's international reputation as a nonmilitarized society and recent changes resulting from the economic, political, and military instability in surrounding areas. In addition, we suggest that new non-military and military aid from the United States has a significant effect on the management of disputes in that area.

In the second chapter we examine a number of specific disputes from our research period beginning in 1980. These cases, which are primarily land disputes, examine how disputes unfold, how and why they become public or nonpublic, as well as the various forms that disputes may take. In the first case, "*Resident or Squatter!*", we examine a battle over the control of rich gold deposits in the District of Sierpe. The struggle, which takes place

between a local resident and an absentee landlord, illustrates the complex dynamics inherent in most disputes. The analysis details the nature of the social relationship including whether a disputant is an insider or outsider; whether the relationship is static or dynamic; and the level of access to formal and informal social control forums.

The third chapter explores the factors that may lead to a change in social control, and offers a more comprehensive analysis of law, deviance, and dispute management. In addition, this chapter compares and contrasts the cases and reaches some preliminary theoretical conclusions about the form and content of disputes. The analysis includes an emphasis on the power and forms of domination that can be gained from the creation and manipulation of definitions of who or what is deviant: in particular, the methods used by participants to control the dispute agenda. We also offer some ideas for constructing alternative ways of studying disputes and provide a few suggestions for work on related topics.

In the fourth chapter, we conclude the study by focusing upon theoretical implications of studying disputes and their management. The discussion attempts to create a larger research agenda via the study of dispute management and law as well as commenting on the relationship among the study of social control, deviance, and justice. Our discussion also provides relevant information on part of the culture of Costa Rica. These accounts are relevant, since so little has been written about a nation that abolished its army approximately forty years ago, yet sits amid the flaming controversies in Central America. Only with a few exceptions, such as the awarding of the 1987 Noble Peace Prize to President Oscar Arias or the surrounding crises in Nicaragua and Panama, has Costa Rica received much attention. In the epilogue we also present a brief comment on the study of law and U.S. policy toward Central America. The discussion is based upon some of the central findings from our study, including the relevance of studying the structural conditions that lead to specific types of disputes and the problems associated with focusing upon popular, yet premature, ideas found in most dispute resolution and legal perspectives. Since one of the central purposes of this study is to use a Costa Rican community as a setting in which to examine several fundamental ideas about law, deviance, and the management of disputes, our study focuses upon the processes and structural factors which appear to produce and then reproduce the conditions that influence the type and amount of deviance and disputes.

Disputes, Law, and Deviance

The study of disputes has been over preoccupied with the issue of how to resolve them. Recently, we have been reminded by a number of local and global events that many of them are rarely resolved. The U.S. foreign policy disasters—for example, in Latin America—stem, in part, from a preoccupation with short-term resolutions to disputes and an unwillingness to explore more fundamental approaches to the study of conflict. The military “quick-fix” to conflicts of interest in Latin America has been touted as a fundamental approach to each “new” dispute. However, there is now little debate over the results of that approach. It has led to policy disasters in Guatemala in 1954, in Cuba at the Bay of Pigs in 1961, in Chile in 1973, in Panama and Nicaragua in the 1980s, and in El Salvador in 1991.

Much of the professional knowledge in the field of dispute resolution is increasingly challenged by the realization that important disputes among people, groups, and nations are typically in various stages of negotiation or management. A dispute that seems to have been resolved in the short run often reappears in another form via a new label, or we find that part of the original conflict reemerges in what seemed to be a unique dispute. Systematic analyses of disputes over property such as land and water as well as those regarding personal reputation typically reveal that what appeared to be settled, once and for all, is not. While an arbitrator, judge, court, or the winning side may claim that the dispute is resolved, upon closer inspection we increasingly discover that the same dispute appears again in another form usually after it has festered to the point of being intractable (cf. Elster 1989).

Our study of such disputes proceeds from the methodological perspective of sociologists and anthropologists who are interested in identifying and examining structural roots of disputes and attempts at resolving or managing them. We focus upon a number of social disputes which we began studying in 1980 in a specific area in Central America. Most of the disputes originated on the Osa peninsula along the southern Pacific coast of Costa Rica.

