FROM THE CACIQUE TO THE COMMUNITY: POLITICAL TRANSFORMATIONS IN THE
ALTIPLANO 1750-1850

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Abstract

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In this study I reveal that the late colonial indigenous communities in the altiplano generated a process of political transformations from below that challenges key previous assumptions about community politics. It had been mostly assumed that the political structure of the indigenous community continued deeply dependent on the cacique figure until the end.¹ Thus, the colonial government’s policies directed to undermine and erase the office of the cacique, mainly for their contentious role in the late colonial insurrections, have been largely explained as an attempt to eliminate the political power of the communities that caciques controlled.

On the contrary, I argue that beginning in the mid-eighteenth century, commoners themselves began to organize collective movements and litigations with former secondary figures such as the segundas, jilacatas, and alcalde de indios. These commoners’ movements sought to respond to their immediate political needs by adapting enduring forms of collective views and practice. They used for instance, mechanisms of cooperation, cargo system, and community funds for support, intelligence, and defray the expenses of the costly procedures in the legal system.

This study examines a pool of 445 primary sources constituted mainly of petitions, letters, litigations records, and official investigation reports that were generated by collective community movements. This examination reveals that commoners engaged collectively in their struggles, generated an explosion of litigations, and a series of disputes against their caciques, local authorities, and elite sectors. They struggled primarily about their immediate problems; however, aware that most communities faced similar problems, they were open to cooperate and join efforts with other communities. The aristocratic-style caciques that had formerly appeared prominently on behalf of their communities began to be displaced by these movements led by the former secondary figures taking leadership roles. This was a complex intra-community process that helps to explain the significance of the community struggles in the late colonial and the early-republican decades against the elites (Spanish, creoles,
mestizos, and Indians) as demonstrated by scholars studying the nineteenth century Andes.²

To Jim Madden M.M., who dedicated his life to serve the people of the altiplano.
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CHAPTER 1:
FROM THE CACIQUE TO THE COMMUNITY

1.1 Introduction

In 1806, Vicente Paricagua, Ysidro Apasa, Diego Paricagua, Joaquin Mamani, and the entire community of Cabanilla (province of Lampa), managed to intercept the very person of the Viceroy of Peru, during his trip through the region. The commoners of Cabanilla had been long resisting the attempts of an elite Indian associated with a Spanish hacienda owner to dispossess them from their community lands. Paricagua, a former segunda or assistant to the cacique, led a group of ordinary tribute-paying commoners in a desperate effort to make their case heard by an authority outside their local jurisdiction.

Late colonial Indigenous communities in the altiplano, such as Cabanilla, maintained a basic polity. The caciques and principales, at the top, considered themselves hereditary indigenous nobility. The segundas, jilacatas, alcalde de indios, and other temporary civil and religious assistants were considered in a secondary layer; and at the bottom, the large body of indios del común (ordinary tribute-paying
commoners) also commonly referred to as tributarios. They together constituted a basic indigenous social unit or what Karen Spalding referred to as “progressive integrations of household units.” The colonial government legally designated them as indigenous communities, yet commoners themselves used the terms comunidad or ayllu interchangeably preceding their local name, as in the case of the members of the comunidad de Cabanilla.

The decades and even centuries long community litigations reveal significant changes in the late eighteenth century altiplano. According to their records, Cabanilla’s recent struggles in defense of their lands had been ongoing for over a century; it had begun in the 1690s and was still continuing in 1806. After decades of mobilizations and numerous complaints before the courts, Vicente Paricagua had learned that none other than the Viceroy of Peru himself was traveling through the region, and would pass by the camino real (royal road) not too far from their community. Paricagua must have

3 In the archival records used for this study most altiplano communities appeared with a basic structure: Caciques (Kurakas, in Quechua language) were the primary community authorities. According to early colonial records their role differed from place-to-place and according to the size of their communities. Principales were a group of elite indigenous individuals who claimed status of nobility and kinship ties with former cacique families. Another layer of more plebeian group of authorities were constituted by the segundas, assistants of the caciques; jilacatas, minor authorities in Aymara language; and varayocs or alcalde de indios usually elected for one-year term. See also, David Cahill, “The Long Conquest: Collaboration by Native Andean Elites in the Colonial System, 1532-1825,” In Technology, Disease, and Colonial Conquest in sixteenth and eighteenth Centuries. George Raudzens Ed. (Boston: Brill, 2001).


5 “Comunidad de Cabanilla contra Bartolome Calisaya,” Archivo Regional de Puno (hereafter ARP), Sección Intendencia (SI) caja 02, [1806]. This remarkable legal case reveals the fundamental elements and mechanics of a collective community resistance for lands against elites and mestizo sectors. This is a fine example of the indigenous communities’ struggles in response to what scholars had called the late colonial massive “assault on community lands.”
perceived this as an answer to their prayers, and their once-in-a-lifetime chance to personally present their tribulations to the highest authority in the colony.

Despite the restrictions in place that prevented Indians from traveling out of their villages without permission, Paricagua mobilized his entire community to the camino real. The commoners, men, women, and children, waited for days in the rocky terrain of the area, hoping not to be discovered and detained by their local authorities.

“Hemos ocurrido a esperarlo a medio camino del transito a la ciudad de Arequipa,” described Paricagua in the petition of the community.6 Fernando de Abascal, the newly appointed Viceroy of Peru did indeed traverse the altiplano in mid 1806, from Buenos Aires to Lima, to assume the office of the Viceroyalty of Peru.7 The sudden appearance of a large group of Indians requesting audience right in the middle of the mostly desolated altiplano road must have been a surprise for the Viceroy and his entourage.

The community of Cabanilla presented “the necessary documents and representación to his majesty the Viceroy of Lima, when he passed by these lands,” recounted Paricagua.8

A few months later, Paricagua and the same commoners of Cabanilla organized a similar action when they learned that the new governor intendant was on his way to assume his office in Puno. They detained the new official on the road and recounted

6 Idem. f. 64. The commoners stated, “we went to wait for him in the camino real, half the way to Arequipa.”

7 See Victor Peralta Ruiz’ En defensa de la autoridad: política y cultura bajo el gobierno del Virrey Abascal, Peru, 1806-1816 (Madrid: Consejo Superior de Investigaciones Científicas, 2002).

8 “Comunidad de Cabanilla contra Bartolome Calisaya,” ARP, SI, caja 02, [1806]. “...con los documentos necesarios y la representacion que hicimos a su majestad el Excelentisimo, Señor Virrey de Lima que paso por estos lugares...” see also same document ARP, SI, Caja 02, (1806) f. 22v
that their *comun* of Cabanilla had held their agricultural and pastoral lands from “time immemorial.” They, however, recalled the long history of litigations, carried out by their former caciques, in defense of these lands. As for their most recent concerns, the commoners stated, “we want to prevent a Spanish hacienda owner from dispossessing us from our community lands.” These “Spaniards and *criollos* want us poor Indians ruined and eliminated,” lamented Paricagua. Both the viceroy and the governor intendant appear to have listened to the commoners but there is no evidence that they took immediate action nor that they ordered an investigation commission for the case, a frequent bureaucratic escape for authorities under pressure.\(^9\) The skilled commoners, however, did not lose any opportunity to use their personal encounter with these high-ranking authorities as a political asset in order to press their case on local authorities while remaining silent about the royal authorities’ lack of immediate response. For instance, Paricagua, in a letter to a local commissioner in their case, stated “*en mi voz y de toda la comunidad* (on my behalf and on behalf of the entire community) I come before you to let you know that the new governor intendant is coming with instructions from the Viceroy, whom we met personally and who knows about our case.”\(^10\) Paricagua alongside his community of Cabanilla, carried out a long and remarkable series of actions in defense of their lands and sought to gain more local autonomy.

\(^9\) Idem, f. 22.

\(^10\) Idem, f. 32. “On my behalf and on behalf of the entire community.”
The most important aspect of this remarkable face-to-face encounter with the Viceroy of Peru was that the community did it collectively. The commoners of Cabanilla en masse alongside their segunda organized this direct intervention without the intervention of the cacique, who was in office but apparently marginal to these events. These were the momentous events of a longer case that spanned over a century. In the initial decades of the case, the caciques in office participated on behalf of the community, but from mid-eighteenth century on, although caciques are mentioned, they appear largely irrelevant or not present at all. Furthermore, the community of Cabanilla was not alone in their recent act before the Viceroy, but they had coordinated their actions with some neighboring communities. In fact, the community of Tiquillaca, neighboring to Cabanilla, had also managed to appear and place their complaints in the hands of the viceroy.¹¹ Eugenio Quispe and Pedro Hilari, and their community of Tiquillaca, recounted, “when we had the joy to see his Excellency on these lands, in his way to take possession of this viceroyalty, we informed him about our sufferings under the cacica, doña Margarita Tinajero.”¹²

The direct encounter of the commoners of Cabanilla and Tiquillaca with the viceroy was unique, yet, their organized collective actions, their awareness about events

¹¹ According to other archival records, other communities such as the one from Tiquillaca, west of Cabanilla, was also part of this effort to talk face-to-face with the Viceroy. In the third chapter I examine more of these collective efforts of resistance across the altiplano.

¹² “Eugenio Quispe y Pedro Hilari contra cacica de Tiquillaca, Puno,” Archivo General de la Nación (AGN), Real Audiencia, (RA), Legajo 29, Cuaderno 574 [1802]. Quispe and Hilari stated, “cuando tuvimos la felicidad que Vuestra Excelencia pasare por aquellos lugares para tomar el mando de este virreynato, le hicimos presente en consorcio de toda la comunidad los grandes prejuicios que se sufrían de doña Margarita Tinajero”
beyond the community borders, and their openness to cooperate with other communities, were rather part of the changing reality of late colonial altiplano communities. Commoners in the altiplano experienced an accumulation of challenges that generated, among other changes, a gradual formation of a new political consciousness that fundamentally changed communities from below. Hence, the commoners engaged collectively in their struggles, generated an upsurge of litigations and a series of disputes primarily against their caciques, but also against local elites and Spanish officials that they often accused of being associated against the Indians. They struggled about the dramatic effects that the late colonial drastic increases on tribute, mita (corvee labor), reparto (forced distribution of goods), and encroachment on community lands; which they in diverse ways perceived as the failure of good governance. Thus, the emergent commoners’ collective movements began to directly challenge and delegitimize from below the aristocratic-style colonial caciques that had formerly appeared prominently on behalf of their communities. Commoners, alongside their secondary figures such as the jilacata, segunda, and alcalde de indios, took increasingly the initiative and leadership roles. This was a complex, to a great extent, intra-community level process that helps also to explain better the significance of the commoners’ struggles in the late-colonial and the early-republican decades, against the elite sectors (both Indians and no-Indians) as demonstrated for instance by Méndez, Bonilla, Mallon, and Thurner.13

13 See the case of Huachaca in Cecilia Méndez The Plebeian Republic; Bonilla, The Indian
In this study I reveal that the indigenous communities in the altiplano, earlier than the historiography suggests, generated a process of political transformations from below that challenges key previous assumptions about community politics. Historians of the late colonial altiplano have mostly assumed that the political structure of indigenous communities continued to be dependent on the figure of the cacique. Thus, the colonial government’s policies intended to undermine and erase the office of the cacique, mainly because of their contentious role in the late colonial insurrections, have been largely explained as an attempt to eliminate the political power of the communities controlled by caciques. On the contrary, I argue that beginning in the mid-eighteenth century, commoners themselves began to organize collective resistance with formerly secondary community figures such as the segundas, hilacatas, alcalde de indios, and some ordinary tributary Indians. They attempted to resist the drastic effects

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_Peasantry_; Florencia Mallon, _Peasant and Nation_; Mark Thurner, _From Two Republics_. Relevant comparative studies that examine indigenous political struggles against colonial rule, are those developed by scholars specialized in Southeast Asian history. Similar to Latin American indigenous peoples, peasants in India struggled primarily against colonial local and regional intermediaries’ abusive behavior. In this process, as Mridula Mukherjee argues, Peasant’s notions of justice are a fundamental factor that not only justifies but mobilizes peasant communities. See Mridula Mukherjee, _Peasants In India’s Non-Violent Revolution: Practice and Theory_ (New Delhi: Sage Publications, 2004); and Ranajit Guha, _Elementary Aspects of peasant Insurgency in Colonial India_, (Durham: Duke University Press, 1999). Also, for relevant debates about peasant resistance and views on autonomy and nation, see James C. Scott, _Weapons of the Weak, Everyday forms of Peasant Resistance_, (New Haven: Yale University Press, 1985); Benedict Anderson, _Imagined Communities, Reflections on the Origin and the Spread of Nationalism_. (NY: Verso, 1991), and Partha Chatterjee, _The Nation and its Fragments: Colonial and Postcolonial Histories_, (Princeton: Princeton University Press 1993). Also, according to most late-colonial altiplano records, creoles or criollos were American born peoples that traced their descent to Spain, and mestizos were peoples of mixed ancestry

of the accumulation of growing demands of the Bourbon Reforms, the severity of the
reparto (forced distribution of unnecessary goods in illegal prices), the increasing
encroachment on community lands, and what they condemned as abusive behavior of
colonial officials and local elites. Commoners accused caciques of desertion from their
role as protectors of the community and of instead enforcing colonial demands with
similar behavior than those of corrupt Spanish officials. Thus, they sought to bring their
petitions and litigations before higher colonial authorities and courts, while they
attempted to advance their claims of autonomy. Altiplano commoners used the
frequent contradictions and mistrust between local and higher jurisdiction colonial
authorities. These commoners sought to respond to their immediate political needs by
adapting enduring forms of collective views and practice. They used for instance,
mechanisms of cooperation, the cargo system, and community funds in order to support
the people they mobilized and defray the expenses of the costly procedures in the legal
system.

Furthermore, I show that as the late colonial state’s demands for greater
community contributions increased, commoners realized that caciques had become
increasingly alienated and opposed to community interests. The colonial-long cacique-
community relationship was maintained in a delicate balance of demands and
concessions that allowed commoners to many times question and challenge caciques
began to drift apart definitively with the effects of the complex late colonial
conjuncture. The former secondary figures gradually began to gain legitimacy as
alternative representatives in the communities’ collective struggles. In the large and
diverse altiplano landscape many caciques remained in office but the tendency was that
the secondary community figures appeared closer and more significant to the
communities. Thus, the intervention of the commoners from below was a fundamental
factor in the decline of the caciques rather than just top-down colonial policies. Most
importantly, the eventual elimination of the caciques did not produce the disintegration
of community politics as some scholars suggest; rather it legitimized the commoners’
activism along with the diverse figures they elected as their representatives. Colonial
officials continued to appoint caciques, mostly as tribute collectors, that commoners
often challenged as illegal. Commoners on their side increased their struggles alongside
their *segundas*, *jilacatas*, or *alcaldes*. For the commoners, this was a significant
transformation that gave them a sense of autonomy and political agency that explains
better their continuing struggles, involvement in revolts, the independence wars, and
further litigations and collective actions in the first half of the nineteenth century.

Concurrently, the late colonial altiplano communities had begun to express a
social division that often operated as their paradigm in order to identify their
adversaries. Commoners in their oral declarations and their written documents
frequently accused caciques and *principales*, as well as local creoles and Spanish elites,
of being part of the group of power that wanted to control their communities. “The
Spaniards and creoles want to dominate us, the miserable Indian nation,” stated
Paricagua in his complaint in defense of community lands. Also, most communities and their representatives knew that other communities in the region experienced similar challenges, and that some even fought against the same authorities or landed elites. The escalation of these contentions at times intensified animosity and antagonisms between Indians and non-Indian sectors. For instance, Walker argues that the violence worsened as the Tupac Amaru rebellion shifted from Cuzco toward the altiplano region—with less colonial state and church presence—and the dichotomy between Europeans (also creoles) and Indians became more radical.

Beyond the legal distinction between república de Indios and república de Españoles, there was the emergence of a distinct late colonial social division. Misha Kokotovic, a literary scholar on the Andes, recognizes a colonial divide still present in the literature of twentieth century Peru. He argues that

Rather than a rigid boundary between two clearly demarcated social groups, ...the colonial divide in Peru has taken the form of hierarchical opposition between two poles, indigenous Andean and criollo-Western, in which the former is negatively valued and the later positively. Between these two poles extends a continuum along which individuals and groups position themselves

15 “Comunidad de Cabanilla contra Bartolome Calisaya,” Archivo Regional de Puno (hereafter ARP), Sección Intendencia (SI) caja 02, [1806]. Folio 1v. “Estos criollos y españoles quieren dominar a la miserable nacion de indios.”

and/or are located by others according to context. Such positioning is an integral part of a struggle for power, since cultural (or ethnic, or racial) superiority is asserted by reference to another individual or group’s greater relative proximity to the indigenous Andean pole of the continuum, which marks them as inferior.  

Indeed, late colonial altiplano commoners considered creoles and Spaniards, hierarchically positioned above them, as attempting to encroach on the miserable Indians’ possessions. Hence, commoners’ litigation and other sources reveal not only the contemporary legal discourse, but also a political positioning of the subaltern rural sectors against the mostly urban landed elites, colonial officials, and other sectors they loosely termed “mandones.” Thus, in this study I refer to the opposition of the altiplano commoners against the elite sectors not in the modern sense of class divide rather as a contemporary social positioning between the opposed poles of the “civilized” mostly urban Spanish sector against the “uncivilized” rural ordinary commoners. It is in this context that some indios principales and alcalde de Indios that were not precisely “ordinary” Indians participated with and represented the commoners, because they positioned themselves opposed to caciques and other urban adversaries, therefore closer to el comun. This intra-community growing unification of collective views around community resources may also help to explain why decades later during the independence wars some of these communities supported loyalist forces against

17 See Misha Kokotovic, The Colonial Divide in Peruvian Narrative, Social Conflict and Transculturati,
“foreign” liberation troops, as Mark Thurner has argued. Before jumping ahead, however, we will review the history of the people, their roles and interactions against an evolving conjuncture generated by government policies, community political transformations, the massive indigenous insurrections, and their long lasting aftermath.

1.2 Colonial Caciques

The late colonial altiplano communities experienced a complex process of internal transformations. Since pre-colonial times the figure of the kuraka, ancient ethnic lord, better known as cacique during the colonial period, played a predominant role. Faced with the Spanish invasion, some caciques attempted organized resistance. However, leaders of ethnic groups recently conquered by or at odds with the Inca state allied with and helped the Spanish conquistadores. While ancient kurakas tended to portray themselves as the carriers of the Andean community soul rather than just political authorities, they were a mix of contentious characters. As Susan Ramirez

18 See Mark Thurner, From Two Republics to One Divided: Contradictions of Postcolonial Nationmaking in Andean Peru (Duke 1997): 4. “Andean Indians sometimes supported loyalist forces in the fight against the “foreign” troops of Jose de San Martin of Argentina (who fought his way up the coast from Chile) and Bolivar (who marched down the Andean cordillera from Venezuela and Colombia). See also Campbell, ”Ideology and Factionalism During the Great Rebellion 1780-1782;” and Cecilia Mendez, The Plebeian Republic: The Huanta Rebellion and the Making of the Peruvian State. (Durham: Duke University Press, 2005).

stated, they were often considered *dueños de indios*, rulers over the life of their subjects.\(^{20}\) The ubiquitous cacique played a contentious role and the success of the colonial regime “in order to subordinate Andean interests to those of the Spaniards,” as asserted by Sabine MacCormack, was possible in great part to the control over the caciques.\(^{21}\) However, colonial policies and demands were not the only concerns for colonial caciques; intra-community contentions and their own interests were also at play. John Murra, one of the pioneers studying the structures and functions of the Indigenous communities in the Andes, asserted that caciques were the paramount lords of the communities but also the engine of a complex system of “reciprocity and redistribution.”\(^{22}\) Essentially, the cacique as the head of the community was assumed to be the community authority in charge of the organization of labor, collection of tribute, and distribution of lands. The colonial caciques mostly perceived themselves as


\(^{22}\) Murra, John V. *Formaciones economicas y politicas del mundo andino* (Lima: IEP 1975), see especially chapters 1, 3, and 7.
aristocratic figures with privileges of nobility that they argued belonged to them from time immemorial.

Nonetheless, the central and southern highland pre-colonial and colonial caciques were complicated figures of authority in constant redefinition. The indigenous chronicler Guaman Poma depicted kurakas as having a complex division of responsibilities from the village level up to the regional level.\(^{23}\) Parallel to them, Guaman Poma described the kamayoc, functionaries of the Inca state, with roles that apparently overlapped with those of the community kurakas. The late Maria Rostworowski, a prominent ethnohistorian of the Andes, shows that pre-colonial kurakas were part of a multilayered system of native chieftainship. In her study of these Indigenous authorities in the Peruvian northern coast, she demonstrated that each village-kuraka had an assistant or segunda, and at provincial level there existed two kurakas, each of them ruling one half (hanan and hurin), the upper and lower half, and both kurakas had their own segundas.\(^{24}\) David Cahill, one of the most insightful historians on the subject, clarified this complex picture, convincingly showing that the mixture of indigenous authorities was a result of the juxtaposition of Inca state officials upon the ethnic


community-authorities.²⁵ Cahill distinguishes the main two layers of authorities in place under the Inca rule; the decimal system based *kamayocs* as Inca-system hierarchical officials, and kurakas as local ethnic chiefs. The former disintegrated at the collapse of the Inca regime as a result of the Spanish invasion while the latter remained, reformed under colonial rule.

Scholars documented that caciques under colonial rule experienced a complex process of conversion and accommodation.²⁶ Colonial caciques were at the contact zone. Communities, on the one hand, expected them to provide protection and better conditions of life; the colonial regime, on the other hand, expected to see its revenues increased from orderly controlled subjects. Cahill asserts that colonial caciques under such pressure “rarely satisfied either their communities or the colonial officials to whom they reported.”²⁷ Early colonial documents such as the *visitas* (census-style inspections) in Chucuito and Huanuco reveal how many caciques initially resisted the colonial regime’s intervention and attempted to curb the political and fiscal effects on their

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²⁷ David Cahill, “The Long Conquest:” 85. See also a similar argument of Karen Powers, “the successful colonial cacique legitimized his authority in both the Spanish and Indian spheres by simultaneously satisfying two sets of criteria. A colonial cacique’s power rested on his ability to fulfill contracts with both the colonial regime and the community by promptly provisioning tribute and labor, on the one hand, and by efficiently administering his people’s work and resources and ensuring their good treatment, on the other” quoted in Graubart, *With Our Labor and Sweat: Indigenous Women and the Formation of Colonial Society, Peru 1550-1700* (Stanford: Stanford University Press, 2007): 167.
Along the way, however, under mounting pressure from the regime and the threat of losing their privileges of nobility, most caciques accommodated and converted into colonial agents. Caciques, as Karen Spalding demonstrated, were expert litigants; they used colonial laws and diverse strategies at hand in order to gain access to social mobility in the colonial society. Thus, although colonial caciques continued to oversee community labor and the distribution of lands, their primary job was the collection of tribute. The colonial regime in return promised them an annual salary and maintained some of their privileges of nobility. As Cahill argues, during the next two centuries after the conquest, an intricate process of accommodations between native authorities and colonial political intervention facilitated the endurance of a relative *pax hispana*.

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29 For instance how the Kurakas of Jauja in 1555 presented a “probanza de servicios,” also the 1560 process of don Francisco Guacra Paucar petition for an encomienda. Similarly, don Diego Caqui of Tacna in 1588, and the cacique of Pomata in 1628. They all increased their efforts to expand their possessions, often beyond the limits of their communities. See them in Franklin Pease, *Curacas, reciprocidad y riqueza*.

30 Karen Spalding. “Social Climbers: Changing Patterns of mobility among the Indians of Colonial Peru” in *HAHR* 50:4 (1970) 645-664; see also the ways in which caciques used their connections and often walked in and out of the Spanish society in order to gain social rank, in Sergio Serulnikov “Customs and Rules: Bourbon Rationalizing Projects and Social Conflicts in Northern Potosí during the 1770s” in *CLAR*, 8:2 (1999) 245-74. See also the classic works of Maria Rostworowski, *Curacas y sucesiones, Costa norte*, Lima (1961); and Franklin Pease, “Curacas coloniales, riqueza y actitudes.” VII Simposio CLACSO.

By the eighteenth century, however, the position of the cacique in the Andes was deeply eroded. Most scholars agree that the Bourbon Reforms, the massive Andean insurrections, and the increasing colonial intervention on the appointment of the cacique were fundamental factors in the weakening and eventual elimination of the cacique office. According to O’Phelan the delegitimizing of the caciques occurred in the eighteenth century primarily as a result of colonial state’s appointment of “caciques intrusos” and the massive indigenous insurrections. Cahill argues that the fiscal imperative was the most pressing issue in the colonial regime’s decision to intervene and undermine the office of the cacique. However, despite its debilitated condition, in the late colonial altiplano, the office of the cacique continued to attract poor creoles and Spaniards as it offered them opportunities to access free indigenous labor and lands. After Tupac Amaru’s rebellion, reveals Cahill, even some priests were appointed

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33 The late colonial increasing appointment in the office of cacique of non-indigenous individuals, mostly creoles, mestizos, Spaniards, and some natives who were not considered related to the cacique families, were referred as “caciques intrusos.”


35 See Cahill, “The Long Conquest:” 113. Cahill basically echoes O’Phelan’s earlier suggestions about the late colonial roles of the office of the cacique. See O’Phelan, Kurakas sin sucesiones: 28
as caciques, competing with *criollos* and Spaniards.\(^{36}\) Most of these factors, although important, focus mainly on external interventions in the cacique office, while more internal dynamics at the community level are less studied.

Similarly, scholars who examined the Andean communities’ intra-communal conflicts and ideological views were primarily interested in explaining the massive late colonial insurrections and less the cacique and community relations.\(^{37}\) Therefore rather obscurely, in the midst of the late colonial convulsive events, the cacique figure appears in decline. As Sinclair Thomson writes, when the late colonial massive indigenous insulation arose, caciques are but largely absent.\(^{38}\) Most of these scholars have led us to believe that the primary force that undermined and eventually eliminated the office of the cacique was the colonial government. Concurrently, they assumed that it was after independence that the national authorities such as Bolívar officially eliminated the office.\(^{39}\) Therefore the dominant assumption had been that the late colonial

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\(^{36}\) Cahill refers to the cura of Marcapata who comes to light in an 1811 legal case, as the cacique of two communities, and his brother-in-law was cacique of other two towns. See “The Long Conquest:” 117.


\(^{38}\) Thomson, *We Alone Will Rule*; Sala I Vila, *Se armo el tole tole*; and O’Phelan, *Kurakas sin sucesiones*.

\(^{39}\) O’Phelan and others argue that while caciques were decimated in late colonial period it was the Bolívar’s decree in 1824 that finally eliminated the cacicazgo. See O’Phelan, *Kurakas sin sucesiones*: 63?
government’s fiscal anxiety and the local elite’s own interests ultimately undermined the cacique as political figure.

While interventions from the colonial government and interested local elites in the cacique office was evident, the systematic efforts of commoners in undermining caciques’ legitimacy from below are largely overlooked. Caciques, for most of the colonial period, attempted to maintain their role as intermediaries between the colonial government and the commoners. Both the commoners and the cacique often times negotiated the delicate balance between commoners’ expectations of defense and protection from external and internal forces and caciques’ legitimacy. However, the increasing process of acculturation of indigenous caciques into Spanish ways, the appointment of *caciques intrusos*, and the complex late colonial conjuncture, resulted in a late colonial cacique figure with the main role of imposing colonial demands rather than accommodating community expectations.40 Thus, commoners sought and generated alternatives that began to replace the whole office of *cacicazgo* rather than just the individuals in office.

This study demonstrates that altiplano commoners, knowing the caciques’ shortcomings, gradually undermined and replaced the cacique office as a whole. Hence, I will examine closely the main factors and processes that explain the decline and fall of the cacical office as a result of conscious political action from below rather than just

external and top-down colonial or national policies. Studies that emphasize the importance of elite figures and prominent events of the era tend to ignore the less prominent commoners’ struggles at the community level, and most importantly, the process of replacing the caciques with alternative figures of authority. In the process, I will also demonstrate that the erasure of caciques did not eliminate community politics, as previously assumed; in the contrary it allowed a process of political transformation from below.

1.3 Secondary Figures of Authority

The cacique was certainly not the only figure of authority in the Indigenous community. There were different tiers of offices performed by different members of the community. The principales, along with the caciques, claimed descent from indigenous nobility and former cacique families, and were often perceived by the community as elders with responsibilities of instructing and counseling the young, as Guaman Poma had described them. Below the caciques and principales there was a group of secondary indigenous authorities called segundas, jilacatas, and some church assistants. Segundas or jilacatas (in Aymara) were assistants to the caciques, often hand-picked by caciques but also increasingly in the late colonial era gained the position after completing mita service in Potosí or other community roles. Both the segunda and the jilacata assisted caciques in the collection of tribute, organization of labor, and other

41 See Spalding, Huarochiri: 32-33. She cites Guaman Poma’s descriptions of the indios principales (or principales, in short) defined by contemporary Spaniards as “[Chiefs] of lesser degree.”
everyday business. Alongside them, although different from place to place, there were a
host of temporary officials such as *alguaciles, cantores, sacristan*, and other assistants to
the priests, more likely performed by tribute-paying indigenous commoners.

In the altiplano communities, as in most of the colonial Andes, the *alcalde de
indios*, or *varayoc*, was also a regular secondary authority. 42 This office was introduced in
the Andes in the sixteenth century as the head of the Spanish-style indigenous village’s
governing council or *cabildo indigena*43. Viceroy Francisco de Toledo, often credited as
the reorganizer of the early Peruvian viceroyalty, urged the implementation of the royal
orders about the *reducciones*, in order to congregate the scattered indigenous *ayllus*
into Spanish style villages for the “*conservación, doctrina, gobierno y policia de los
naturales*.”44 In 1572 Viceroy Toledo ordered that

[T]he investigations of indigenous litigations, both in civil and criminal
cases, are better determined by the *alcaldes de Indios naturales*; because [they]
have more knowledge on these things and tend to listen better to what
everyone has to say; and because the majority of their litigations are of minor
value. It is ordered that an *alcalde de Indios* must attend weekly the house of the
*juez de naturales* (a Spanish town council member elected as judge for Indian

42 The hybrid word *varayoc*, is a composite of the Spanish word *vara*, meaning staff, with the
Quechua suffix yuc (or, yuq) meaning: the one that bears or owns. So, literally the contemporary meaning
of the word *varayoc* was the “bearer of the vara” (of justice).

43 See Real Cedula de 28-XII-1568. Archivo General de la Indias (AGI), cited by Alejandro Málaga
171; on the Cabildo Indigena see Ann Zulawski, *They Eat from Their Labor, Work and Social Change in

44 “Protection, doctrina, governance, and control of the naturales” see Real Cedula de 28-XII-
1568. AGI, cited by Málaga Medina, “Aspecto urbano de las reducciones toledanas” in *Revista de Historia
de America*, No. 88 (Jul.-Dec., 1979): 171
affairs), in order to carry out the investigations and provide reasons to the said judge in order for him to determine the cases in the most convenient manner. 45 The juez de naturales, with the assistance of the varayoc, were to handle legal cases summarily on issues involving less than twenty pesos, without a written record.

Appeals had to be made orally to the Corregidor de Indios and other justices. 46 Although these earlier orders were revised by Toledo himself and later by other colonial officials, and constantly adapted by the individuals in office in each village, varayocs in the altiplano remained mostly as judges of first instance under the jurisdiction of Spanish cabildos. 47 Unlike Spalding’s findings in Huarochiri, the varayocs in the altiplano remained as secondary figures below the more prominent colonial cacique. 48 More recently, Karen Graubart has argued that the alcalde de Indios although apparently

45 See Francisco de Toledo, “Ordenanzas para los jueces de naturales” in Francisco de Toledo, Disposiciones gubernativas para el virreyenato del Perú 1569-1574. (Sevilla, 1986): 227. “Que las averiguaciones que se hacen entre los dichos indios naturales, así en las causas civiles y criminales, se verifica mas bastantemente por los alcaldes indios naturales por tener mas conocimiento de las cosas y mas sufrimiento para escuchar a cada uno lo que dice, y por ser por la mayor parte los pleitos de poca sustancia e interes, se ordena y manda que en casa del dicho juez de naturales asista un alcalde de los dichos indios por semana para que, hechas las averiguaciones, dé razón al dicho juez e pueda determinar la dicha causa con la satisfacción que conviene…”

46 Idem. 111. “‘Que en los pleitos de veinte pesos abajo ninguna cosa se escriba sobre ellos, de demanda, de respuesta, ni de probanzas, sino las partesarezcan ante el alcalde de indios… y de palabra le informen de su derecho... el juez mande lo que se ha de hacer…”

47 Spalding explains how Toledo’s initial introduction of ordinances about the responsibilities of the alcalde de indios changed over time, by royal orders and the subsequent changes pursued by the alcaldes themselves, litigating for instance in order to be exempted from tribute rosters. See Spalding, “Social Climbers:” 565, see also her more detailed discussion of the role of the Alcalde Indígena: 209-218.

48 Spalding argues that in Huarochiri, the power and duties of the alcalde de Indios overlapped or even replaced that of the caciques. “The alcalde supervised the distribution of village lands and the conduct of the villages together with the kuraka, whose function this has been prior to the Spanish conquest.” See Karen Spalding, “Social Climbers: Changing Patterns of Mobility among the Indians of Colonial Peru,” in The Hispanic American Review, Vol. 50. No. 04 (Nov., 1970): 656. See also O’Phelan, Kurakas sin sucesiones; Sala I Vila, Se armo el tole tole; Cahill, The Long Conquest; Thurner, From Two Republics to One Divided: Contradictions of Postcolonial Nationmaking in Andean Peru, (Duke: Duke University Press, 1997).
“invisible in the legal documentation, was both real and meaningful to the men and women subject to it.”

Indeed, *alcaldes de Indios* in mid eighteenth century reemerged, among others, as a community authority alternative to that of the cacique. In the midst of the contentious political landscape, in which altiplano communities increasingly questioned and challenged cacique authority, *alcaldes* were one of the secondary authority figures that acquired relevance. They appeared with increasing standing in communities’ struggles, often speaking and writing complaints on behalf of the community, and sometimes carrying out certain tasks that were previously caciques’ responsibilities. Alongside the *alcalde de Indios* the formerly secondary figures of the *segundas*, *jilacatas*, and even some ordinary tributary Indians appeared taking leadership roles.

Beginning around the mid-eighteenth century, commoners in the altiplano gave increasing support to these former secondary figures of authority. They were considered as alternative intermediaries for their interactions with local authorities and the colonial government. In some communities the *alcalde de indios*, the *segundas*, and *jilacatas*, together appeared leading the struggles of altiplano communities against

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50 Also, most of the late colonial archival records in the altiplano region rendered the title as *Alcalde de Indios* rather than *Varayoc*, as it appears to have been the preference in the early colonial discourse. In this work I follow the late colonial convention of using *Alcalde de Indios*, or simply *alcalde* for short, unless when there is need to distinguish it from the contemporary Mayor of Spanish towns or *Alcalde de Españoles*; or when sources specifically use the term *varayoc*.

51 The *alcalde de Indios* regained importance in late-colonial era as observed by, O’Phelan, *Kurakas sin sucesiones*; Cahill, “The Long Conquest;” Sala I Vila, *Y se armo el tole tole*; and Thurner, *From Two Republics*. 
allegedly abusive caciques and other local colonial officials.\textsuperscript{52} Similarly, although different from place to place, they collected the tribute from their commoners and organized the defense of community lands. In the aftermath of the indigenous insurrections of 1780, in some places they were officially ordered by government officials to carry out the collection of tribute.\textsuperscript{53} Thus, the re-emergence of the \textit{alcaldes}, \textit{segundas}, and \textit{jilacatas}, leading community struggles from around mid-eighteenth century is one of the visible forms in which altiplano commoners reinvented community politics from below.

Finally, the eventual erasure of the caciques and the series of government measures in the aftermath of the insurrections were often perceived as a decapitation of community politics.\textsuperscript{54} A closer examination of the political process at the community level, however, shows a rather more complex process of collective engagement and political reinvention in motion. This explains in part the growth of resistance against the mounting attacks on community possessions in the late colonial and early national era, as well as their endurance as a social sector today. In the late colonial altiplano, local creole, indigenous elites, and colonial authorities, either individually or in association with their peers, carried out a massive assault on the indigenous community lands and

\textsuperscript{52} See Serulnikov, Sergio, \textit{Subverting Colonial Authority}: 20, where he discusses the diverse forms through which indigenous communities in northern Potosi, led by their jilacatas and other secondary figures, effectively removed, replaced, and challenged the cacique authority.

\textsuperscript{53} “Que los alcaldes de cada doctrina sean los recaudadores de los reales tributos.” (AGI, Derecho Indigena, C604. 1805) cited by O’Phelan, \textit{Kurakas sin sucesiones}: 50.

\textsuperscript{54} See Cahill, “The Long Conquest:” 118.
possessions. As Cahill asserted, the elimination of the office of the cacique at the wake of the independence was part of “a process so detrimental to indigenous communities that the century after Independence was perhaps even more exploitative than the Bourbon century that preceded it.”55 The altiplano communities faced a massive attack from the elite sectors, “a revolution from the rich against the poor,” to use Karl Polanyi’s characterization of eighteenth century England.56 Another influential factor in the transition to the republican regime was the elimination of the colonial justice system that, as Ward Stavig wrote, was one of the most consistent means of communal defense.57 While the encroachments on community lands were massive, communities organized equally massive and persistent efforts in defense and were remarkably successful. The immense amount of litigation documents and similar archival records that survived and are housed in the numerous, large and small, colonial archives are a testimony to this process.