Our emphasis upon examining the structural foundations of the disputes and the subsequent modes of dispute management distinguish our approach from traditional approaches that have been primarily psychologistic. The peculiar development of the study of disputes has been dominated by the psychological perspective. The commitment to explaining individual motivation

has excluded definitional and structural issues despite the attention that needs to be paid to such variables as subculture and access to social control forums. The psychological perspective has also focused disproportionately upon the role of arbitrators, mediators, judges, and other "professionals" in dispute resolution. While these individuals often play important roles in part of the study of disputes, the perspective has overemphasized the issue of resolution and largely ignored the broader analysis of the disputing process and institutional factors that effect the resolution of disputes (cf. Kirp et al. 1986; Elster 1989).

We view the analysis of disputes as an important part of the study of social conflict and control. From this perspective social control is the process of defining and reacting to deviance. Deviance is a definition created to refer to action that should not occur from the positions of particular disputants or agencies. This approach leads us to examine the emergence of particular rules and laws, the ways in which people dominate other people, as well as the relationship between informal and formal control. Specifically, we are interested in examining the conditions which lead to more or less social control, rather than how to implement control. We also hope to contribute to research that raises important related questions. Under what conditions, for example, does an increase in social control lead to compliance rather than subversion or rebellion (cf. Sacco, 1992)?

The resolution, management, or negotiation of disputes involves the use of different resources. A nation may turn to a third party such as the World Court, a group may enlist aid from a social movement, or an individual may ask for help from friends. Under varying conditions, people rely upon many types of informal means of social control such as collective norms, social movements, or numerous forms of political deviance. Or they attempt to use more formal means such as established rules or law. When do individuals in a community invoke norms or third parties in their attempt to settle a local dispute? When does a nation call upon law to resolve an international dispute?

In investigating the conditions under which people turn to one type of social control versus another, we seek a preliminary integration with the study of law and justice, both inside and outside the formal legal system. Our examination of law stems from the fact that many scholars view law as the key to the resolution of disputes and the advancement of justice (cf. Lieberman 1981). We have found, however, that studies which analyze law as a sepa-

rate species of social control or examine informal justice apart from the formal legal system are "guilty of contributing to the ideological process whereby law is constructed as a reality" (Henry 1983:vii). We focus upon disputes, as one form of conflict and subsequent crisis situations, since they often reveal important parts of the structure of a system that are obscured during relatively normal times.

Recently, there has been a reemergence of interests in studying disputes in this context. Such interests range from studies on the jurisdiction of the World Court to those concerned with the creation of rules in intergroup conflict. In the conclusion to their research on disputes in Africa, for example, Comaroff and Roberts suggest:

On the one hand, the logic of dispute is ultimately situated in the encompassing system and can be comprehended only as such. But, on the other, it is in the context of confrontation—when persons negotiate their social universe and enter discourse about it—that the character of that system is revealed. Because this is true, the dispute process may provide an essential key to the disclosure of the sociocultural order at large. [1981:248–49]

In an analysis of disputes employing comparative data from a number of cultures, Black suggests in a similar vein that the study of "conflict management is a prism in which larger configurations of social life are visible" (1987:46; see Black 1989).

Much has been written about the process of disputing, social control, and the evaluation of diverse behavior, usually from a conflict, control, or dispute resolution perspective. In order to employ some of this literature for our study, we explore the advantages and disadvantages of using relevant conceptual schemes (cf. Gluckman 1955; Erikson 1966; Nader and Todd 1978; Trubek 1980–81; Comaroff and Roberts 1981; Abel 1982a and b; Henry 1983; Black 1984, 1989; Munger 1988, Nader 1990a;). In comparing these perspectives, we discovered that many of them overlap in important respects, yet most current research using a particular perspective tends to ignore the others. Obviously, such a situation creates many conundrums. In this study, we redirect some of the work on disputes by focusing upon points of convergence in related areas, especially relevant research on law, deviance, and social control. Our attempt here at redirecting and integrating part of the

work on disputes with this research is an extension of a similar implicit thrust in the anthropology of law forwarded by investigators such as Nader (1990a) and Comaroff and Roberts (1981). It is also a continuation of the explicit direction in the sociology of law by researchers such as Henry (1983) and Black (1989) which explicate the relevance of broader notions of social control and conflict. As Henry notes:

The debunking of the slippery notion that law is a spontaneous and uncontrived product of the continuous flow of life, made accessible to man through reason, is as refreshing as the exposure of the processes under which law is legitimated by reference to the gods, the popular sense of right, or the general will. What sociologists and anthropologists clearly and often uncomfortably demonstrate is that law is formulated in a sociopolitical context; that it serves some interests rather than others; that different social structures or forms of societal organisation display different forms of law and legal systems, and that a combination of coercive and ideological processes are at work to ensure the continuation of existing systems of law and through these the perpetuation of existing social structures. [1983:1-2]

By omitting to consider the body of informal behavioural imperatives, norms and obligations, they [functionalist and natural law theorists] contribute to, rather than analyse, the very ideological processes that render formal law the dominating social control institution. In order to unmask this kind of mystification it is necessary to reestablish the relationship between positive law and its informal counterpart... Only by considering these approaches together can we hope to comprehend what constitutes the totality of social control. [1983:4]

The study of social control has been divided into two paths. The first concentrates on social control as the independent variable, especially those factors that lead to deterrence or compliance. The second examines social control as the dependent variable, particularly those factors that lead to variations in formal and informal control (see Black 1984, for a discussion of crime as one form of social control). We follow this second path, which focuses upon factors that affect the type and amount of social control. In this

context, issues concerning the control and distribution of resources, the manipulation of status, the creation of agendas as well as authority, legitimation, obedience, and related concepts become highly salient (Balbus 1977; Trubek 1977; Ashley, 1980; 1986b; Benney 1983; Walker et al. 1986).¹

The evolution of the study of disputes has certain striking similarities to the study of social control and deviance. A brief review of these similarities can be useful in understanding why the study of disputes is so diverse and often confusing (cf. Henry 1983). Some of the pioneers in the study of deviance were interested primarily in eliminating or at least decreasing the amount of deviance. And some earlier proponents of work in the dispute resolution area claimed that they wanted, first and foremost, to decrease the amount and intensity of disputes. Despite the obvious attempts of some researchers and dispute resolution experts to control the field for instrumental, professional interests and profit individually by attempting to create and expand a new profession, a few studies on dispute resolution have been initiated with a more encompassing emphasis. These studies are used to examine the role of power and its impact on variations in dispute resolution (cf. Kidder 1980-81).²

Such studies are frequently ignored or seen as irrelevant, since we find an abundance of premature attempts by individuals to use power to "resolve" disputes or eliminate deviance without a serious recognition of the risk of unintentionally creating additional conflicts or more severe problems. In lieu of first identifying the social conditions that create more or less social control, some professionals have tried to define what social control should be or how to increase its effectiveness. As a partial response to the problems encountered by this approach, the Society of Professionals in Dispute Resolution made liability insurance available to their members in 1988. We have attempted to avoid the pervasive specter of ethnocentrism which has been present in many "policy" studies. Rather than impose subjective notions of "progress," "developed," or "professional care," we have attempted to avoid these contaminating factors (for a cogent analysis of these subjective concepts, see Lévi-Strauss 1955; Kirp et al. 1986).