1.4 Significance of the Study

This study contributes to a better understanding of the political participation of altiplano communities in late colonial and early national Andean society. The main

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55 Cahill, “The Long Conquest:” 124. See also, Abercrombie, Pathways of Memory and Power: 304. Abercrombie writes that “creoles or whites sought to ‘civilize’ the Indians...” a process from liberalism to ethnocide.


subjects of this study are the late colonial altiplano commoners and the remarkable process of their struggles and litigations in search of what they considered justice. The actions they carried in the legal courts and around them formed the basis of their collective political participation that transformed their politics and shaped their context. Scholars have examined late colonial Andes extensively, primarily by analyzing the massive indigenous movements also known as the “Age of Andean Insurrections” in the second half of eighteenth century. These studies have explained the insurrections from two main approaches, structural changes that emphasize the importance of economic factors and an approach that favor native ideologies as main factor. These two approaches developed fundamental theoretical frameworks to explain why, when, and how people decided to rebel. Nonetheless, the emphasis on the prominent events and its immediate causes obscured the less prominent and often seemingly contradictory transformations at the community level that had significance in the long term.

The approach that emphasizes the structural changes as driving factor for the rebellions has tended to emphasize that the Bourbon government’s ruthless

58 Other interesting approaches although frequently overlapping with the economic and ideological stand points are, as suggested by Steve Stern, geographical, time frame, and ethnic units of analysis. See Stern, “New approaches to the study of Peasant Rebellion and Consciousness: Implications of the Andean Experiences,” in Resistance, Rebellion, and Consciousness: 9-10. A fundamental work on the economic transformations on the altiplano region is that of Nils Jacobsen, Mirages of Transition, the Peruvian Altiplano, 1780-1930, (Berkeley: University of California Press, 1993).

59 An earlier group of scholars that examined the insurrections argued that these insurrections were precursors of the independence movements. While influential for their time later studies have developed significantly more definitive arguments. See, Lillian Fisher, The Last Inca Revolt, 1780-1783, (Oklahoma, University of Oklahoma Press, 1966); Boleslaw Lewin, “La rebellion de Túpac Amaru y los orígenes de la emancipacion Americana (Buenos Aires: Nueva Collectión Clio, 1957). Carlos Daniel Valcarcel, La rebellion de Tupac Amaru (Mexico: Fondo de Cultura Economica, 1947).
enforcement of fiscal pressure, along with local conflicts over power, had an almost predictable effect on Andean peasant communities. Scholars within this approach, such as O’Phelan, Stavig, J. Fisher, and Sala I Vila, have often analyzed Andean communities’ uprisings in terms of a “moral economy,” as discussed by E.P. Thompson and James C. Scott for European and Southeast Asian peasant movements in the eighteenth and nineteenth centuries. According to this approach the fundamental reason why rural peasants revolt, as Ward Stavig writes, is not so much for “how much they were asked to pay,” but more for “how much is left to them for survival.” This approach has revealed compelling data about the drastic increases of fiscal and labor demands that colonial reformers enforced upon indigenous communities. It has also produced vivid accounts of the pervasive mechanisms of pressure and coercion that local authorities

60 Influential scholars who emphasize the economic reasoning as primary factors for Andean communities’ uprisings are Scarlett O’Phelan, La gran rebelion en los andes: de Tupac Amaru a Tupac Catari (Cuzco: Centro de Estudios Regionales Andinos ‘Bartolome de las Casas,’ 1995); also, --Un siglo de rebeliones anticoloniales, Perú y Bolivia 1700-1783 (Cuzco, Perú: Centro de Estudios Rurales Andinos Bartolome de las Casas, 1985); and --El Peru en el siglo XVIII, la era borbonica (Lima, Peru: PUCP, 1999); Lynch, The Spanish American Revolutions; Ward Stavig, The World of Tupac Amaru; Brooke Larson, Cochabamba, 1550-1900, 2nd edition (Durham: Duke University Press, 1998), Nuria Sala I Vila, Se armo el tole tole, tributo indígena y movimientos sociales en el Virreynta del Peru, 17840-1814. (Ayacucho, Peru: Instituto de Estudios Regionales, Jose Maria Arguedas, 1996); For earlier and instructive works see Jurgen Golte, La Racionalidad de la organizacion andina, (Lima: IEP, 1980); Joseph Perez, Los movimientos precursores de la emancipacion en hispanoamerica, (Madrid, 1979). He argues that the indigenous communities and popular sectors’ mass movements in late colonial Spanish America were influenced mainly by economic pressure and that they can be divided into two different waves. First, that the movements before 1760 were composed primarily of urban popular and mestizo sectors, and the second after 1760 mainly by rural indigenous movements.

and elites used, individually and often in alliance with other local powers. As such, this approach recounts the decline and fall of caciques in the midst of conflicts generated by enforcing harder state demands and inevitable disputes over the economic and political control of their communities. Finally, scholars emphasizing the economic factors have contributed to our understanding of conditions in the larger late colonial Spanish America by describing the continental effects of the Bourbon Reforms as the “second conquest of America,” in the words of David Brading, in his analysis of colonial New Spain.62

The second approach to the rebellions has emphasized that the Andean indigenous communities engaged in the insurrections because of a combination of native ideological and millenarian views. Scholars taking this path have asserted that the indigenous communities envisioned their success as carrying out transformations ranging from obtaining local autonomy to millenarian views of turning of the world upside down and reestablishing an ancient harmonious Andean world. These scholars—most famously John Rowe and Alberto Flores Galindo—have argued convincingly, although to varying degrees, that many late colonial Andean indigenous mobilizations shared a millenarian view of the return of the Incarrí (Inca king) or the emergence of a neo-Inca figure.63 They have argued that while these views remained in the imagination


63 See the classic article of John Rowe, “El movimiento nacional Inca del siglo XVIII,” in Revista Universitaria 107 (Cuzco, 1954): 17-47. Rowe coined the term “Inca nationalism” stating that in the eighteenth century, the Indian society envisioned not only a clear Inca ideology but also, concrete
of Andeans since the Spanish conquest, by the eighteenth century, it had become a significant political force that facilitated inter-ethnic alliances among native Andeans, mestizos, and creole sectors. Leaders of the late colonial movements from Juan Santos Atahualpa (1742) to Tupac Amaru (1780), including some mestizo elites who alleged Inca ancestry, are said to have portrayed themselves as the returning Inca king.64 Scholars from this approach have argued that while ideology was a primary force in these mobilizations, fiscal pressure, and stress of Spanish superiority were contributing factors that both facilitated and complicated subaltern inter-ethnic alliances.

Concurrently, they suggest that it was during this time when creole sectors began to imagine their place in the society, articulating the basis of a “creole patriotism.”65 These material forms of nationalism recognizable in dress, art, religious rituals, and textiles. For the discussion of the millenarian views of the eighteenth century indigenous political movements, see, Flores Galindo, “In search of an Inca;” also Stern, “The Age of Andean Insurrection, 1742-1782: A Reappraisal,” in Resistance, Rebellion, and Consciousness: 34. For a discussion of a neo-Inca ideology as basis for a eighteenth century Inca nationalism, see also Leon G. Campbell, “Ideology and Fractionalism During the Great Rebellion 1780-1782,” in Resistance, Rebellion, and Consciousness.

64 Influential studies on this approach are those of Alberto Flores Galindo, Buscando un Inca: identidad y utopia en los Andes, (Lima: 1986); or, its recently published English version as In Search of an Inca: Identity and Utopia in the Andes. Aguirre et all. (NY: Cambridge University Press, 2010); Jan Szeminsky, “Why Kill a Spaniard? New Perspectives on Andean Insurrectionary Ideology in the 18th Century” in Resistance, Rebellion, and Consciousness; Leon Campbell, “Ideology and Fractionalism during the Great Rebellion, 1780-1782” in Resistance, Rebellion, and Consciousness; In a similar vein yet, with interesting differences on region and ideology see the articles of Frank Salomon, Magnus Morner, and Efrain Trelles in Resistance, Rebellion, and Consciousness; See also Francisco Morales Padron, “America hispana, hasta la creación de nuevas naciones” in Historia de España Vol. 14 (1986). Where he argues that the indigenous movements of the first half of the eighteenth century are primarily result of economic factors and those in the second half of the century are motivated by ideological factors and ideas of independence.

scholars assert that although these views were a departure from the native millenarian views, creoles assumed that their views encompassed indigenous sectors under a creole directorate. While this approach argues that the ideological and political views were forces strong enough to mobilize the indigenous and popular sectors in the Andes, they also consider the need for a more comprehensive examination. For example, Steve Stern has argued for a deeper, multilevel, and comprehensive approach in order to understand “peasant” unrest in general beyond the Andean insurrections. These two prominent and overlapping approaches, the economic and ideological, have laid the foundation for the study of indigenous communities and popular sectors’ political engagement in late colonial Andes, and therefore have directed the historiography on the subject.

More recently, however, a new scholarship drawing from interdisciplinary views of ethnohistory, anthropology, and social history has demanded closer attention to local and intra-community circumstances. These inquiries examine more closely the world


66 For a crucial discussion and arguments of new emphasis in the late colonial Andean “peasants” mobilizations see edited volume of Steve Stern, Resistance, Rebellion, and Consciousness. This includes an interesting critique of the “temptation of cause-effect focus” that some scholars emphasize during the “Age of the Andean Insurrections.” In “The Reappraisal”, in Resistance, Rebellion, and Consciousness; also earlier classic works on the subject include John Rowe, “El movimiento nacional Inca del siglo XVIII,” in Revista Universitaria 107 (Cuzco, 1954): 17-47; and Flores Galindo, (Ed.) Tupac Amaru II, sociedad colonial y sublevaciones populares. (Lima, 1976).

67 Significant contributions in this direction are those of Ward Stavig’s The World of Tupac Amaru in which he although considered economic reasons as important, devoted close attention to the complex social context of the communities where the rebellion of Tupac Amaru II occurred, beyond the military
of the Andean commoners, with primary focus on the issues that preoccupied them in their everyday existence. By focusing primarily on the processes at the community level rather than the prominent events and the elite sectors, this approach contributes to what the late Ward Stavig called “ground-up history.” Such studies place these community-level processes and events against the background of the long-term, offering a vision of not only the convulsive times during the violent revolts, but also the more “normal” times in which the different sectors of the society carried out their daily activities. Furthermore, these recent studies argued for a more nuanced political analysis on the views of the indigenous movements. For instance, Serulnikov who in his *Subverting Colonial Authority* had shown how rather ordinary Indians in Potosi built a powerful political movement, in his recent *Revolution in the Andes*, highlights how authorities in the longer term lost legitimacy. Thus, by locating and examining the history of the longer late colonial era, our inquiry allows room for the study of more diverse actors and dynamics that constituted the social context beyond the massive indigenous insurrections and the independence wars.

Still, even when examining the exceptional times of violent uprisings, the emphasis here is on the perceptions and participation of common people. For instance,

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68 See Ward Stavig, *The World of Tupac Amaru*: 38

69 See Serulnikov, *Subverting Colonial Authority*, and also the same author, *Revolution in the Andes*.
Charles Walker showed that in the midst of Tupac Amaru II’s insurrection, the commoners did not homogeneously side with the rebels or royalists as previously assumed. Walker argues that fear and military occupation were often what forced indigenous communities to act in one way or another.\textsuperscript{70} Thus, indigenous communities in the region were forced by the circumstance to support either side, some even on both sides alternatively, and otherwise many remained outside of the confrontations. This approach offers pathways for a finer analysis of how long-term political processes look in smaller regional settings.

The present study draws from the contributions of these scholars and incorporates some novel elements of analysis and interpretation. It follows in the footsteps of scholars who focussed on the role of the subaltern sectors and their political agency. This study examines altiplano commoners’ political views and practices by tracing the series of struggles and litigation movements in which they engaged; as well as their notions of justice, governance, and autonomy. Moving beyond the emphasis placed on the role of the caciques, this study examines closely the participation and significance of the more evasive ordinary commoner sector in the late colonial and early republican altiplano. From this perspective, the definitive role of external factors such as the government and the elite sectors’ in the decline and fall of caciques appear less certain. Instead, more diverse and seemingly contradictory actors and dynamics emerge, closer to the mass of tribute-paying indigenous commoners.

Concurrently, the emergence of more plebeian figures of authority, eventually replacing caciques, reveals that altiplano communities favored substitution of authorities from below rather than simply their elimination. Thus, the political agency of late colonial commoners appear as a more significant factor in the erasure of the caciques than considered before, beyond the process of “resistance and accommodation” suggested by Steve Stern. It shows that altiplano commoners slowly reinvented their polities and political practices in the midst of earth-shattering events that were assumed have ultimately erased indigenous communities as viable entities.

Concurrently, the collective participation of commoners facilitated alliances beyond community borders and produced a more inclusive discourse. The diverse and more plebeian figures leading large groups of commoners brought in some enduring elements of customary collective views, rhetoric, and practices, distinct to the more exclusive views and practices of the cacique. The archival documents reveal that caciques used primarily more individual rhetoric stressing their role as the authorities acting on behalf of their communities. The emerging diverse representatives such as alcaldes, jilacatas, segundas, and some ordinary tributary Indians, women and men, introduced more collective language into their oral declarations and legal documents. For instance, the expression en mi voz y en de todo el comun (on my behalf and on behalf of the entire community), or some variation of it, appeared in most late colonial community documents in order to stress their actual collective presence and claims.

Similarly, in their responses to complaints, authorities and local elites tended to address commoners as a collective group more frequently rather than as individuals. In
this process, this study also examines government’s and elites’ reports and communications in search of the “distorted image” of indigenous commoners who were often perceived as rebels, unruly masses, and idolatrous subjects.\textsuperscript{71} With this emphasis, this study engages in the ongoing efforts of scholars reviving the debate on the agency and significance of the subaltern sectors in late colonial and early national altiplano.\textsuperscript{72}

A close examination of archival records related to community struggles from 1700 to 1850 in the altiplano region shows that during this tumultuous era, altiplano communities carried out an exceptional process of reforms that have been little studied. These records show that altiplano commoners perceived that most of the increasing hardships they faced resulted from the colonial authorities’ failure at good governance, and the local elites’ excessive ambitions. Other conflicts that involved intra-familial and intra-community issues continued and often times complicated the conflicts with local elites and authorities. While some aspects of their participation appear to have followed forms of moral economy, as discussed by E.P. Thompson and James C. Scott, several other aspects appear more complex. For instance their criticisms about the shortcomings of the cacique involved not only cyclical conflicts over legitimacy and alleged failures in community protection but, more importantly, the communities

\textsuperscript{71} See Ranajit Guha’s fine method of examination of subaltern sectors’ presence and agency in official documents when read against the grain in Guha, \textit{Elementary Aspects of peasant Insurgency in Colonial India}. (Durham: Duke University Press, 1999).

\textsuperscript{72} Among the most suggestive works see Stavig, Ward, \textit{The World of Tupac Amaru: Conflict, Community, and Identity in Colonial Peru} (Nebraska, 1999); Thomson, Sinclair, \textit{We Alone Will Rule: Native Andean Politics in the Age of Insurgency} (Wisconsin, 2002); Cecilia Mendes \textit{The Plebeian Republic}; Bonilla, \textit{The Indian Peasantry}; Mallon, \textit{Peasant and Nation}; and Thurner, \textit{From Two Republics}. 
systematically accumulated legal records documenting what they perceived as unjust and abusive behavior. Therefore, commoners, in their petitions and litigations, consistently included assertions of how the perceived wrongdoings of the caciques could be remedied. Community dynamics though, were different from place to place; while some pressed for more radical options such as immediate removal or replacement of caciques, other experienced contradictory views. Regardless of the internal dynamics however, the tendency was the gradual undermining of the cacique’s legitimacy, and replacement with alternative community figures. This process, while obviously challenging the increasing colonial impositions favoring creole and Spanish community authorities, also demonstrated the communities’ endurance in their claims of local autonomy.

Furthermore, late colonial altiplano communities used complex forms of collective action, mastered the use of the colonial legal system, sought to reach out to the highest authorities, and were less inclined to force violent confrontation. While violent outbursts occurred when regular forms of resistance seemed exhausted, recourse to higher authorities via the legal system appeared the most common option, something reflected in the innumerable records of legal processes that continued after local revolts and throughout the massive 1780-82 insurrections. Therefore, the emphasis of this study on the larger view, beyond the prominent events of the insurrections, seeks to capture the prevalent elements of community struggles and the tendency of their political transformations. The slow-evolving late colonial community transformations did not fall into neat categories such as economics, cultural, or political
processes, rather they followed customary practices in which notions of rights from “time immemorial,” local autonomy, reciprocity, and expectations of benevolent government protection dominates. While this is primarily a regional study, the remarkable political dynamics that altiplano commoners developed, generating often alliances beyond community boundaries, in and around the overlapping jurisdictions of the colonial legal system, also contributes to a better understanding of the indigenous societies in the larger Andes.

1.5 The Altiplano in Transition

The geographical scope of this study is the large highland plateau located on top of the Southern Andes, most commonly known as the altiplano region. This was a frontier region inhabited mainly by Aymara and Quechua-speaking communities at the borders of the colonial centers of Cusco and Charcas. Despite language differences and some territorial disputes, the region had centuries of shared history as neighboring communities. Since pre-colonial times, these communities were amongst the most dynamic, densely populated, and influential in the Andes. This dissertation focuses particularly on the partidos of Carabaya, Lampa, Azangaro, Paucarcolla, mainly Quechua speaking communities located towards the west and northwest of the Titicaca Lake, and

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73 “[B]efore the Inka arrived in the Collao, the Aymara [people], distributed among numerous señoríos [Lupacas among them] were the dominant ethnic group from both the numerical and the political point of view.” Thérese Bouysse-Cassagne. “Urco and Uma: Aymara Concepts of space” in Anthropological History of Andean polities (Cambridge: University of Cambridge Press, 1986): 202. See Garci Diez de San Miguel, Visita hecha a la provincia de Chucuito por Garci Diez de San Miguel en año 1567, ed. John Murra (Lima, Peru, Casa de la Cultura del Peru, 1964); Julien, Catherine J. Toledo y Los Lupacas: Las Tasas de 1574 y 1579, Vol 23 (Bonner Amerikanistische Studien, 1993).
the Aymara-speaking *partidos* of Chucuito, Guancane, Pacajes, Omasuyos, and La Paz located around the rest of the Titicaca basin (see Map 1).
Map 1. Late-Colonial Altiplano
These communities organized under territorial units called partidos, were placed under the jurisdiction of a corregidor, a Spanish magistrate. One of the central reasons stated by Tupac Amaru II and Tupac Katari for their massive insurrections of 1780-1782 was that corregidores and their repartimientos, were the primary enemy of the native communities. After the insurrections were “pacified,” colonial authorities recognized those claims, eliminating the office of the corregidor, and creating the office of the intendencia. Intendants had a larger political division overseeing delegados and subdelegados at the provincial and district levels respectively. The altiplano communities during the intendencia period were divided into provinces and districts, a political division that continued through the national period.