We first review the role of power upon the type and volume of disputes. Our focus, however, is not solely upon leaders, elites, or the state, which may increase social control by reducing disputes by a variety of means (cf. Elster 1989). Despite recent elabo-

ration of the pitfalls associated with dichotomous logic, many researchers continue to impose a conflict or consensus perspective upon their analyses. *This artificial conflict/consensus dichotomy is evidence of a prolonged preoccupation with the determinants of individual deviant behavior, a bombastic misportrayal of the dialectic between functionalist and conflict perspectives, and an unfortunate aversion to the organizational and institutional aspects of deviancy* (Lauderdale 1980). Despite a few attempts to introduce other perspectives such as pluralistic or critical ones, most thinking has continued to be framed within a conflict or consensus perspective. As Giddens aptly emphasized some time ago, the debate between the conflict and consensus proponents has proven to be based on "misleading interpretations of past theorists," and has been "a wholly inadequate way of conceiving our present tasks" (1976:717). Yet it is rare to find research that systematically examines the institutional aspects of diverse behavior or the processes that lead to the imposition of the deviant label. We explore a more fundamental examination of the basic dynamics of power attainment and the control of deviance (Lauderdale et al. 1990; Sacco, 1992).

This broader framework suggests at least that deviance raises key questions in the study of disputes (cf. Munger 1988).³ Under what conditions do disputants gain the power to successfully define other disputants or social control agents as deviant? When are disputants able to redefine their actions as political deviance—that is, Under what conditions are their actions viewed as positive and operating from a higher moral position? What factors convince social control agents that one disputant or particular action is, in fact, deviant? In essence, this study as well as much of the current work on disputes and deviance can be usefully integrated into the study of conflict and social control (Davis and Anderson 1983; Ben-Yehuda 1985, 1990; Hagan, 1988).⁴

There is a point at which deviations from the rule remake the rule itself. Thus, every act leads a double life: it constitutes conformity or disobedience to custom at the same time that it becomes part of the social process whereby custom is defined. [Unger 1976:49]

In this chapter, therefore, we will develop a broader approach to the study of dispute management. Initially, we will focus upon the nature of social relationships, access to forums of social control, and related resources in the Península de Osa, Costa Rica.



Copyrighted Material
Figure 1.1
Map of Costa Rica

The Setting

We examined disputes in the *Península de Osa*, located some two hundred sixty kilometers south of the capital city of San José on the western coast of Costa Rica. The peninsula is on the Pacific Ocean and protrudes from the southern coastline much like a bent forefinger pointing toward South America. It is approximately sixty-two kilometers long and thirty kilometers at its widest point (see Figure 1.1).

The *Península de Osa* lies adjacent to the rich coastal plains that once supported the four thousand-hectare (approximately ten thousand acres) banana plantations of Standard Brands Company. Until 1985, the vast, sprawling network of banana plantations formed the economic backbone of the whole southern zone of Costa Rica. However, in December 1984, the workers began a long and bitter strike that resulted eventually in a decision by Standard Brands, which had initiated plans for such a decision as early as 1979, to cease operations in the southern zone. Such a massive displacement of economic power and human resources created economic crises, not only locally, where the effects are most acute, but nationally (Perez Vargas 1988; Lauderdale 1988b).

Transportation on the *Península de Osa* is difficult. Although the Pan American Highway connecting North and South America was built through the southern zone, running parallel to the coast, it bypasses the *Península de Osa*. There is also a railroad connecting Palmar Norte, a town situated on the northern fringes of the plantations, to the seaport city of Golfito, about eighty-five kilometers to the south. Bananas were loaded onto trains, transported to Golfito, then shipped to the various world markets. Despite this close proximity to a widely developed area, the *Península de Osa* remains one of the most isolated and least developed regions in Costa Rica. The Pan American Highway, power lines, and the railroad were built primarily to accommodate the economic services and needs of banana company workers and their communities and small businesses. Yet the *Península de Osa* has been ignored typically in the development of the economic infrastructure of the southern zone. All roads and power lines stop at least twenty kilometers from the northern perimeter of the peninsula. There are no telephones and no public electricity on the peninsula, and the only means of travel to and from it are by boat, horseback, or foot. Water travel is by far the most common means of transportation, usually with long dugout canoes pushed by pad-

dles or propelled by small outboard motors. The majority of the people living on the peninsula are concentrated in small communities around the one hundred fifty kilometers of coastline.

Most of the Península de Osa is covered with thick, tropical hardwood forests on rolling hills generally unsuitable for large-scale farming and the banana plantations found in other parts of the southern zone. A major national park, Corcovado, with a nascent reforestation program, covers a large portion of the peninsula. The major economic activity on the peninsula consists of small, independently owned farms and cattle ranches. Fanning out from the small coastal communities, small parts of the jungle have been cut back to provide pasture for the grazing of cattle and clearing for the planting of various tropical fruits and vegetables, the most common of which are cacao, platanos, rice, beans, and corn.

The cattle and produce are usually sold or traded in those towns that have transportation connections to other parts of Costa Rica; principally in Sierpe, Palmar Norte, or Puerto Cortez, all situated close to the northern regions of the peninsula, and in Golfito, the southern port city which is located twenty kilometers across the water from the southern tip of the peninsula. Thus, time and cost in transporting commodities and people to the major markets and transportation centers has left small independent producers and cooperatives relatively isolated. The Península de Osa has not been an important part of the Costa Rican national economy and, in general, has not benefited from government or private-sector economic development programs.

Gold mining is another major economic activity in this area. Along the northern and southern coastal area of the peninsula, gold mining continues to contribute to the local economy. The gold mining ranges from a few large operations employing many workers and using heavy equipment to local people working in the small mountain streams with shovels, wooden sluice boxes, and gold pans. However, for the most part, this is a seasonal activity, primarily because the only time sufficient water is available to work the streams and rivers is during the rainy season—from August through December.

The disputes we observed and recorded took place in an area along the northeastern coast of the peninsula, on a point between the knuckle and first joint in the forefinger of the peninsula. At this point, the Sierpe river, the major waterway for the northern region of the Península de Osa, meets the Pacific Ocean. The area is known as the Boca Río Sierpe, the Boca ("the mouth"). All the

disputes we examined, except one, took place in and around the Boca Río Sierpe.

The Boca is within the legal district of Sierpe, which, along with the districts of Palmar and Puerto Cortez, form what is called the Cantón de Osa (*cantón* roughly translated means "county"). Puerto Cortez is where the Municipalidad de Osa, the "county seat," is located. In the county seat of Puerto Cortez is the *alcaldía* (typically, a mayor who has limited legal authority), along with the criminal and civil courts and judges. Palmar and Sierpe have only their own police forces, usually made up of members of the Rural Guardia. The guardia maintain social order partially by making arrests and carrying out small-scale investigations, but have no authority or facilities for the hearing or judging of cases. All cases, whether criminal or civil, must be processed and adjudicated in the Municipalidad de Osa in Puerto Cortez.

The districts of Puerto Cortez, Palmar, and Sierpe form three points of a triangle arranged around the northern boundaries of the banana plantations. The easternmost point is Palmar, which is located on the Pan American Highway. This district of Palmar includes the town of Palmar Norte and 447 square kilometers of the surrounding countryside. The total population of the district of Palmar is 14,729, with approximately seven thousand inhabitants residing in the town (Costa Rican Census 1984).

The district of Puerto Cortez is situated slightly to the north and to the west of Palmar. This district includes the town of Puerto Cortez, which has a population of about nine thousand and includes 384 square kilometers of the surrounding countryside. The total population of the district of Puerto Cortez is 14,592 (Costa Rican Census 1984). The southernmost point in the triangle is the district and town of Sierpe, also connected to Palmar by a rough dirt road which winds through fifteen kilometers of a banana plantation. Sierpe is a tiny river port community of about three hundred fifty inhabitants and is the departure point for transportation for all small farming communities up and down the river to the Península and the northern regions of the Península de Osa.

The size of the district of Sierpe is 1,252 square kilometers, almost three times the area of either the districts of Palmar or Puerto Cortez. Yet the total population of the district is only 4,211 (Costa Rican Census 1984). The reason for the relatively small number of people is that this vast area, including the northern third of the Península de Osa, consists largely of jungle wilderness. This area is the focal point of our study.