The political division and the jurisdictions to which these communities, located at the border of the Audiencias of Lima and Charcas, belonged changed several times in

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74 The office of the corregidor, one of the colonial-long local level offices in the Andes, was introduced in Peru by Governor Garcia de Castro in 1565 in order to undermine and limit the power of the encomenderos. For an insightful examination of how corregidores functioned in the Andes at the village level see Noble David Cook, “The Corregidores of the Colca Valley, Peru: Imperial Administration in an Andean Region” in Anuario de estudios americanos, Vol. 60 No. 2 (2003): 153. For a classic work see Guillermo Lohmann Villena, El corregidor de indios en el Peru bajo los Austrias (Madrid, 1957). An earlier unique scholarly piece is of course that of C. E. Castañeda, “The Corregidor In Spanish Colonial Administration” in The Hispanic American Historical Review, Vol. 9, No.4 (Nov., 1929): 446-470. The office of the corregidor was used in late medieval Spain and with some adaptations was implemented in its imperial possessions. For the Spanish version of corregidores see Benjamin Gonzales Alonso, El Corregidor Castellano, 1348 – 1808 (Madrid, Instituto de Estudios Administrativos, 1970).

75 As a result of the massive indigenous movements in 1780-81 that named corregidores as one of the most resented authorities, the colonial government decided to eliminate the corregimiento office and in its place created the intendencia office in 1782. The Intendencia, however, was a higher post with a larger territorial control. The former Corregimiento level office was designated as Subdelegacion. A delegacion had a number of subdelegaciones, with officers designated as subdelegados, under its control. See the classic works on the Intendant system in Spanish America by Lillian E. Fisher, The Intendant System in Spanish America, (Berkeley, 1929). See also John Fisher, Government and Society in Colonial Peru, The Intendant System, 1784- 1814 (London, 1970).
the late colonial period. Most corregimientos of the altiplano communities were part of the Royal Audiencia of Charcas, an administrative subdivision of the Viceroyalty of Peru. In 1776 the Royal Audiencia of Charcas, including the altiplano communities, was transferred to the recently created Viceroyalty of Río de la Plata with its capital in Buenos Aires. The Spanish crown created the Viceroyalty of Río de la Plata in order to prevent Portugal from entering further in their disputed territory and also to organize its economic feasibility. After the turmoil created by Napoleon’s invasion of Spain in 1808, the creation of juntas, and the subsequent spread of liberal ideas calling for independence that initiated in Buenos Aires, the Viceroy of Peru in Lima decided to return the control of Charcas to the viceroyalty of Peru. These official changes might have not affected everyday life in the altiplano communities until months after being implemented, however, the news about them was known because their legal documents were updated rather promptly. The altiplano communities were located faraway from the influential colonial centers of Cusco, Lima, and Charcas, yet, they were on the crossroads of these centers. The former made the region to remain less centrally

76 See the close examination of José de Gálvez, a influential Bourbon Reformer, who after two decades of suggesting territorial and administrative reforms in Spain’s American possessions, is finally appointed as Ministro de Indias and able to push for his desired changes. See it in John Fisher, *Government and Society in Colonial Peru*: 18.


controlled and the latter appears to have facilitated that people, goods, communications, and rumors that circulated among them often generated unexpected outcomes.

The time period of this study covers roughly a century, 1750 to 1850. It begins when the effects of the Bourbon Reforms are first experienced in the altiplano, most notably the legalization of the repartimiento de mercancias system in 1756. It ends in the 1850s when the new Peruvian republic begun to articulate more stable national policies, shifting their economic dependence from tributo indígena towards a guano revenue economy. At this point the republican government’s interests shifted away from the altiplano communities and indigenous communities in general, only to return sporadically during the War of the Pacific in the late nineteenth century and especially with the indigenismo debates in the early twentieth century. The altiplano communities on the Bolivian side largely shared the history of those on the Peruvian

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80 See Bonilla’s, a historian on nineteenth century Peruvian economy, explanation of this shift and the importance for the national economy. Heraclio Bonilla, Guano y burguesia en el Peru (Lima: IEP, 1984). Also, Cahill, From Rebellion to Independence: 166.

81 For the most comprehensive and energetic analysis of the views on the “Indian problem” in early twentieth century, see José Carlos Mariátegui, Siete ensayos de interpretacion de la realidad Peruana (Venezuela: Biblioteca Ayacucho, 2007); Luis E. Valcarcel, Del ayllu al imperio (Lima-Peru, 1925); and some author, Tempestad en los Andes (Lima Peru, 1972); For a pioneering essay on the “Indian Question” based on an debate between Mariategui, Valcarcel, Pedro Zulen, Victor Raul Haya de la Torre, to name some, see Manuel Gonzales Prada, “Nuestros Indios” in Páginas libres, horas de lucha, (Madrid, Spain, 1915): 332.
side in the 19th century, enduring the turmoil of the Confederación Peru-Boliviana and the conflictive establishment of the national borders.\footnote{About the contentious separation of the former Alto Peru (most of current Bolivia) and Peru, that divided a centuries long cultural and economic vibrant altiplano region in two and its effects in the local communities see Jorge Basadre, “Reconsideraciones sobre el problema historico de la confederacion Peru-Bolivia” in Revista de Historia de America, No. 83 (Jan. – Jun., 1977); 93-119; also Alejandro Rey de Castro Arena, Republicanismo, nacion y democracia: La modernidad politica en el Peru, 1821-1846, (Lima, Peru, 2010): 311. Basadre argued that politico-military factors weighed more than the geographic-economic factors for the strongmen leading the politics of the time namely: Agustin Gamarra, and Santa Cruz. Rey de Castro depicts Gamarra as the epitome of a “politica caudillesca” centered on his personal interest for power that shifted from celebrating Bolivar’s Peruvian constitution and just few months after calling Bolivar “usurpador.” However, Rey de Castro asserts that Gamarra was the dominant caudillo in Peru from 1927 and 1941 and with his dead in the Batalla de Ingavi, provoked the final separation of Bolivia from Peru.}

The transition from the colonial to the republican era was tumultuous with complex consequences for the altiplano societies.\footnote{For an extensive examination of these transition see Charles Walker, Smoldering Ashes: Cuzco and the Creation of the Republican Peru, 1780-1840. (Durham: Duke University Press, 1999). Also Sarah Chambers, From Subjects to Citizens, Honor, Gender, and Politics in Arequipa Peru, 1780-1854. (Penn State Press, 1999).} Around the mid-eighteenth century the long-contained discontent of indigenous communities and popular sectors with the colonial regime began to erupt in confrontations throughout the Andes. Most scholars agree that the communities in the altiplano were perhaps the most dynamic and radical in their actions.\footnote{See the collection of articles that examine the “age of the Andean Insurrections” form diverse perspectives in, Stern, Resistance, Rebellion, and Consciousness.} Beyond Tupac Amaru II’s and Tupac Katari’s movements crowning the “Age of Andean Insurrections,” the communities in this region continued their struggles against outside intervention well into the republican era. The factors that contributed to this process were complex and multilayered with varying effects from place to place.
Thus, the Bourbon Reforms, the massive indigenous insurrections, and the local conflicts for power constitute the backdrop of this study.

1.6 The Late Colonial Altiplano

The second half of the eighteenth century in the Andes has been studied extensively, yet fundamental aspects of community level politics remain unclear. The tendency has been to emphasize the predominant events such as the Bourbon Reforms, the “Age of the Andean Insurrections,” and the subsequent colonial attempts to eliminate indigenous authority structure following the insurrections.\(^8^5\) While these events are important to understanding this era, they should be seen as part of a larger process of changes in the “Bourbon Century.”\(^8^6\) Sergio Serulnikov asserted that this was the “Bourbon-enlightened absolutism that sought to regain command over the colonial empire.”\(^8^7\) These Reforms created severe fiscal pressure through reinforced demands for tribute and labor through expansion of the mita system (corvee labor); legalized the corrupt repartimiento de mercancias system (forced distribution of expensive and unnecessary goods); imposed Spanish supremacy over creole elites; and curtailed the


\(^8^7\) Serulnikov, *Customs and Rules*: 245, see also Guardino and Walker, *The State, Society, and Politics*
authority of church institutions. David Brading has characterized the series of drastic measures related to fiscal policies, political life, and religious practice as the “second conquest of America.” This time, Brading argued, the conquest was made at the expense of the native-born creole elites, through a “revolution in the government.”

These reforms were far-reaching; as Brooke Larson shows in her study of Cochabamba, they “touched the everyday lives of most peoples in the colonies.” A severe increase in demands for labor and tribute were the first to hit the indigenous communities. The *mita*, adapted from an Inca system of corvee labor, increased demands for labor defying previous customary practices, expanded age limits, and involved a great deal of harassment for the commoners. For altiplano communities, it systematically relocated masses of commoners and their families to the mines in Potosi for at least one year of forced labor at a time. In the meantime, Indian and mestizo elites created long lasting conflicts by appropriating lands left behind by the families serving the *mita* in Potosi. Similarly, increasing pressure for more tribute created a myriad of contentions over the ever-changing tribute rosters for absences, contested inclusions, and an increasing number of runaway commoners who wanted to avoid

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88 For a comprehensive examination on economic and political effects of the Bourbon reforms see Lynch, *The Spanish American Revolutions*; For Mexico see Guardino, *The Time of Liberty*; for Peru, see O’Phelan, *El Peru en el siglo XVIII*; Thurner, *From Two Republics*; Walker, *Smoldering Ashes*; Jacobsen, *Mirages of Transition*, for an emphasis on economics in the Peruvian altiplano. For a continuation of the reparto system and the complex economic network between subdelegados with powerful creole and mestizo families see Cahill, *From Rebellion to Independence*.

89 Brading, *Miners and Merchants*.

90 See Larson, *Cochabamba*; for a striking comparative case with the Peasant movements in India see Mukherjee, *Peasants in India’s Non-Violent Revolution*.
paying tribute. Furthermore, the prolific research of Scarlett O’Phelan in the Southern Andes shows that these reforms not only focused on the Indian head tax and mita, the most commonly discussed measures, but also drastically increased the alcabala (sales tax) through the installation of several new customs houses.\textsuperscript{91} In this fashion, the Bourbon Reforms intended to improve what they saw as an ineffective and chaotically-enforced Habsburg structure and contributed to the already existing movements of resistance in altiplano communities.

Along with the mechanisms of increasing demands for tribute and labor, the colonial regime intensified its intervention into the office of the cacique. O’Phelan shows how, from the beginning of the eighteenth century, colonial authorities increased the appointments of ad hoc caciques, often because of fiscal concerns and the interests of local elites. In contrast with elected caciques, the majority of appointed caciques were mestizos, criollos, and even Spaniards. Archival records and scholars’ assertions show that these non-indigenous caciques were often called caciques cobradores (tribute collector caciques). These appointed caciques, caciques cobradores, or caciques intrusos as O’Phelan calls them, were considered intruders both by commoners and by individuals regarded as descendants of caciques who claimed legitimate rights to office.\textsuperscript{92} The scholarship on the effects of the Bourbon Reforms on Indigenous

\begin{footnotesize}  
\item[91] See O’Phelan, La Gran rebelion en los Andes; same author, Un siglo de rebeliones; and El Peru en el siglo XVIII; O’Phelan also shows that even though reparto system was influential, there were areas in which these practice did not produce revolts, La gran rebelion en los Andes: 135; O’Phelan, “Reparto sin rebeliones;” and Sala I Vila, Se armó el tole tole.  
\item[92] Scarlett O’Phelan, Caciques sin sucesiones: 21.  
\end{footnotesize}
community leadership primarily follows the dramatic turmoil in which the long-standing office of the cacique decline and is ultimately erased, while ignoring the ongoing process of political transformations at the community level.

The most resented measure in the Bourbon Reforms package was the legalization of the reparto de mercancías system (reparto for short). This forced sale of goods to indigenous communities, already illegally in use for some decades, was legalized in 1756 by the Bourbon reformers despite the rising protests against it throughout the Andes. Corregidores used the repartimiento to recoup the money it cost them to purchase their office, as well as to make extra and fast revenue while in office. Their condition as administrators and justices in their districts allowed them to exercise overall control of the jurisdictions. They instead transformed their rule into a monopoly of the market, selling imported goods themselves and requiring communities to purchase them in large numbers at high prices. Indigenous communities across the region identified the corregidores and the reparto system as an evil form of exploitation that was a fundamental factor in the late colonial massive revolts.

Unlike most corregidores in the Andes, the ones in the altiplano enforced the distribution of reparto goods to indigenous peoples, castas, and Spaniards alike. The long distance from the colonial centers facilitated corregidores in the region to act mostly without spervision of other higher colonial officials. For instance between 1760 to 1764, every indigenous community and Spanish town in Guancane, Vilque, Moho, and Conima (Guancane), Tiquillaca (Lampa), Capachica, and Coata (Paucarcolla) received
mules, paño de Quito, ropa de castilla, and ropa de la tierra, among other things.\footnote{ARP Sección Tributos Año 1764. In the same archive file there is also a detailed description of the reparto de mercancías records on the province of Atuncolla and Lampa. ARP. Seccion no catalogados Año 1768-69.}

Miguel Portillo, the local Corregidor, called on family members and a number of associates to insure the successful operation of his repartimiento system. First, he ordered the caciques and alcaldes mayores (mayors in Spanish towns) to be responsible for the distribution of goods and collection of revenues from the indigenous communities and Spanish towns respectively. Secondly, he appointed two additional non-indigenous deputies in each community and town as assistants to the caciques and alcaldes mayores. Third, Doña Maria Leduque, the corregidro’s wife, frequently made rounds in the region to supervise and collect the repartimiento, and commissioned a number of assistants and delegates to do it when she was unable to do it personally. The collection of indigenous tribute appeared to be of secondary importance to Portillo. Although he kept a detailed record of tribute collection, he tended to delegate that task to the cacique. Thus the altiplano region was severely affected by the reparto system.

The most important result of the extreme fiscal and political pressure was, at least according to the existing literature, the inducement for a massive indigenous insurgency; that was not, of course the only one. Two of the most important indigenous movements that crowned the “Age of Andean insurrections” took place in the altiplano region, the uprisings of Tupac Amaru and Tupac Katari.\footnote{See the foundational examinations of these movements by John Rowe, “El Movimiento Nacional Inca del siglo XVIII,” in Revista Universitaria 107 (Cuzco, 1954): 17-47; Flores Galindo, (Ed.) Tupac} While these and related
massive indigenous movements demonstrated a sophisticated organizational capacity for violent resistance that communities and popular sectors had accumulated, they were not all homogeneous. The contending groups struggled in order to gain, or force, the decisive support of altiplano indigenous communities.95 Some sectors of the community joined Amaru and Katari’s movements, while others stood with Spanish officials and creole elites alongside some caciques in defense of the colonial regime. Local dynamics, differences, and military occupation conditioned commoners’ decisions to join a faction rather than support rebel agendas or royalist ideology.

The complexity of local relations and internal contradictions in the communities are influential factors to examine beyond the simply polarized subaltern sector and the colonial regime. The movements of Tupac Amaru II and Tupac Katari in the altiplano were able to assemble massive mobilizations, yet the engagement of the communities was anything but homogeneous. Similarly, Tupac Amaru II’s legitimacy was challenged by powerful caciques and established Inca nobility in Cusco.96 His long legal battle

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Amaru II, Sociedad Colonial y Sublevaciones Populares. (Lima, 1976); as well as most recent re-examination of Steve Stern, “The Reappraisal”, in Resistance, Rebellion, and Consciousness.

95 On the one side, both Tupac Amaru and Tupac Katari, personally, through letters, and envoys traversed the altiplano in order to enlist influential leaders and communities to their side, by persuasion or force. On the other hand, colonial officials, local elites, and some caciques while confronting the rebels also mobilized indigenous commoners and their leaders on their side. For a superb collection of primary sources on this complex process, see Ward Stavig and Ella Schmidt, The Tupac Amaru and Catarista Rebellions, Antology of Sources (IN: Hacket Publishing Co. 2008). See also Charles Walker, “La época del gran miedo.”

against the Betancur family for the cacicazgo of Oropesa is well documented, as well as challenges from caciques Mateo Pumacahua of Chinchero and Diego Choquehuanca of Azangaro. Tupac Katari, in the La Paz area, faced similar challenges from other caciques. Concurrently local grievances between caciques, elites, church and colonial authorities were also at play. During military confrontations, communications were irregular and often uncertain. Therefore, rumors, fear, and gossip were the dominant channels of communication. The sense of chaos and lack of information about the state of affairs generated what Charles Walker called *la época del gran miedo* (the time of the great fear) in which everything seemed so uncertain.⁹⁷ It is not difficult to imagine that sectors of these communities chose not to support either faction yet, they were forced to participate by military occupation of either side, or even one after the other.

What remained consistent, however, was the increasing engagement of indigenous sectors from below that shaped the late colonial society. Communities in the altiplano, through litigation, public defiance, and collective mobilization, remained a decisive social force beyond “everyday forms of peasant resistance.” Regardless of the absence or the fading presence of the cacique, commoners mobilized collectively with secondary figures of authority such as segundas, varayocs, and jilacatas. Understanding this complex process of conscious political action from below, largely overlooked, is the central task of this study.

⁹⁷ See Charles Walker, “*La época del gran miedo.*”
1.7 Methodological Orientation

This study, then, focuses on the commoners of the late colonial altiplano, their struggles, and litigations in defense of what they considered unjust. It examines how their often seemingly contradictory decisions and actions transformed their community structure and formed the elementary forms of their collective political participation. The findings of these examination attempts to contribute to what the late Ward Stavig has called a “ground up” colonial history. I trace stories, struggles, claims, silences, and language turns in the paper trail that late colonial altiplano commoners left in the scattered but nonetheless numerous records housed in the archives of the region. Equally, I examine official records written by colonial authorities, local officials, and elite sectors focused on issues concerning altiplano commoners and their actions. We know that a number of intermediaries have participated in the making of these documents including diverse agents of “la ciudad letrada,” to use Angel Rama’s key concept.98 It is the challenge of our profession to identify the direction and the impact of the footprints, as if were, left by the diverse colonial subjects, particularly those of the subaltern sectors. However, there are a few documents that were inarguably handwritten by some common folks who were fluent enough in Spanish to assert their own views. These were *indios ladinos*, intermediaries between native communities and the lettered Spanish world; they were bilingual, and some perhaps, even trilingual, fluent in Quechua, Aymara, and Spanish. We would like to find the truth in these

documents but, as Kathryn Burns has put it, “just whose truth was it?” Thus, far from being a search for the “true,” this study is an examination of the longer process, of times more “normal” and times of contention. It focuses on the ideas, practices, and expectations of the subaltern sectors from both the imagination of the subalterns and the views of the elite sectors.