Sierpe has a different economic base than either Palmar Norte or Puerto Cortez, which depended heavily on the patronage of hundreds of banana company workers and their families. Sierpe is located on the other side of the plantations from both the Pan American Highway and the railroad. In addition, all roads and power lines stopped short of Sierpe prior to 1982. The town is surrounded on three sides by water: to the south by the Estero Azul, a wide spring-fed stream, and to the east and north by the Sierpe River ("Snake River"), which bends and twists some sixteen kilometers southwest from Sierpe to the Pacific Ocean. This water highway provides the fastest and most practical means of travel for most of the district's inhabitants. Commodities and people destined for other points in Costa Rica pass through Sierpe. Sierpe has not suffered as much as Palmar Norte and Puerto Cortez from the pullout of the Standard Brands Company.

Sierpe is relatively isolated. The organization of social relationships is characterized by homogeneity. Residents typically engage in "dependent" relationships and retain many other forms of mechanical social solidarity. Also, this isolation is not simply related to physical circumstances, but also because of the lack of television and print media. Prior to November 1982, Sierpe had no electricity and no regular delivery of the various national newspapers (newspapers that were read in the area were usually brought in by travelers).

Furthermore, isolation has contributed to the development of a certain autonomous identity in the Sierpe District. Along with the attendant cultural anomalies specific to this area such as legends and "folktales," there is insider knowledge about the natural environment and a specialized language that has created a unique identity for the Península de Osa. Two other factors that have also encouraged and sustained this autonomous cultural development include transportation limitations and the effect of the ocean tidal cycle.

The ocean tide has had a significant influence on the local sociocultural development and transportation in the area. Although Sierpe is approximately sixteen kilometers upriver from the Pacific, the water level in Sierpe goes up and down at least two meters every six hours. These conditions, which residents view as "inevitable and unchangeable," continue to have an impact upon local social life. Individuals, for example, plan arrivals and departures according to the continuous ebb and flow of the tide. People generally travel upriver as the tide is rising, because it aids

upstream travel. People have adjusted to "waiting time" in and around Sierpe. That is, people traveling on the river usually make arrangements to stay with friends or family, either for their meals or to spend the night, while waiting for the tides to change. Thus, during certain times of the day and days of the week, there is much socializing in Sierpe among people from many different parts of the district. People come together in the churches, in the cantinas, and on street corners, where they exchange news and messages, and also arrange for messages to be sent to other parts of the district. Thus the changing of the tides have created an opportunity for frequent reinforcement of social solidarity and community identity (see Nader 1990b for a similar analysis of other means of maintaining or achieving solidarity).

Along with mechanical solidarity and a relatively clear sense of community, there are few apparent status differentials in Sierpe. Some people, of course, are known to be rich or well-off, while others are said to be poor or *corrompido* ("corrupt") but, nevertheless, there is no conspicuous division of status. This factor, combined with the tendency of the residents to live their entire lives at home or close to home, has created a cohesive social atmosphere—everyone knows virtually everyone else, including most of their problems and personal history. Strangers are noticed quickly and are subject to the open, and usually friendly, curiosity of the locals. This sense of community is important for at least two significant reasons. First, under such circumstances, there is likely to be a high degree of consensus among local residents concerning attitudes and beliefs toward the "resolution" of disputes including the role and effectiveness of the law and the kind of information available about where and how to conduct a dispute. For example, if a Sierpe resident becomes involved in conflict she or he will most likely turn for assistance or advice to a family member or friend who is also a resident of Sierpe. Second, many of the cases we describe involve "outsiders"—that is, those who own land or have business investments within the Sierpe district but live outside the area. These individuals, such as North Americans, with very little or no experience of the Costa Rican culture, and Costa Rican absentee landlords are not fully integrated into the Sierpe or Boca communities.