This study identifies and pieces together the notions of justice and autonomy that informed most of the altiplano commoners’ collective actions. Altiplano commoners from below, individually and collectively, engaged in a constant search for more autonomy and for what they considered their right to a place in the world. While their struggles primarily addressed immediate issues such as lands, tribute, and labor, the underlying claims were articulated in terms of justice and governance. Therefore, the assumption that these communities’ politics were decapitated by government policies and the complex post-insurrection context overlooks the community level dynamics and transformations. The Aymara and Quechua commoners in the altiplano were not only a demographic majority controlled by caciques, they also managed a complex system of polities and their actions had a significant impact on their local and regional contexts. The cacique’s legitimacy and functions, regardless of the colonial authorities’ support, depended to a significant degree on commoners’ recognition of them. Caciques who lacked support from important sectors of communities soon faced


100 See Cahill, From Rebellion to Independence: 164.
defiance and legal challenges to their position. Therefore the emphasis that previous
studies gave to the role of the colonial state and the caciques in community politics, led
them to largely ignore the commoners’ agency from below.

Throughout this work I use the notion of *el común* or community in a broader
sense, in an attempt to reflect the diverse dimensions it conveyed in late colonial and
early national era. The meaning of *el común* or its frequent equivalent *ayllu*, in the
Quechua language, is diverse and changed over time. Yet, as Elizabeth Penry has stated,
the various meanings were related or coincided.  

Paraphrasing Karen Spalding, *ayllus* in colonial Andes were “progressive integrations of household units” in which kinship
ties provided the basis for organization, production, distribution, as well as political
order. Legal documents throughout the colonial period show that *común* and
*comunidad* were used interchangeably as a catch-all phrase. Similarly, the term was
used to designate a legally recognized indigenous political unit. Native peoples in the
Andes however, preferred to use the Quechua term *ayllu* preceded by the proper
name of the place they considered they belonged to.  

103 Far from a common perception of community being a “traditional” or pre-colonial fixed social
unit, it has been demonstrated that the composition and functions of these native basic social units
changed before and after the Spanish invasion, as it continues to do it today. See José Carlos de la Puente,
“Cuando el “Punto de Vista Nativo” no es el Punto de Vista de los Nativos: Felipe Guaman Poma de Ayala
y la Apropiacion de Tierras en el Peru Colonial.” in *Bulletin de l’Institut Français d’Études Andines*, 37:1
(2008): 130
104 Abercrombie, *Pathways of Memory and Power*, (Madison: The University of Wisconsin press.
1998): 87. Abercrombie explains ayllu as territorial units and units of social organization in which
membership is recognized by birth.
render the frequent use of the expression *indios del común* (literally ‘ordinary indians’) used mainly by non-indigenous actors to designate the *tributarios* (tribute paying) commoners, in which the term *común* emphasized the social condition over ethnicity.

1.8 Organization

This dissertation is organized in five sections. Chapter One has presented the central problem that the study attempts to examine and explain, discussed the historiography and laid out the complex context that constitute the backdrop of the stories unfolding. The central elements of the context are constituted by the Bourbon Reforms, the massive Andean insurrections, the crisis of the caciques, and the series of intra-community disputes in and out the legal courts.

Chapter Two, examines the main ways by which altiplano commoners undermined the legitimacy of caciques and eventually replaced them with more plebeian community figures. It reveals the systematic actions that indigenous subaltern sectors in the altiplano organized and carried out against their caciques and their associates. It traces the political process of commoners’ disaffection from caciques accused of alienation and increasing behavior, towards their replacement with alternative representatives rather than simply erasure of the cacique office.

Chapter Three examines commoners’ notions of justice and governance that inform most of the collective actions documented in these cases. It examines the articulation of local views of custom and its resonance in the larger colonial legal system. Commoners, in their legal battles and most other actions, contested fervently
against what they considered unjust and abusive forms of authority and governance, and sought to advance their own views and practices, that they considered representative of their way of life from “time immemorial,” using the legal language of the time. Similarly, it shows how indigenous commoners in the Altiplano used colonial legal and social categories, such as “miserable Indians” “humble vassals,” and “good Christians” in order to stress their marginal conditions and argue for recognition as members of autonomous communities.

Chapter four, *En mi voz y de todo el común*, explores the collective participation of commoners in late colonial Altiplano. It seeks to explain to what extent claims in litigation and acts on behalf of the community represented and expressed their collective will. It also reveals the ways in which commoners made sense of the transformation of the community structure from former dominant role of the cacique towards more fluid and diverse figures of representation. From a series of documents such as letters, petitions, and litigation records, as well as official reports and inspection procedures, we can identify a collective force that challenged and shaped the local and regional altiplano context.

The concluding chapter articulates fundamental factors in the Andean commoners’ reinvention of political practice at a time when community politics was largely thought to be in disarray. In a context apparently dominated by massive and violent events, the long-term transformations of community politics appear to be far more significant. This conclusion summarizes the main aspects in the formation of political consciousness at the community level and its significance for the history of the
subaltern sectors in the region. I hope that this study also sheds some light on both the continuities and the changes in current indigenous political perceptions and practice, providing a historical context to their continuing claims of rights from “time immemorial.” From very early in the colonial Andes, historians emphasized defeat and oppression as categories that characterized the indigenous sectors. In the words of Steve Stern, “The tragedy of Indian success stemmed ultimately from the way they secured the participation of a defeated people in its own oppression.” I hope this study reveals that Andean people, though political participation, have actually reproduced their society despite imperial domination, colonial and otherwise.105

CHAPTER 2:

NO LONGER OURS: THE PROCESS OF DISAFFECTION FROM CACIQUES IN LATE-COLONIAL ALTIPLANO COMMUNITIES

2.1 Introduction

In 1754, members of the two communities of Guaqui, at the Southeast shores of Lake Titicaca, transformed the course of struggles between commoners and their local authorities. Don Sebastian Calisaia alongside other principales and the commoners of Anansaya of Guaqui accused licenciado don Pedro Marquez, the local priest, of being an abusive oppressor. Calisaia explained that the priest had subjected and corrupted their caciques and kept their communities oppressed in a permanent state of terror. Calisaia and his companions “on behalf of their community” recounted that Marquez, since he arrived at Guaqui, had introduced a series of abusive demands, threatening excommunication and whiplashes to those who did not obey him. “The priest forces us to work on his lands, raise his animals, work at his house, and makes us travel everywhere for his business without any payment,” accused the commoners. Recently,

106 “Comunidad de Guaqui contra caciques” ABNB, EC Nro. 49, [1754]. Don. Sebastian Calisaia, Don. Geronimo Quispe Caguana, Don. Fco. Quespi Caguana, Don. Esteban Poma, indios principales and originarios of Guaqui del ayllu Sulcapana, and Bernardo Zárate y don Lope Quespi Caguana. This is and excerpt from a long and complex litigation of the communities of Guaqui against their local priest and his associates, the two caciques and the local corregidor.
they went on to say, the priest wanted to relocate all the *solteras doncellas* (young maids) from the community to his residence. The accusers also recounted that Marquez ordered the cacique, Athanasio Cachicatari, to surrender the community roster or face whiplashes and excommunication.

Cachicatari, the cacique of Anansaya, went to the community and urged the commoners to stand up against the priest. Indeed, the next day the cacique and a committee of commoners traveled to the city of La Paz and with the help of a legal aid, a friend of the cacique, filed a complaint against Marquez before the ecclesiastic judge of the archbishopric. The ecclesiastic judge issued a notification for the priest. The commoners returned to Guaqui while the cacique brought the notification to the Corregidor (Spanish magistrate) in the town of Tiahuanaco and stayed there for 15 days. During those days, the priest, a close friend of the Corregidor, invited both the Corregidor and the cacique to the nearby town of Jesus de Machaca.

The commoners from Anansaya soon realized that the Corregidor had ignored their complaint. Furthermore, they learned that their cacique, Cachicatari had been *corrompido* (bribed) by the priest for three hundred pesos. They also discovered that their neighbors of Urinsaya had been struggling against their own cacique don Pedro Limachi and the same priest for similar charges. Some months later, the commoners of both communities had joint efforts and realized that the investigations of their initial cases had been manipulated. The Corregidor, who acted as a judge in both cases, prevented some of the witnesses from making their declarations and questioned the credibility of many witness accounts. Faced with this contrived outcome, the
commoners declared that, “our caciques had deserted us, they are no longer ours they had been bribed and became adictos (henchman) of the priest.”

Indeed, Cachicatari admitted before the community that he received the money but intended to return it. Thus, he asked the community to drop the charges against the priest because his position as cacique was at stake. The commoners, aware of Cachicatari’s motives, commented that his confession would not redeem him from his infamous dereliction of duties. Hence, the commoners decided to take control of the case and carry it forward themselves and did not let their efforts be neutralized. They filed a new complaint without the participation of the cacique. In this document they recounted their many misfortunes. “We have seen and heard everything go wrong,” they added. Not too long after the commoners were back in La Paz requesting help from don Phelipe de Loayza, the Defensor de Naturales (Spanish advocate). The group of commoners followed the developments closely, hoping to avert any interference. The defensor however, took his time and nothing happened during more than two weeks that the commoners stayed in La Paz. Some months later the commoners of Guaqui were back again in La Paz with a new complaint against the priest and this time they included their cacique as their enemy. In the office of the advocate they learned that there was a new Defensor de Naturales, don Francisco de Argandoña. Through Argandoña, they promptly found out that the priest and the cacique had contacted and influenced Loayza, the previous advocate, and that their complaint sat on a pile and

107 Idem.
never left his office. Moreover, they discovered that Cachicatari, alleging to act on behalf of the community, had formally dropped the charges against the priest. The complainants stated before Argandoña that Cachicatari who “was supposed to protect us poor indios had become our own executioner,” and was no longer considered their cacique. Furthermore, they added that the complaint was filed directly by the entire community without the cacique. The court in La Paz, however, dismissed the case for lacking the presence and signature of the cacique. Calisaia and his fellow commoners, in a letter, stated that the court of La Paz had failed to listen and protect the “miserables vasallos of the king.”

Calisaia and the commoners of Guaqui appealed their case to the Royal Audiencia of Charcas. For several years, they endured multiple journeys to the Royal Court in Charcas and made their case heard. The results of the remarkable efforts that commoners invested in this case began to bear fruits. At last, in 1757 a special judge commissioner appointed by the court in Charcas arrived in Guaqui in order to carry out an investigation in situ. The judge commissioner, at the end of his investigation, ordered the priest and the cacique to refrain from harming the commoners further, and warned them about its consequences. Although both the priest and the cacique remained in their posts, this was a decisive transformation on the struggles of commoners against their authorities. The commoners of Guaqui demonstrated, on the one hand, that their caciques had departed from what they considered their role in the community and were no longer their legitimate authorities. On the other hand, they generated more direct
forms of participation on the issues that affected them as a collective entity and that were no longer dependent on the figure of the caciques.

The Altiplano region that straddles around the Lake Titicaca in the present day countries of Peru and Bolivia had the largest concentration of native Aymara and Quechua indigenous communities in the Andes.\textsuperscript{108} With their demographics, their complex social organizations, and their long history, the communities of the Altiplano were, in the words of Jacobsen, one of the focal points of the Andean civilization.\textsuperscript{109} These communities were capable of contesting and often influencing the everyday workings of the Spanish colonial rule. They consistently challenged colonial authorities who often high-handedly attempted to enforce colonial policies that commoners considered harmful to themselves. The colonial caciques, the ethnic lords that acted as the intermediaries between the colonial structure and the communities, were the prominent community figures leading these efforts of resistance. While indigenous communities organized from everyday to more elaborated forms of resistance, they often resulted in litigation in the colonial legal system.\textsuperscript{110} In fact, colonial caciques

\textsuperscript{108} In late colonial Southern Highlands the two largest native indigenous groups, largely distinguished as Quechas and Aymaras based on their use of very distinct languages from one another, cohabited in the area. The Aymaras were located primarily around the Lake Titicaca basin and the Quechas, the larger indigenous conglomerate, in the rest of the Altiplano. In the Province of Chucuito, “the Aymara [people], distributed among numerous señorios, were the dominant ethnic group [Aymara as their common language] from both the numerical and the political point of view” Thérese Bouysse-Cassagne. “Urco and Uma: Aymara Concepts of space” in Anthropological History of Andean polities (Cambridge: University of Cambridge Press. 1986): 202.

\textsuperscript{109} See Niels Jacobsen, Mirages of Transition: 11.

\textsuperscript{110} See Borah, Justice by Insurance: 40. Borah wrote: “Within the Indian community, litigation before Spanish courts and petitions for administrative review and protection became the principal means of carrying on the long series of disputes unleashed by the Conquest over land, status, and virtually all
carried out litigations for generations during the three centuries of colonial era in the Andes. Caciques were regarded as expert litigants who knew how to navigate the intricacies of the overlapping legal jurisdictions and its politics. The late colonial altiplano community struggles, however, were increasingly distinct for several aspects; chief among them was the decline of caciques and the increasing direct participation of commoners.

In this chapter I examine the significance of the participation of commoners in the process of decline and eventual erasure of the cacique in the late colonial altiplano. The history of the late colonial Andes is largely known for the Bourbon Reforms, a series of fiscal and political reforms carried out by the Spanish colonial government in the eighteenth century, and the massive indigenous uprising that scholars called the “Age of Andean insurrections.” A parallel process that was less prominent than the previous


112 See John Lynch, The Spanish American Revolutions; Ward Stavig, The World of Tupac Amaru: 126; Alberto Flores Galindo, “In Search of an Inca” in Resistance, Rebellion, and Consciousness: 193; and
ones, yet central to the understanding of the indigenous communities politics, was the gradual decline and erasure of the cacique figure. Scholars have mostly agreed that the colonial caciques faced their final crisis in the midst of the convoluted second half of the eighteenth century and that they were eventually eliminated by decree in the first years of the republican era. A combination of factors has been suggested as the force that contributed to debilitate and ultimately erase the figure of the cacique in the Andes. Among these factors are: the increasing fiscal and labor demands upon the indigenous communities, the introduction of *reparto* (forced distribution of goods), a growing colonial intervention by appointing creole and other *castas* into the office, the massive indigenous insurrections, and the colonial government’s repression in the aftermath.

While these factors were indeed important, they mainly emphasize the hierarchical and external forces and overlook the significance of the forces from below. The relationship between colonial caciques and their community members has been known as reciprocal, although asymmetrical, rather than merely hierarchical. The colonial regime recognized caciques as the primary authorities of the indigenous communities, yet the commoners themselves made their presence felt much more than

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Steve Stern, “The Age of Andean Insurrection, 1742-1782: A Repraisal” in Resistance, Rebellion, and Consciousness: 34. Also, see Scarlett O’Phelan, *Un siglo de revoluciones*; and Nuria Sala I Vila, *Y se armo el tole tole*.  

113 O’Phelan suggested that while the cacique office was decimated during the late colonial period Simon Bolivar’s decree finally eliminated the cacicazo in 1824. See O’Phelan, *Kurakas sin sucesiones*: 63.  


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merely subjects. The colonial caciques became the intermediaries between the colonial
government and the commoners. Altiplano commoners throughout the colonial
period challenged caciques’ actions when deemed contrary to their expectations and
often accused them of failing to defend the community from harm. In the second half of
the eighteenth century, as the pressure for contributions and control of the community
mounted, the caciques’ inability to please both the government and the indigenous
communities reached its limits. Commoners increasingly believed that caciques mostly
accommodated to the regime, much like their colonial elite rivals when attempting to
take over and dispute community possessions. Thus, commoners grew disaffected from
the cacique figure and decided to fight against the caciques. I argue that the late
colonial altiplano commoners’ conscious decision to undermine caciques legitimacy
from below was a decisive factor in the final crisis of the caciques. Commoners gradually
promoted and supported a diverse group of more plebeian community figures that
eventually replaced caciques in the continuing community struggles. This mostly
overlooked process further challenges previous assertions that the erasure of caciques
also eliminated community politics. To the contrary commoners transformed their
politics with more collective and direct forms of participation.

The pre-colonial Kurakas (ethnic lords) experienced a series of transformations
throughout the colonial period. Since pre-colonial times these aristocratic Andean
authorities, more than just political representatives, were perceived as the carriers of

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the Andean community soul. The term cacique brought to the Andes by the Spanish
*conquistadores* in the sixteenth century from the Caribbean eventually replaced the
local Quechua word *Kuraka* used to designate the ethnic lords. The early colonial
caciques, according to Susan Ramirez, embodied more than just political authority and
were often considered *dueños de indios*.116 Faced with the Spanish invasion, some
caciques attempted organized resistance; however, leaders of ethnic groups recently
conquered by, or at odds with, the Inca state allied with and helped the Spanish
conquistadores.117 Spanish conquest and colonization of the Andes, as had happened
earlier in the Caribbean and Mexico, was consummated through the control of these
native authorities. Compelled by military force, persuasion --when offered to keep their
privileges of nobility in exchange for collaboration-- or something in between, caciques
were transformed into colonial agents mainly in the first decades after the conquest.118
Colonial caciques, similar to their pre-colonial counterparts, had complex and
heterogeneous hierarchical levels and functions, yet excessive colonial pressure for
revenue, intervention in communal politics, and attempts of homogenization eventually

116 See Ramirez, “The *Dueño de Indios*.”

Revolutions*. For a similar case in Mexico see, Clendinnen, *Ambivalent Conquest*; and Gibson, *Indian
Societies*.

118 Ramirez, “The *Dueño de Indios*;” see also Spalding, *Social Climbers*; Spalding, *Kurakas and
Commerce*. See also Cahill, “The long Conquest:” 85. As well as a similar argument of Karen Powers, “the
successful colonial cacique legitimized his authority in both the Spanish and Indian spheres by
simultaneously satisfying two sets of criteria. A colonial cacique’s power rested on his ability to fulfill
contracts with both the colonial regime and the community by promptly provisioning tribute and labor,
on the one hand, and by efficiently administering his people’s work and resources and ensuring their good
treatment, on the other” in Graubart, *With our Labor and Sweat*: 167.
undermined their authority.\textsuperscript{119} Most scholars agree that caciques as indigenous authorities were erased in the second half of the eighteenth century, and that with them the community political structure disintegrated.\textsuperscript{120} Although Spanish supremacy was not always clear, particularly at multiethnic local levels such as the altiplano, in the long run altiplano commoners maintained a considerable degree of autonomy and political agency.

An important source of late colonial altiplano communities’ relative autonomy and political agency was maintaining some basic forms of reciprocity and redistribution. Most community agricultural and religious labor and rituals involved the majority of the community members. For instance, their collective crops and herds of animals were planted and raised in collective agricultural and pasturelands. Communal herds of llamas and agricultural products were often used to supplement tribute shortages and defray costs of litigations and religious festivities. Therefore, community lands were maintained and fiercely defended from attempts of encroachment from inside and outside. Commoners considered their contributions, tribute, labor and other services to the colonial government and to the caciques much in the same way, and in return they expected protection from the ever-increasing demands and harassments. Late colonial caciques, however, trapped in the contact zone between the colonial government’s

\textsuperscript{119} See “The cacique Network and tribute Administration: Social Change in the Cuzco and Puno Regions, 1780-1830” in David Cahill, \textit{From Rebellion to Independence}: 153.

\textsuperscript{120} Cahill, “The Long Conquest;” Pease, \textit{Curacas, Reciprocidad y Riqueza}; Spalding, \textit{Huarochiri}; Varon Gabai, \textit{Curacas y encomenderos}; O’Phelan, \textit{Kurakas sin sucesiones}. The prevalent assertion among them is that caciques were erased as political figures in the aftermath of the insurrections of 1780-81. O’Phelan writes that it was Bolivar’s decree that finally eliminated the cacicazgo office in 1824.
pressure for revenues and the indigenous community at its breaking point, opted mostly for enforcing colonial demands and preserve their position. As a result, commoners that had been struggling in defense of vital community resources, their notions of justice, and autonomy, realized that caciques grew alienated and increasingly opposed to the community interests. Furthermore, commoners in their towns and before the courts, struggling against the caciques, learned that most communities had similar predicament and that more than just the individuals the problem was the institution of the cacicazgo.

The disaffection of the altiplano commoners from the office of the cacicazgo was rather a slow and seemingly contradictory process. There was a conjunction of several factors that contributed to the departure of caciques from their communities. Some scholars emphasized that economic factors such as the expansion of haciendas, mining, and markets, as well as the more localized effects of the repartimiento de mercancias and the pressure for tribute and labor, were the driving forces that ultimately upset the indigenous communities.\(^{121}\) They asserted that indigenous communities felt directly the

\(^{121}\) See John R. Fisher, *Bourbon Peru, 1750-1824*, (Liverpool: Liverpool University Press, 2003): 63. Fisher reveals that in the second half of the eighteenth century the Peruvian export continued to grew steadily and that precious metals were by far the most prominent export. He shows for instance that between 1782 and 1796 gold and silver exports to Spain represented 78.5 per cent of total trade. Similarly, he also shows the spreading imports of Spanish goods into the region with the liberalizing trade that had began in 1765 and made official with the publication of the regulation of *comercio libre* in 1778. The liberalizing of trade enhanced the incorporation of the port of Buenos Aires and a direct trade with the ports of Arica, Concepción, Valparaíso, and Guayaquil, as opposed to the former exclusive Port of Callao in Lima; also instructive to see Fisher, “Commerce and Imperial Decline: Spanish Trade with Spanish America, 1797-1820,” in *Journal of Latin American Studies*, 30:3 (Oct. 1998): 459-479. See also, Carlos Contreras, “La minería peruana en el siglo XVIII” in O’Phelan, ed. *El Peru en el Siglo XVIII, La era borbónica*: 18. For a more detailed examination of commerce and labor in the second half of the eighteenth century see O’Phelan, *Un siglo de rebeliones anticoloniales, Peru y Bolivia 1700-1783*:28; Josep Fontana et al, *El comercio libre entre España y America Latina, 1765-1824*, (Madrid, 1987): 7; see also Stavig, *The World of Tupac Amaru*, Stavig argued that the commoners reacted in terms of “moral economy” concerned on not just on “how much was being taken but more on how much was left to them for survival.”
severe effects of the Bourbon Reform’s pressure to generate new and expand existing sources for state revenue. Thus, for these scholars the fiscal imperative of the reforms stimulated the polarization of the society that was “dependent on the uses of state power by members of the dominant class to restrict markets and reallocate economic resources in no market ways.”122 These measures facilitated, on the one hand, the modernization of mining and improvement of supply of mercury, the _comercio libre_ (free trade), and the growth of _obrajes_ (textile looms); on the other hand, it multiplied the use of coerced labor. Concurrently, other scholars emphasized that intra-community contentions intensified and precipitated the crisis of the caciques.123 These scholars asserted that the growing government intervention in the appointment of caciques _intrusos_ (creole, mestizos, Spaniards, and Indians not related to traditional cacique families), the accusations against caciques of abusive behavior, drastic enforcement of government demands, association with local groups of power, and tendency of indigenous caciques to adopt Hispanic customs all contributed to the inexorable departure of the caciques from the community. While both economic and intra-community conflicts were certainly important factors, what exceeded the limit for the commoners was the late colonial caciques’ systematic involvement in the massive attack


123 See Karen Spalding, “Social Climbers;” see also the ways in which caciques used their connections and often walked in and out of Spanish society in order to gain social rank, in Sergio Serulnikov “Customs and Rules: Bourbon Rationalizing Projects and Social Conflicts in Northern Potosí during the 1770s” in _CLAR_, 8:2 (1999): 245-74. See also the classic works of O’Phelan, _Kurakas sin sucesiones: 17_; Maria Rostworowski, _Curacas y sucesiones, costa norte_, Lima (1961); and Franklin Pease, “Curacas coloniales, riqueza y actitudes,” in _VII Simposio CLACSO_.

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on the community lands and possessions. Altiplano commoners one after the other realized that caciques, in most of the region, had systematically attempted to dispossess communities from their possessions, forcing to defend themselves.

Thus, commoners across the region increasingly recognized that the office of cacicazgo had lost legitimacy before the community. In more than two hundred years under colonial rule, caciques faced diverse forms of disputes from individuals and groups of commoners and in occasions even suffered drastic setbacks, yet those were challenges to the individuals, not to the office of the cacicazgo. A fundamental difference in the second-half of the eighteenth century is that as a result of the conjuncture of several factors, commoners in mass began to undermine and ultimately erased the cacicazgo away.

The table below shows the tendency of these changes, and will be further examined in the following subsections. Broadly, the first column presents caciques’ litigations on behalf of their communities, as their role dictated. The following column shows the dramatic rise of contentions carried out primarily by commoners in which the caciques, and increasingly the cacicazgo, either caused or were the targets of the litigations. The next column shows community contentions in which, although caciques at times are mentioned, their role was either marginal or completely nonexistent, formerly caciques were prominent participants. This shifting pattern increased as the second half of the century progressed and continued throughout and after the massive insurrections in 1780-1782. The data in the table represents 237 community litigations between 1700 and 1850 housed in the Archivo Regional de Puno, in Peru.
TABLE 1
THE ROLE OF CACIQUES IN THE ALTIPLANO COMMUNITY LITIGATIONS
(ARP)

<table>
<thead>
<tr>
<th>Years</th>
<th>On Behalf of Community</th>
<th>Motive of Contentions</th>
<th>Absent in Contentions</th>
<th>Other</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1701-1720</td>
<td>5</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td>1721-1740</td>
<td>3</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>1741-1760</td>
<td>1</td>
<td>3</td>
<td>2</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>1761-1780</td>
<td>3</td>
<td>11</td>
<td>5</td>
<td>1</td>
<td>20</td>
</tr>
<tr>
<td>1781-1800</td>
<td>10</td>
<td>49</td>
<td>27</td>
<td>5</td>
<td>91</td>
</tr>
<tr>
<td>1801-1820</td>
<td>3</td>
<td>33</td>
<td>34</td>
<td>3</td>
<td>73</td>
</tr>
<tr>
<td>1821-1850</td>
<td>1</td>
<td>4</td>
<td>9</td>
<td>20</td>
<td>34</td>
</tr>
<tr>
<td>Totals</td>
<td>26</td>
<td>102</td>
<td>77</td>
<td>32</td>
<td>237</td>
</tr>
</tbody>
</table>

Source: Selected documents from the Archivo Regional de Puno, Peru. Sections: Corregimiento, Intendencia, Eclesiales, and no catalogados between 1700 and 1850.

People at the community level realized that the caciques failed persistently at their expectations of protection and facilitate better life conditions. These failures generated transformations that affected key aspects of community politics. It is in this

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124 See O’Phelan, *Kurakas sin sucesiones*; Sala I Vila, *Y se armo el tole tole*; Stavig, *The World of Tupac Amaru*; Serulnikov, *Subverting Colonial Authority*.

125 As Nils Jacobsen long argued that while some Andean structures of production and organization were disabled, Andean mechanisms of construction of power and identity endured. The community’s collective action in undermining the office of cacicazgo and replacing it with alternative forms, underlines his assertion. See Nils Jacobsen, *Mirages of Transition: The Peruvian Altiplano, 1780-1930*, (Berkeley: University of California Press. 1993).
process that the assertion “our cacique had deserted us, he is no longer ours,” made by the Anansaya and Urinsaya communities of Guaqui, represent the political process in motion. This was a process in which former secondary figures such as the *segunda persona* (formerly the assistant to the *cacique*); the *hilacatas* (secondary authorities in Aymara language); Indigenous alcaldes (elected officials), usually elected on a yearly basis; *principales* (individuals who claimed descent from families of indigenous nobility); and even ordinary commoners became engaged organizing and participating in community efforts of resistance; by doing it they reinvented community politics from below.

Consequently, the community political structure in the altiplano underwent a transition from a cacique-centric structure towards one with less aristocratic and more diverse representatives. The emergent community representatives, the *jilacata*, the *alcalde de indios*, the *segunda* and some commoners, both men and women, decided to intervene either individually or collectively on behalf of the community. The authority role of the caciques in the altiplano however, as elsewhere in the Andes, was not eliminated outright. Many powerful cacique families sought protection from the colonial government; yet their power and influence continued to be challenged and eroded.

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126 “Comunidad de Guaqui contra caciques” ABNB, EC Nro. 49, [1754].

127 Some of these individuals claimed to be descendants from noble indigenous families therefore often differentiated themselves from the ordinary commoners (*tributarios*). In the late colonial altiplano, however, while few of these formerly elite indigenous remained economically and socially well off; the majority were impoverished individuals not too different from the ordinary *tributarios*. 
While the local level records shown in the table above reveal commoners’
process of political disaffection from the cacicazgo, evidence from the court of appeals
in the Royal Audiencia of Charcas confirms the process. The records in the Archivo y
Biblioteca Nacionales de Bolivia (ABNB) related to altiplano community contentions
between the years of 1740 and 1800 show that the communities litigated significantly
against the caciques. Most community level disputes were processed, often orally with
brief summaries kept in their jurisdictions; cases that made it to the higher court
underline the previous pattern. While caciques continued to intervene on behalf of the
communities, the contentions in which they themselves were the reason or the subject
of the contentions increased in the second half of the eighteenth century. Just as the
commoners of Italaque in 1752 stated, “we have come, despite the distance and the
attempts of our cacique to capture us, in search for justice and the dismissal of our
cacique turned into a tyrant;” many altiplano communities appeared before the
Audiencia judges in Charcas with similar charges.128 More directly, Eugenio Quispe and
Pedro Hilari, tributary Indians of Tiquillaca, stated before the Audiencia of Lima, “this
cacica estranged herself from the people, therefore we should not have a cacique
anymore.”129 The records at the Audiencia of Charcas also consistently reveal that

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128 “Indios de Italaque contra su cacique,” ABNB, EC, Audiencia de Charcas 3ra parte 1749-1775. Expediente Nro.12. “En nombre y voz de los demas de dicho nuestro comun deseosos de alcanzar justicia contra la tiranía que usa con nosotros y los demas del dicho comun, Julian Ramirez, Cacique intruso de nuestra parcialidad... que se hace merecedor del más severo castigo.”

caciques in this era either declined or were absent from the community struggles. These high court records however, show that more than forty percent of cases that seemingly not directly motivated by caciques indirectly reflected their involvement. These cases were royal decrees and series of official documents that often ordered change of behavior of local authorities and compliance with colonial laws, primarily *corregidores*, but also caciques. Importantly, the majority of these documents came in response to actions initiated by communities and their advocates.

**TABLE 2**

**THE ROLE OF CACIQUES IN THE ALTIPLANO COMMUNITY LITIGATIONS**

(ABNB)

<table>
<thead>
<tr>
<th>Years</th>
<th>On Behalf of Community</th>
<th>Motive of Contentions</th>
<th>Absent in Contentions</th>
<th>Others</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1740-1760</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>1761-1780</td>
<td>8</td>
<td>28</td>
<td>29</td>
<td>41</td>
<td>106</td>
</tr>
<tr>
<td>1781-1800</td>
<td>2</td>
<td>17</td>
<td>32</td>
<td>45</td>
<td>96</td>
</tr>
<tr>
<td>Totals</td>
<td>11</td>
<td>49</td>
<td>63</td>
<td>86</td>
<td>209</td>
</tr>
</tbody>
</table>

A clear path of altiplano commoners’ more conscious and experienced political engagement emerges out of the examination of these archival records. Local mobilizations, constant petitions, letters, oral declarations, complaints, use of legal advocates, pestering of judge commissioners during their investigations, and dramatic displays of the social drama of litigations were some weapons that commoners used. The end result — from both successful and unsuccessful litigations — was the experience of collective political consciousness that altiplano communities acquired through the complex late colonial and early republican era. In the aftermath of the insurrections, the government brutally repressed the leaders and their associates but also realized the power that communities could unleash. The series of decrees pardoning commoners accused of involvement in the rebellions, the temporary exonerations from tribute, the elimination of the office of corregimiento, and the creation of the Royal Audiencia of Cuzco were some ways in which colonial officials attempted to ease the tense social context. While local relations in the aftermath of the rebellion between the commoners, mostly perceived as rebels, and the elite sectors continued to be tense, the community struggles against them continued, in and out the legal system.

After a brief discussion of the most important aspects of the late colonial context, I will present three subsections accounting for the most significant factors that contributed to the gradual process of altiplano communities’ disaffection and eventual replacement of caciques. First, I examine the reasons that commoners argued on their accusations against the caciques. Accusations of being part of abusive local networks of power directly questioned and undermined the legitimacy of the cacique. Second, I
explore the seemingly contradictory views of commoners about elements they considered non-indigenous that allegedly alienated caciques from the community. Third, I examine the process of emergence of the new authority figures and the substitution of the caciques. This process in the altiplano communities was slow and uneven, thus less noticeable in such a dense late colonial context. Some powerful individuals maintained their cacique titles, but their source of influence was mainly their economic position rather than the title.

2.2 The Bourbon Reforms and Andean Communities

The tumultuous second half of the eighteenth century in the Andes has been studied extensively, yet fundamental aspects of community politics remain unclear. The tendency had been to emphasize the predominant events such as the Bourbon Reforms, the “Age of the Andean Insurrections,” and the subsequent colonial attempts to eliminate indigenous authority structure following the insurrections. At the same time the process of transformation within the indigenous communities has been less studied. Scholars agree that the Bourbon Reforms brought about ruthless enforcement measures, fiscal pressure through increased demands for the tribute and the application of the mita (corvee labor) system, legalized the corrupt repartimiento de mercancías system (forced distribution of expensive and unnecessary goods), imposed Spanish

supremacy over the creole elites, and control church institutions.  

David Brading, an influential scholar of the colonial period in New Spain, has characterized the series of drastic measures related to fiscal policies, political life, and religious practice as the “second conquest of America.”

The pressure of the Bourbon Reforms for more contributions from indigenous communities translated mainly into severe pressure for exactions of tribute and increasing intervention on the appointment of caciques whose primary responsibility involved the collection of tributes. However, the reforms were more far reaching. As Brooke Larson shows in her study of Cochabamba, they “touched the everyday lives of most peoples in the colonies.” Similarly, the prolific research of Scarlett O’Phelan in the Southern Andes shows the forms in which the state adjusted fiscal policies, not only on the Indian head tax and *repartimiento*, the most commonly discussed measures, but also drastically increased the *alcabala* (sales tax), and installed new customs houses.

These studies show that indigenous communities and their authorities struggled with

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131 For a comprehensive examination on economic and political effects of the Bourbon Reforms see Lynch, *The Spanish American Revolutions*; For Mexico see Guardino, *The Time of Liberty*; for Peru see O’Phelan, *El Peru en el siglo XVIII*; Thurner, *From Two Republics*; Walker, *Smoldering Ashes*; and for a comprehensive economic examination in the Peruvian Altiplano see Jacobsen, *Mirages of Transition*. For a continuation of the *reparto* system and the complex economic network between *subdelegados* with powerful creole and mestizo families see Cahill, *From Rebellion to Independence*.

132 Brading, *Miners and Merchants*.


134 See O’Phelan, *La gran rebelion en los andes*; also same author, *El Peru en el siglo XVIII*; O’Phelan also shows that even though *reparto system* was influential, there were areas in which these practice did not produce revolts, see “*Reparto sin rebeliones*” in O’Phelan, *Un siglo de rebeliones.* 135.
the immediate effects of the Reforms. However, the changes in community political
culture in the long run have not yet been clearly explored. Most scholars who
emphasize the economic factors rephrase Scott’s and Thompson’s arguments on “moral
economy,” according to which the fundamental reason why rural peasants revolt, as
Ward Stavig writes, is not so much for “how much they are asked to pay,” but more for
“how much is left to them for survival.”135 The response of indigenous communities was
one of general displeasure resulting in unrest and diverse forms of resistance. What is
less known, however, is the interlocking web of complex internal political
transformations experienced at the community level and the significance for their
everyday life.

The reparto de mercancias system in the altiplano was comparable to the
devastating corvee labor in the Potosi mine. This forced distribution of goods, already
illegally in operation for some decades, was legalized in 1756 by the Bourbon reformers
despite the protests against it throughout the Andes. The corregidores, who had
invested in purchasing their office, focused primarily on the management of the reparto
de mercancias. Unlike most corregidores in the Andes, the ones in the altiplano enforced
the distribution of reparto goods to indigenous peoples and Spaniards alike.136 For

135 See Scott, The Moral Economy of the Peasant; E.P. Thompson, The Moral Economy of the
English Crowd; Also, for a significant discussion on a similar case in India see Mukherjee, Peasants in
India’s non Violent Revolution: Practice and Theory, (India, New Dehli: Sage, 2004): 239. For an instructive
Andean region case study see Stavig, The World of Tupac Amaru.

136 “Reparto en las provincias de Atuncolla y Lampa” ARP, Seccion no catalogados [1768-69].
These are detailed descriptions of the reparto de mercancias records on the diverse towns and
communities of the provinces of Atuncolla and Lampa.
instance between 1760 to 1764 every indigenous community and Spanish town in Tiquillaca, Vilque, Moho, Conima, Capachica, and Coata (Guancane) received mules, paño de Quito, ropa de castilla, ropa de la tierra and other goods from Miguel Portillo, the corregidor of Guancane.137

Portillo called on family members and a number of associates to insure the successful operation of his reparto system. First, he ordered the caciques and alcaldes mayores (Spanish mayors) to be responsible for the distribution of the goods and the collection of payment in the indigenous communities and Spanish towns respectively. Second, he appointed two additional non-indigenous deputies in each community and town as assistants to the caciques and alcaldes mayores. Third, Doña Maria Leduque, the wife of the corregidor, frequently made rounds in the region to supervise and collect the revenues of the reparto, or commissioned more assistants to do it when she was unable to do it personally. Portillo kept records of the tribute collection as well, but the strenght of his efforts were concentrated on the reparto. Indeed Portillo built an army with his numerous family members and assistants in order to repress the growing discontent, “clamores y revueltas” as the commoners of Vilque expressed.138 The actions of local strongmen such as Portillo contributed to the growing factors that led affected communities to organize and resist and in the long term accumulated resenement that mushroomed the eventual insurrections.