The residents of the Boca Río Sierpe, which is about sixteen kilometers down river from the town of Sierpe, seem particularly conscious of outsiders. The area is sparsely populated and most of the residents have lived the majority of their lives there. New resi-

dents or workers are immediately the subject of conversation—who are they, where do they come from, what are they doing here? Also, since the Boca is a wilderness area, with no electricity and no telephones, the local residents have come to depend on each other in times of emergency or trouble. In addition, they help each other by sending messages for friends or by going upriver and bringing back needed supplies. Thus, locals ask what are the newcomer's resources, can they be depended on for assistance, or do they need help?

For example, shortly after one North American outsider moved to the Boca Río Sierpe in June 1980, he was visited by an unfamiliar local resident. The man had paddled to the house by dugout canoe, bringing his son who had been badly injured in an accident with a machete. He said he wanted the North American to take his son to Sierpe where he could get public transportation to Palmar Norte for medical attention. The man explained later that he had brought his son to the North American because he had heard that the gringo was a good person and had the fastest boat on the Boca. (Because of this incident, and many related ones, over a period of years this outsider eventually became an "insider" in most interactions.)

In the case of absentee landlords, however, there is a much more subtle relationship between "insiders" and "outsiders" on the Boca Río Sierpe. Most absentee landlords are either Costa Ricans or foreigners who live outside the Sierpe district and have limited contact with the local residents. They may be well known to the local residents, perhaps because of having owned their land for a long time or because of frequent visits, or they may be complete strangers. However, in either case, they are not considered as being *of* the local community—that is, there is no sense that they truly belong. In interviews with local residents, absentee landlords usually were spoken of in terms that clearly indicated that the landlords were considered beyond control of the informal social network of the Boca. It was one of the rare instances where residents exhibited a sense of "class consciousness." The landlords were usually described in reference to their wealth, status, or occupational position somewhere "out there," either someplace else in Costa Rica or in a foreign country.

There may be several consequences of such an arrangement of relationships. First, in the case of absentee landlords involved in a land dispute with a local resident, it might be expected that the landlord would be closer to the formal social control agencies,

enjoy better access to more accurate information, and have greater resources available to successfully manage or resolve a dispute. On the other hand, if the outsiders are foreign and know little or nothing about Costa Rican land, laws, and customs, they may not have the most basic information about where to go or whom to see in the event of a land dispute. In fact, they may even have difficulty soliciting assistance or advice from people within their own informal social network.

There are other ways in which the differences between insiders and outsiders on the Boca Río Sierpe have become evident. Since such differences may bear directly on our study, we want to further clarify what it means to be an insider or an outsider in this particular area. For example, there are "secrets" about life on the Boca which only long-term residents or their families could know about, secrets which are consciously withheld because of pride or profit or because the knowledge is regarded as commonplace. These secrets are related, for example, to the location of Indian burial grounds, the best places to pan for gold, local folklore and legend, and special knowledge about the environment that helps residents to survive and prosper.

One of these secrets, for example, is significant not only because it provides a better sense of the Boca Río Sierpe but also because it is important environmentally and ecologically. In this instance, information about the physical environment among the local residents is regarded as common knowledge and could not be shared with an outsider unless the outsider had become redefined as at least a marginal insider. After about a year and a half of living on the Boca, a North American was invited by the daughter of a local resident to go fishing. This was possible only because the father and the North American had recently come to the understanding that the North American was courting the daughter, and it was expected that they would eventually be married. As they paddled into a vast maze of mangrove swamps that cover several square kilometers along the eastern part of the Boca, the daughter stopped occasionally to catch small black crabs crawling on the lower limbs of the mangrove trees. "These crabs are the bait," she explained. "They live in the holes in the mud, but since it's now high tide they're up in the trees." Finally, she pointed to a particular stand of mangrove trees and as they came close she quickly jumped from the small dugout to the lower branches of a tree. Carrying only a hand line, she baited her hook with one of the small crabs, looked around for a few seconds, then began howling

and yelping and shaking the leaves and branches of the tree at the same time. Her high, loud shouts echoed off the water and into the swamp. The North American was startled and said something about scaring the fish away. The young woman replied that, on the contrary, she was actually "calling" the fish.

She then began whistling and squawking like a bird and breaking off pieces of crab and throwing them in the water while still shaking the leaves and branches. Suddenly, as a piece of crab hit the water, the surface rippled and there was a flash of silver and red; a large beautiful red snapper. She leaned over and carefully threw her line in the water. The fish had the crab and the hook in its mouth almost before it hit the water. The woman explained later that the monkeys and birds in the area love to eat the small black crabs, as do the fish. The fish have learned to follow the monkeys and birds as they feed, relying on sound and vibration, hoping to catch the crab crumbs or the crabs trying to escape by jumping into the water. "You actually *hunt* the fish," she said. "Either you follow the monkeys and birds yourself, or you act like one. Yet, the technique only works during certain times of the day and during certain periods of the month." She then went into a long explanation about the correlation between the phases of the moon and the *ritmo*, or rhythm, of life on the Boca.

To put this example into context, there are several absentee landlords, both Costa Rican and North American, who are well-known among the residents of the Boca Río Sierpe, and who have had a long association with the area. One North American, for example, has been coming to the area for six months a year for the past fifteen years and is an avid fisherman, yet has never heard of this relationship between crabs, monkeys, birds, and fish. The differences between insiders and outsiders on the Boca Río Sierpe is both profound and subtle. Such differences are the result of the unique organization of social relationships on the Boca. They are based, in part, on sharing special knowledge about the physical environment; the preservation of ancient traditions, stories, and legends; and the interdependence of the area's residents faced with the inconvenience and potential dangers of living in an isolated wilderness.

We make special note of these circumstances because the situation is changing quickly as the outside world gradually penetrates the relatively "closed" social universe of the Sierpe district. This is due primarily to a combination of at least three factors: (1) the world recession in the 1980s rocked the Costa Rican econo-

my—the national debt soared, inflation accelerated to unprecedented levels, unemployment increased dramatically, and the *colón* (the Costa Rican currency) was devalued significantly; (2) the influx of refugees from El Salvador and particularly Nicaragua increased substantially, especially as the so-called Contras—led by former Somoza guards who waged war against the Sandanista government—began receiving money and military assistance from the United States; and (3) the withdrawal of Standard Brands Company from the southern zone of Costa Rica resulted in a massive displacement of economic and human resources in which hundreds of people lost not only their jobs but their homes as well.

The workers had been living in company houses on company property and, thus, could be “legally” evicted. These events have had a direct effect on the Sierpe district, considered one of the last frontier areas in Costa Rica; that is, still relatively undeveloped with vast wilderness regions available for settlement and a wealth of natural resources open to exploitation. In 1986 and 1987, a Costa Rican government agency, the Institute of Agrarian Development (IDA), sent homeless families to the northern part of the Península de Osa for resettlement. These families quickly experienced some of the dependency relationships of the Sierpe community upon the rest of Costa Rica, as Costa Rica experiences various levels of dependency in the world system.

The world is beginning to penetrate in other ways as well. In November 1982, electricity was turned on in Sierpe and the town had a fiesta. The introduction of electricity has since influenced everything from fashion to language to eating habits. People are buying, for example, electrical appliances such as food and juice blenders, refrigerators, and freezers. Now Sierpe residents can purchase fresh meat and vegetables, and store them safely at home until they are eaten. This was not possible in the past due to lack of cold storage facilities in homes and in the *pulperías*, or general stores—which consequently could not sell highly perishable items in any large quantities. Now, however, the local *pulperías* often stock frozen chickens, meat, many kinds of fresh vegetables, milk, and ice cream. However, since not everyone can afford a refrigerator, some families share their cold storage space in exchange for partial payment of their electrical bill. Thus, there has been a change in both buying and selling patterns, as well as in dietary and eating habits.

The purchase of other electrical appliances, such as irons, sound equipment, sewing machines and, of course, televisions, has