137 “Indios contra corregidor Miguel Portillo, ”ARP Sección Tributos [1764].
138 Idem. r.8v.
What remained consistent throughout this period, however, are the unrelenting efforts of indigenous communities to engage on direct actions and challenge their adversaries via the legal system. However, the former prominent intervention of the caciques claiming to act on behalf of their communities began to decline and more direct forms of collective action developed. Most scholars on the late colonial Andes period are in agreement that the final crisis of the cacique authority is primarily the result of a series of interventions and pressures from the colonial government local powers. One decisive result of interventions of the colonial government was the indiscrimante appointment of interim caciques and most of them non-indigneous individuals. As O’Phelan showed, these new appointees called *intrusos* reached their high point after the failure of the late colonial insurrections.139

In the altiplano, the actions to undermine caciques from below were underway since the mid-eighteenth century. A central factor here was the mounting discontent of commoners for the caciques’ increasing tendency of enforcing the drastic colonial demands and abusive behavior. Just as the caciques of Lampa under Portillo, pushed the demands of the *Corregidor* on top of tribute and other colonial demands most others in the region did it as well. Commoners generated a series of actions and complaints accusing caciques of abandoning their role of protecting the communities. These growing challenges from below began to undermine the legitimacy of caciques and gradually removed community support. Instead, groups of commoners led by *segundas*,

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hilacatas, varayocs, and some principales appeared more frequently in their disputes and litigations. The community reactions were different from place to place, but the tendency was the emergence of more collective forms of community participation. This process of community disaffection in the eyes of the communities was the central factor for the ultimate demise of the power of the caciques in late colonial altiplano.

2.3 Tiranos: Caciques and Local Networks of Power

The colonial caciques, located in the intermediate contact zone between the Spanish rulers and the indigenous commoners, were always perceived as and acted as controversial figures. Since the early colonial era the caciques underwent, as Spalding and others assert, contentious process of conversion to and accommodation with the colonial regime.\textsuperscript{140} These processes of accommodations however, did not represent subordination on the contrary it represented the use of the new power structures in their advantage.\textsuperscript{141} Very often they acted as powerful intermediaries exercising their own political and economic agendas to influence colonial policies. Nonetheless, throughout the colonial period, as argued by Karen Powers, “a cacique’s power rested


\textsuperscript{141} Serulnikov, \textit{Subverting Colonial Authority}: 56. Serulnikov traced the long carrier of Florencio Lupa, an ambitious cacique in northern Potosí, and stated “Lupa’s trajectory is not that of a subordinate agent of Spanish rule in the Andes, but rather that of a powerful intermediary between the colonial authorities and the native peoples.” For an example of an earlier intervention of caciques on behalf of their communities, see Roberto Choque and Luis M. Glave, \textit{Mita, Caciques y Mitayos: Gabriel Fernandez Guarache, Memoriales en defensa de los Indios y debate sobre la mita de Potosí (1646-1663)}, (Sucre, Bolivia: Archivo y Biblioteca Nacionales de Bolivia, 2012).
on his ability to fulfill contracts with both the colonial regime and the community by promptly provisioning tribute and labor on the one hand, and by efficiently administering his peoples work and resources and ensuring good treatment, on the other.” In the second-half of the eighteenth century caciques pushed their position to the limits in order to please two contending interests. They mainly ended up enforcing the increasing colonial government demands upon the communities.

As a result caciques faced increasing challenges from their communities that also complicated their position before the colonial authorities. While caciques defended themselves against the accusations, few could resist the many long legal cases, often in different jurisdictions. For most caciques enmity with their communities meant loss of access to community assets that limited their capacity to maintain costly legal suits. Thus, caciques were left with few options in order to maintain their jobs and their social position. Many maintained their job by working closely with corregidores, carrying out reparto and tribute collection. These were in many places the late colonial version of caciques often refer to as caciques recaudadores or simply recaudadores, their job was that of collectors. They collected the reparto revenue for corregidores and tribute for the royal coffers. When they were short on either one, the result was increasingly the loss of their post. Often times late colonial caciques succeeded securing better support when more than one local competing powers coincided such as the Corregidor, the priest, and landed elites. These were the late colonial versions of what Stein

identified in the sixteen century as power groups. Late colonial community legal suits accused these power groups as an evil alliance of elite creoles and Spaniards against the “miserable Indians.”

Community complaints in the local and regional jurisdictions facilitated colonial officials interventions and generated the appointment of the caciques intrusos. The Audiencia judges and also increasingly corregidores and, later, the Bourbon Sub-delegates expanded the practice of replacing caciques, ignoring previous communal notions of rights to succession and election. Thus mestizos, criollos and even Spaniards were increasingly appointed to succeed a cacique. The institution of the position of Corregidor de Indios introduced by Lope Garcia de Castro, the governor of Viceroyalty of Peru in 1565, were replaced in 1784 by the regional intendentes and provincial sub-delegados, in the crown’s tacit acceptance of one of the central demands of the massive 1780-81 insurrections.143

Quite often these local officials in the late colonial altiplano considered themselves as the defacto rulers in their areas. Just as Rolena Adorno identified in the early colonial chronicles, the documents late colonial officers produced in the altiplano emanate perceptions of possession [of power] beyond their official duties, more than merely reflective of their social conditions.144 The distance from the colonial centers


144 See Adorno, Polemics of Possession: 4
such as Cusco, Charcas, and Lima; and the limited control of the colonial government facilitated some ambitions individuals to appear as local despots. For Instance, the Marquis of Casa Hermosa, appointed as Intendant of Puno in 1790, appointed his wife as the cacica of Lampa, a province under his jurisdiction.\(^\text{145}\) Some years later, still in the office, the widow of Casa Hermosa claimed that for all her years with loyalty and efficiency she administered and submitted all tributes without any harm “to her Indians.” However, she went on to say, that because of her current condition as a poor and elderly widow “the Indians do whatever they want, they pay no attention to me anymore.”\(^\text{146}\) Subsequently, she resigned her position and asked the local Sub-delegate to appoint a man who could “control the Indians and govern them before they get more insolent.”

Similarly, in the short period between 1795 and 1797, Miguel Urviola, the sub-delegate in Azangaro, wrote to the new royal audiencia of Cusco asking for the appointment of several caciques in his province.\(^\text{147}\) Urviola made constant reports about the current caciques’ failures to collect the tribute. He wrote frequently about the elderly condition of some caciques, about the passing of some of them, and the inability of many others in the collection of tributes. Urviola, unlike some other sub-delegates in the region, sent one name rather than three for replacement of caciques, usually a male


\(^{146}\) ARP. “Cacica de Samán contra indios” Seccion no catalogados, varios documentos [1796]

\(^{147}\) ARP. “Subdelegado Urbiola sobre cacicazgos en Azangaro” Seccion no catalogados. Varios documentos [1796].
mestizo or a Spaniard. Next in his formula was the description of his candidate, always stating that his candidate was married, with good instruction, and good conduct. Finally he added, as was the norm, that audiencia authorities may decide whoever fits better the interest of the crown, adding, “nevertheless I include here the usual fee for the appointment of the suggested individual.” The documents, however, reveal that Urviola wrote most of his requests after already appointing his candidates to office on an interim basis. These were, in the words of O’Phelan, the caciques intrusos that were indeed a contributing factor for the final crisis of the cacicazgo in the Andes.

In the altiplano, as in most other places, this process provoked a series of internal conflicts but at the same time opened the way to some indigenous elites and tributary members to voice their concerns about the persistent shortcomings of the cacicazgo. Accusations about caciques failing to meet community expectations increased. The new individuals assuming community representation were primarily principales, segundas, alcaldes, and jilacatas, many of them ladinos (fluent in Spanish), some capable of writing and with connections outside the community, vital in order to facilitate their demands and litigations. Often ordinary men and women, engaged in community movements and along side the former ones assumed some roles that were previously exercised by the cacique. Community political practice in the altiplano was deeply affected by the complex context of the late colonial crisis; the result nonetheless was that it generated the conditions for the emergence of new players in the community political arena.
Indigenous communities in the altiplano developed remarkable mechanisms of resistance in their struggles against the powerful caciques of the region and the long distances from the colonial courts. They had to endure journeys that took several weeks in order to reach the tribunals in La Plata or Lima and in the process avoid the strict control placed by their local authorities. King Carlos III established the Royal Audiencia of Cusco in 1788 as a result of the Indigenous insurrections of 1780-81 including most of altiplano provinces, expecting to facilitate better access to courts for indigenous communities. Altiplano commoners, with the help of lawyers and some urban allies, increasingly sued their caciques, local colonial officials and elites of excessive demands and abusive behavior.

Altiplano commoners often blamed caciques for belonging to aggressive local networks of power. Caciques, colonial officials, clergy, and some other powerful local individuals frequently formed what Steve Stern called “power groups,” in order to enforce supremacy over the commoners and popular sectors. Altiplano communities not only attempted a top-down style of control, they also provided political and economic support for their members. For instance, in 1796, captain don José García y Meza presented two local priests, the Subdelegado, the Spanish mayor of Chucuito, and two local merchants for guarantors of 6,500 pesos in order to secure his position as the treasurer at the Cajas Reales of Chucuito. Furthermore, the repartimiento de

148 Stern, Peru’s Indian Peoples: 95.
149 “Sinodos de Chucuito,” ARP Sección sin catalogar, [1796].
mercancias system, legalized in 1756, provoked an increasing wave of conflicts and accusations throughout the region. Caciques, in most of the cases, carried out the repartimiento, that is the distribution and collection of payments, and were the first in line to face the contempt and resistance from the commoners. While commoners confronted and challenged caciques’ participation in the repartimiento system, they also directed their litigations to the corregidor and their powerful associates, who they knew were behind the caciques. Altiplano communities also mobilized, filed complaints, and engaged in endless litigations, accusing caciques of encroachment of community possessions, public humiliation, torture, forced labor without retribution, and other charges.

Both the Aymara and Quechua communities in the altiplano mobilized and filed complaints. As examined above, in a 1754 case of the Aymara communities of Anansaya and Urinsaya of Guaqui, the commoners united efforts for a long process of litigation against their caciques and the local priest. They accused the priest and their caciques of keeping their communities oppressed and in permanent state of terror. In the process these two communities demonstrated that the corregidor of the province was also involved and that they together formed a powerful local network of power. When the litigation was stalled in La Paz, the commoners appealed to the Royal Court of Charcas and ultimately received a more favorable response.

150 “Comunidad de Guaqui contra caciques” ABNB, EC Nro. 49, [1754].
While this case reveals how a local network of power operated, it also shows the process why caciques lost legitimacy. The commoners pointed out that this complaint was actually initiated by their cacique Cachicatari in response to the priest’s initial demands. The commoners described the cacique’s actions,

He made us go to La Paz and stay at the house of someone he knew. There, the cacique presented a first complaint wrote with the help of a friend and a lawyer. [L]ater when our cacique brought the notification to the Corregidor also visited with the priest... when (the cacique) returned he was no longer ours.\textsuperscript{151}

The commoners moved between the local and audiencia jurisdictions effectively. Ultimately, the caciques and the corregidor remained in office; however, for the complainants the caciques had lost their legitimacy.

Similarly, in the Quechua province of Lampa in 1749 commoners managed to travel some 350 leagues to the viceroy’s court in Lima to present a complaint against don Domingo Solórzano, the cacique and governor of Nuñoa.\textsuperscript{152} The complainants argued that Solorzano was part of a local network of power directed by the Corregidor of Lampa. They recounted how the Viceroy, in a royal decree, had ordered the neighboring Corregidor of Cusco to investigate the cacique of Nuñoa and his corregidor. However, they said, “the Corregidor of Cusco never executed the order.” On the contrary “Solorzano expanded his abusive extortions on labor, confiscated goods,

\textsuperscript{151} Idem.
\textsuperscript{152} “Indios de Lampa contra cacique Domingo Solórzano,” ABNB-Sucre, EC Nro 41, [1749].
demanded excessive tribute, and hardened *repartimiento de mercancias*.\textsuperscript{153} The complainants argued that the cacique, making use of his powerful local network, had a group of armed men under him to use torture to oppress the community. Although the file is incomplete, the last page shows that the community, aided by the *Fiscal Protector General*, influenced the viceroy to order a new investigation for new testimony to be collected.

In 1754 in the same Quechua region a few leagues south of Nuñoa, in San Miguel de Achaya in Asangaro, Tomas Escapacuela, an *originario* and *principal*, on behalf of his community, charged Don Miguel Callapasa, their interim *cacique* and governor, of cruel extortions and *agravios*.\textsuperscript{154} Much like the previous cases, he argued that Callapasa belonged to a local network of power along with his son Francisco, his brother Diego, and his sons in law. Together, the commoners accused, they want “to extort the blood and sweat of his community.” As a result, they said, their community has been turned into a group of

\begin{quote}
[M]iserable slaves for these cruel owners who like powerful monarchs make us work on their lands, watch their animals, and send us for cargo to everywhere they want without food or payment. If one attempts to excuse from it, is subject to cruel lashes and humiliation. ...Because of this, most commoners find refuge in other *países* (regions), ...they no longer pay tribute and abandon their wives and children. Callapasa and his gang are drunks and promote the concubinage of his daughters in his own house.\textsuperscript{155}
\end{quote}

\begin{flushright}
\textsuperscript{153} Idem.
\textsuperscript{154} ‘*Indios de San Miguel de Achaya, contra cacique interino,*’ ABNB-Sucre, EC Nro. 57, [1754].
\textsuperscript{155} Idem.
\end{flushright}
The following documents in this file reveal a dramatic evolution of the case. The local justice reported that Miguel Callapasa had fled the community after an order for his capture was issued. Shortly afterwards, another document reported that Callapasa was found dead from alcohol poisoning. In turn, the local magistrate ordered Callapasa’s property to be confiscated and his debts to the community paid. While not all the cases turned out as successfully as this one for the commoners, it underscores the fundamental role the communities played in the gradual erosion of the influence of the cacicazgo office.

2.4 Intrusos: Community Perceptions About Outsiders

The convoluted late colonial context also affected relations between indigenous communities and their non-indigenous counterparts. Scholars suggest that throughout most of seventeenth and the first half of the eighteenth centuries, the Andean society coexisted under the relative calm of the long *pax hispana*. However, the relations of commoners and the authorities and non-indigenous sectors began to be strained in the mid-eighteenth century as a result of the impact of the Bourbon Reforms and the local *corregidores* and non-indigenous’ pressure for communities’ possessions. Altiplano commoners often perceived external intervention and regulations as intrusive and exerting negative influences on the community. Yet, at the same time they welcomed and used these same external elements when they saw fit and favored the advantages

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156 See Cahill, “The Long Conquest:” 85, also Fisher, Bourbon Peru: 3.
in a particular situation. Altiplano commoners criticized the intrusive presence of Spaniards and people from other castas in their community, but they also often sought the assistance of some Spanish officials deemed to be sympathetic. For instance, many communities approached the defensor de naturales, some urban allies, and some officials in the royal courts for support. Rather than simply constituting a contradictory practice, this is part of a long process of formation and adaptation to life in a colonial society that produced hybrid views and seemingly contradictory practices. Altiplano commoners, as most other indigenous communities in the region, incorporated colonial laws and members of colonial society into their lives, as well as clothes, house utensils, furniture, and food that they cherished among their possessions.\textsuperscript{157}

Kathryn Burns asserts that the first Nahua, Maya, and Mixtec writers engaging in sixteenth century litigation practices generated a complex and “hybrid notarial culture.”\textsuperscript{158} Similarly, late colonial altiplano indigenous communities and their legal aids continued to adapt the hybrid forms of legal practice developed in the colonial-long experience of litigations. However, commoners strongly condemned the sectors of the colonial society they considered their enemies. Thus, they challenged caciques directly when they perceived that their caciques attempted to drastically enforce government demands and dispossess them from their possessions. Commoners began to associate

\textsuperscript{157} For an examination of the formation of colonial society from the perspective of early colonial indigenous sectors, see Graubart, \textit{With our Labor and Sweat}, particularly chapter 4. : 121. See also Ann Zulawski, \textit{They Eat from their Labor: Work and Social Change in Colonial Bolivia}, (Pittsburgh: University of Pittsburg Press, 1995): 37.

\textsuperscript{158} Kathryn Burns, \textit{Into the Archive}: 6.
caciques with their non-indigenous enemies, a process that further eroded the already precarious status of the caciques.

A key factor in the growing disputes of communities against their caciques was the intervention of the colonial government in the appointment of caciques in the late colonial altiplano. As discussed earlier, local corregidores and later Bourbon subdelegados tended to appoint individuals less attached to the community as caciques regardless of their origin. These intruder caciques were questioned not only for their allegedly illegal appointments but more so for their status as forasteros, mestizos, or Spaniards and more often for being non-residents in the community. On the other hand, segundas, alcaldes, hilacatas, and other emergent community representatives in the late colonial altiplano were mostly long-time community members and carried out their functions from inside the community. The political legitimacy and closer relationship that the caciques previously enjoyed within their communities grew weaker as leadership roles shifted more toward individuals closer to the community.

Late colonial altiplano communities expressed a hybrid notion, one that defended the “traditional” practice of cacique appointment on the one hand, and the colonial laws that prevented non-indigenous candidates from occupying indigenous community posts.¹⁵⁹ Scholars studying late colonial indigenous politics in the Andes

¹⁵⁹ This highly contested intervention of colonial authorities in the cacique office, particularly by local corregidores and later the Bourbon sub-delegates, is not only a late colonial phenomenon; it was a recurrent throughout the colonial era. For a more extensive examination of conflicts on alleged illegal appointment of caciques see Rostworowski, Curacas y sucesiones; Ramirez, Dueño de Indios; O’Phelan, Curacas sin sucesiones; and Cahill, “The Long Conquest.”

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agree that the indiscriminate appointment of illegal caciques was a significant factor
that led to the “irremediable crisis of the cacicazgo” as Sinclair Thomson wrote.160
O’Phelan, who coined the expression “caciques intrusos,” and other scholars show how
the colonial state’s intervention provoked the decline and fall of the cacique system in
the Andes.161 Serulnikov claimed that Aymara peasants located in Chayanta, Pocoata,
and Charcas organized a series of uprisings that eventually led the insurrection of Tomas
Katari against the appointment of illegal caciques, and abuses related to tribute
collection. Similarly, Thomson, in an extensive analysis of the “decline and collapse of
the cacicazgo” points out that the late colonial illegal appointments were a continuation
of the colonial-old internal disputes between contesting indigenous families claiming
hereditary rights (derechos de sangre) to cacicazgo.162 He shows that the even the
shortest complaint against one of the altiplano’s long standing caciques, don Matias
Calahumana of Guarina, included the accusation of being an “intruder.” The most
frequent argument that indigenous commoners and their leaders used in their
complaints against the caciques intrusos was that they wanted a cacique de sangre

160 Thomson, We Alone Will Rule; also Christine Hunefeldt, Lucha por la tierra y protesta
indígena: las comunidades indígenas del Perú entre Colonial y República, 1800-1830. (Bonn: Seminar für
Völkerkunde, Universität Bonn, 1982).

161 For an analysis of the phenomenon of the caciques intrusos, see O’Phelan, Kurakas sin
sucesiones. See also Spalding, “Social Climbers;” Pease, Curacas, reciprocidad y riqueza; Sala I Vila, Y se
arma el tole tole.

162 Thomson, We Alone Will Rule: 64, also: 232. Don Matias Calahumana is a central figure in
Thomson’s book because the long tenure he achieved of more than 30 years. According to Thomson,
Calahumana was a successful cacique since he survived the insurrection of Katari and died a year later in
1782. Calahumana was however, succeeded before his eyes and to his dismay by Gaspar Guanco a
tributary Indian who was an alcalde indigena in his community.
(hereditary) “who will govern them with love and tenderness... and defend them from all mistreatment and humiliation that some despotic rulers” inflict on them.\(^\text{163}\)

The ethnic differences and the scattered state of the altiplano communities around lake Titicaca did not prevent them from sharing similar perceptions about their caciques. The Aymara community of Italaque, at the Northeast shores of the Lake Titicaca, led by a large group of tributary and *principales*, indigenous leaders, filed a complaint against their cacique, Julian Ramirez.\(^\text{164}\) These indigenous commoners argued that because Ramirez was an intruder and alien to the community he abused and tortured the commoners. The complainants explained that Ramirez was appointed only as tribute collector but once he married a former cacique’s daughter, he appropriated the cacique title. Ramirez, the commoners went on to say, is a “*mestizo* banned from the post of cacique, *mestizos* hate Indians and they cannot be our caciques... we request the appointment of an indigenous cacique who will govern us with love, charity and justice.”

Altiplano commoners stressed the contrasts between locals and outsiders as a key factor in their struggles against late colonial caciques. In 1802 Eugenio Quispe and Pedro Hilari, *indios tributarios* of Tiquillaca, on behalf of their community of seventy tributaries, accused Doña Margarita Tinajero with despotism and illegal office-holding


\(^{164}\) “Indios de Ytalaque contra cacique Julian Ramirez,” ABNB-Sucre, Expedientes Coloniales 3ra parte, [1749-75].
for being an outsider to the community. They argued that “doña Margarita Tinajero after marrying the cacique don Andres Calizaya took over the cacicazgo, self-proclaimed cacica, and unlike her husband imposed intolerable abuses on the indios.” Quispe and Hilari detailed the alleged abuses of Tinajero: encroachment of lands, forced labor without payment, excessive demands for contributions, monopoly on trade, and physical punishment. Despite the surveillance that the cacica had established on the roads, in order to prevent them from leaving the community, “with the help of god” they had managed to travel to the city of Puno to present their complaint. In a second complaint before the provincial Intendant the community stated that, “with all these actions the self-appointed cacica became more alienated from the community.”

Tinajero was in fact removed from office but not before she arranged the appointment of her son-in-law, don Mario Estevez, as her replacement. The commoners of Tiquillaca continued their struggle, arguing that Estevez was Tinajero’s son-in-law and also a forastero from Chuquisaca. The accusers stated that members of the community normally obey and give service to a cacique de sangre, but, since Estevez was an intruder cacique, they would neither obey nor serve him.

These legal cases emphasized the caciques’ condition as outsider to the community along with more traditional themes of abuse. Another complainant in the Tinajero case, broadened his concerns to the sub-delegate, “because he is also an outsider to the community” and an associate of the cacica, who together “orchestrated

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165 “Indios de Tiquillaca contra Margarita Tinajero,” AGN, Lima. Real Audiencia Legajo 29, Cuaderno 574, [1802].
the illegal appointment of Estevez.” The same complainants accused don Mariano Agustín Carpio the defensor de naturales (a Spanish official appointed as advocate for the indigenous) of similar charges. The community effectively stressed the outsider status of Tinajero and her alleged power network in order to compel the authorities to listen to them and investigate the case in depth.

2.5 Ausentes: Caciques Displaced by Commoners

Emergent community representatives in the late colonial altiplano transformed community political practice by replacing the cacique-centric model of leadership. Sinclair Thomson in his influential study of the Tupac Katari Rebellion asserts that community power shifted to the base of the political formation. It is a process, he argues, of democratization along communal, not western liberal lines. Yet, the main factors that explain this shift at the community level remains unclear. For most scholars the cacique remained as the prominent figure of community politics and that the colonial interventions transformed them further into local instruments for mainly fiscal purposes. The intervention of the indigenous communities gradually undermining caciques from below and replacing them with alternative figures of authority is largely overlooked.

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166 For an interesting examination of the role and evolution of the defensor de naturales office, a Spanish official appointed as advocate for the Indigenous in the Andes, see Honorés, “Una sociedad legalista.”

167 Thomson, We Alone Will Rule: 10
The growing disputes against caciques and other colonial officials generated in the communities a process of formation of political consciousness. Commoners in response to the increasing actions of caciques against community interests, engaged themselves in their struggles. In the process, former secondary figures of authority that had experience from previous interventions bean to emergence as the alternative community leaders. Thus, jilacatas, segundas, alcaldes de indios, and some dynamic commoners themselves gradually reinvented community politics from below. These diverse figures appeared with new vitality and gradually gained trust and legitimacy from the larger community members. Commoners themselves, individually or collectively, requested the intervention of these figures instead of the caciques that in many cases remained in office but appeared rather marginal figures.

Damian Bengoa, alcalde de españoles of Pomata in 1775, ordered the detention and confiscation of the property of Joseph Chambilla, an “indio tributario” of Vilachavi, a small Aymara village in Pomata. He charged Chambilla with beating his wife and murdering his sister-in-law, Maria Cruza Poma.168 The core of the case recounts the tragedy Chambilla, upon his return from a business trip in the valley of Cochabamba, found out that “his wife and her sister had tainted” his reputation. He learned from his neighbors that in his own house Asencio Torres, a mozo (youngster), carried out an “illicit” friendship with Cruza Poma and that on one occasion even forced Chambilla’s wife into adultery. Infuriated by his wife’s later confession, Chambilla severely beat her

168 “Hilacatas y segundas de Pomata contra Joseph Chambilla,” ARP Corregimiento, Sección Criminal, caja 02, [1775].
with a stick and when Cruza Poma intervened in defense of her sister, she received a deadly blow to the head. After five days Cruza Poma died and was buried in a distant chapel. Both Chambilla and Torres were arrested and remained in jail for the following year and a half while investigations went on without being sentenced.

Asencio Chambilla, the jilacata and Nicolas Quispe, the alcalde de indios of Vilachavi participated as the primary community authorities. At the request of the family members of both accused men the jilacata and the alcalde traveled to the main town of Pomata and intervened in the investigations “en voz de todo el comun” (on behalf of the entire community) of Vilachavi.169 They facilitated the investigation along with Bengoa, the town’s Spanish alcalde and the provincial justice. Some days later, Bengoa ordered the exhumation of the body of Cruza Poma, who had been buried “without the knowledge of the community authorities and the priest, thus without declared cause of death.”170 The jilacata, and the alcalde de indios then led the exhumation and carried another investigation that took several days with testimonies from men and women in the community. Later Joseph Chambilla, the accused of murder, with the help of the Defensor de Naturales, presented a petition of release from prison. In his defense he argued that the jilacata, the alclade de indios, and el comun who know their costumbre understand that his reaction was “natural” given the

169 Idem. f.03.
170 Idem. f.09.
circumstance of what had happened in his house during his absence. Conversely, the investigative prosecutor of the case, appointed for the Spanish mayor, in citing the evidence for his accusation stated,

Chambilla does not have the right to take the law into his own hands... if he had wanted to correct the alleged ofensas of his wife and his sister-in-law he should have reported the case to the proper authorities in his community... there was the cacique, the priest and other justicias in order to punish las culpas.

Thus, while there was a cacique in office the commoners opted for the intervention of the secondary authorities. Yet, a month later when the case reached the provincial court of Chucuito, the magistrate requested the cacique to investigate the case. Only then don Raphael Paca, cacique principal and governor of Vilachavi, investigated the case collected testimony from the commoners, and submitted a brief report. Paca’s report, though, was one more among many others in the long file; it did not add or change anything in the case. In the small village of Vilachavi, this tragic event touched everybody in one way or another. Most of the village members participated in the investigations, so the marginal participation of the cacique is very telling. However, this case showed that for most of the community members the jilacata and the alcalde de indios were the authorities of the community. For other outside the community that was not necessarily the case. Mengoa, the Spanish alcalde of the head town of Pomata, who presumably interacted more with the community, recognized the secondary figures

171 Idem. f.11.
172 Idem. f.11.
as the representatives of Vilachavi, yet, an external inspector and the provincial magistrate from the more distant Chucuito requested the intervention of the cacique. This case reveals how the complex process of shifting authorities at the community level looked like.

Just a few years later in 1783, the same town of Pomata the Spanish alcalde don Matheo Goizueta investigated two men accused of robbery that had also escaped from the local prison. He summoned the segunda from the indigenous community where the accused belonged to assist him with the investigation. The segunda carried out and investigation in his community and reported that the accused were indeed guilty of theft and merited a castigo ejemplar. In closing the case Goizueta asserted that the community trusted the segundas with their witness testimonies “more than those who boss them around and mostly collect their tributes.” While in this case a cacique is not directly involved or mentioned, Goizueta’s dismissive words about a tribute collector hints that there was perhaps a cacique in charge of tribute collection. Nonetheless, the tendency is that in Pomata area the former secondary figures have become the primary community authorities and the intermediaries with the colonial officials.

Similarly, in 1783 in the Quechua town of Azangaro the local priest brought his quarrel, with one of the local army officers stationed in his town, to the courts. Doctor don Jose de Escobedo y Laguna, cura propio of Azangaro, accused captain Francisco

173 “Alcalde de Españoles Matheo Goyzueta, Pomata,” ARP Seccion Corregimiento Caja 02, [1783]. Goyzueta in his late document stated “los indios confian en sus segundas con sus testimonios mas que otros mandones que solo recolectan los tributos.”
Zegarra and his men of lack of respect and harassment. Escobedo y Laguna collected evidence against Zegarra with the assistance of other army officers in order to support his accusation. A fundamental piece for his case, however, was a detailed accusation filed by the indigenous community’s authorities against Zegarra’s army unit. Gregorio Vargas, segunda persona and the jilacatas “on behalf of todo el comun” (the whole community) detailed the ways in which Zegarra and his soldiers stole their horses, cows, and ovejas de la tierra, threatening them if they complained. This was part of what Cahill suggested when he wrote that during the Intendente system, the military became the new preeminent authority over the local elites. The less prominent process in motion, however, was that the indigenous communities increasingly began to function with jilacatas, alcaldes de Indios, and segundas as their representatives. For the people at the community level this was a major shift, consciously done by placing their trust on alternative figures rather than the caciques.

These emerging indigenous authorities began to ascertain their position before colonial officials also by taking roles work on behalf of the community that were formerly done by caciques. For instance, the royal treasurer of the Cajas Reales in Chucuito required the parish priests to present a certificate of residence issued by the

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174 “Criminal seguido por índios de Prov. de Azangaro sobre maltratos que han sufrido de los soldados de la caballeria de Santa Cruz de la Sierra,” ARP Seccion Corregimiento, Caja 02, [1783].

175 Cahill, From Rebellion to Independence: 19.
caciques in order to pay them the *sínodo*. Thus, the priest usually requested the cacique to write a formal letter that certified that he had been in residence providing *doctrina* to the community during a specific period. Don José Eraso de Burunda, *cura* and *vicario* of San Pedro de Acora partido de Chucuito in 1796, asked don Nicolas Romero, cacique, for a certificate of residence stating that he had fulfilled the requirements of the *doctrina* in order to request the payment of his *sínodo*. In this case, Romero indeed certified that Eraso de Burunda has been in residence for the last three years providing “*buena doctrina* and *pasto espiritual* to his *indios* of Urinsaya in Acora.”

Caciques continued to appear in some cases but alcaldes interacting directly with colonial officials increasingly replaced them. For instance, indigenous alcaldes in agreement with sub-delegates issued the certificates of residence for priests. In 1797 in the same town of Acora Don Esteban Jose de Roxas y Saldoval, *cura propio* of the San Juan and La Concepcion *doctrinas* in Acora wrote to the local *alcalde* “before *vuesamerced* a now established authority I humbly request the issuance of a certificate of my continuous residence and performance of all my duties of *doctrina* during the

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176 *Sínodo* or religious synod was the official annual payment that colonial clergy received from the state for their pastoral work in charge of a parish or *curato* office providing doctrine and spiritual guidance. Regularly 3% of the synod was retained in order to help to defray the expenses of the seminary in La Paz and since mid-eighteenth century an additional 1% was often retained for the construction and maintenance of the local hospital for the indigenous.

177 “*Cura don Jose Eraso de Acora por certificado de residencia,*” ARP. Seccion no catalogados, [1796].

178 Idem. f. 3r.
current tercio, so I can proceed to request the payment of my sinodo from the Royal Coffers in Chucuito...”179 In the same Aymara region, Don Atanasio de Loza cura y vicario of the Asuncion parish in Yunguyo requested a certificate of residence from Don Mariano Titoatauchi y Malla the Spanish mayor, cacique principal and governor.180 In another instance, Don Jose Gervasio Leiva cura y vicario of the parish of Santa Maria de Magdalena of Yunguyo follows the same procedure before the same Titoatauchi.

Concurrently in the Quechua region of the altiplano, doctor don Juan Valentin de Gamboa, attorney of the royal audiencia, cura propio of Puno, and ecclesiastic judge of Paucarcolla in 1774, requested a certification of residence and fulfillment of a doctrina from Don Mariano Meneses, the alcalde of Puno.181 The caciques of Acora and Puno were in office when the priests petitioned the alcaldes to issue their respective certificates. Archival records show that Romero was still the cacique of Acora in 1797 as was Calisaya in Puno in 1774.182 Furthermore, the sinodos were the main official income that colonial priests received from the crown for their spiritual labor in the indigenous communities, therefore the issuance of the certificate for that purpose was not a minor

179 “Don Esteban José de Roxas y Saldoval, cura propio of the San Juan y La Concepción, Acora por certificado de residencia,” ARP Sección No catalogados, [1797].

180 “Don Atanasio de Loza cura y vicario, parroquia de la Asunción, Yunguyo, por certificado de residencia,” ARP. Sección no catalogados [1797].

181 “Doctor don Juan Valentín de Gamboa, cura propio de Puno y Paucarcolla,” ARP. Sección Iglesia, [1773].

182 For instance don Gregorio Callisaya cacique principal and governor of Puno, in the same years that the priest of Puno asked certification of residence to the mayor of Puno, received his salary after submitting the collection of tributes of 1771-74. Callisaya received his salary of 78 pesos and 1 real a year for the entero (deposit) of 7 tercios between 1771-1774. ARP. Sección Iglesia, [1773].
responsibility. Although some caciques may have continued to issue these documents in some places, the indigenous alcaldes appeared increasingly more as political figures and intermediaries with the colonial authority.

By the end of the century, colonial officials carried out their business with these diverse figures as the regular community authorities. In 1798 a commissioner sent by the Viceroy of Buenos Aires in response to several accusations of abuses on land redistributions in the Quechua province of Lampa investigated the cases with the the local authorities. In the process he stated, “I summoned the prosecutor of the royal hacienda, the protector de naturales, and the segundas personas of Vilque and Mañazo, since there is no cacique in any of these or the surrounding towns.” One of the cases the judge investigated was a dispute for lands of two communities against a private landowner. The judge collected oral testimonies from the segundas of both communities, the owner of the estate, the prosecutor of the royal hacienda, and the managers of the neighboring haciendas. The solution to the dispute must have been significant since ten years later an official in charge of redistribution of lands in the region indicated that the communities of Vilque and Mañazo had remained in peaceful existence under their segundas. As argued earlier, the late colonial indigenous communities faced massive attacks in diverse fronts but particularly on their lands. The

183 “Indios de Lampa por distribución de tierras,” AGN-Lima Section Derecho Indígena, Legajo 29, Cuaderno 550, [1798].

184 “Inspección y composición de tierras, Lampa” ARP, Seccion Intendencia, Caja 02. (1808).
critical role that secondary figures played for the community gained them legitimacy
from both the commoners and the colonial officials.

Colonial authorities in general considered the role of *hilacatas, segundas, and
alcaldes indigenas*, as the primary representatives of the communities. The governor of
Puno, some officials of the royal treasury, and the Viceroy of Peru in 1805 engaged in a
long and tense debate.\textsuperscript{185} The governor suggested to the viceroy that he should reform
laws and practice about indigenous land and tribute. But, between the lines he revealed
his views about indigenous communities. The governor argued that indigenous
communities and *indios originarios* in particular, in his jurisdiction, had excessive vacant
land. The governor suggested that more land should be distributed between *mestizos*
and *forasteros* that will pay the full amount of tribute since “they are after all children of
indigenous parents.” The governor advocated for *mestizos* that they could use the lands
better and be the armed hand of the king against the Indians, as “they had
demonstrated during the rebellion of 1780.” While the governor asserted that he knew
about the king’s mandates for the wellbeing of the Indians, he alleged that his concerns
were also about increasing the royal treasury. Furthermore, as if following viceroy
Toledo’s ordinances in the sixteenth century, he argued that rather than caciques,
*alcaldes de indios, alcaldes recaudadores, hilacatas and mandones* should be in charge
of the *costumbres* of the “Indians in general.” The response from the viceroy to the
multiple requests of the governor of Puno, as often happened in similar cases, was to

\textsuperscript{185} “Don Joseph Gonzales contra el Marqués de Avilés the Viceroy of Peru,” AGN-Lima, Fondo:
Real Hacienda, Serie: Contaduria General de tributos Legajo No 02 Cuaderno 43, [1805].
send a commission to investigate. When the treasury officials were consulted, they were opposed to the suggested changes on land distribution. The arguments and suggestions of the local governor reveals the official mentality during the time mestizo and creole sectors were massively encroaching lands of the indigenous communities. Beyond the arguments about land and tribute, this series of communications also confirmed that while caciques are still mentioned, the former less prominent secondary community figures were playing more prominent roles.

2.6 Conclusions

The emergence of the former secondary indigenous representatives and the new roles they played transformed community politics. Colonial caciques, the complex indigenous figures of authority and long time intermediaries between indigenous communities and the colonial regime, declined and fell in the second-half of the eighteenth century. The indigenous peoples under the rule of the caciques were not marginal observers to this process. On the contrary, they engaged and participated in defense of what they considered attacks on their community rights. In the altiplano, a diverse collection of individuals such as segundas, hilacatas, alcaldes, principales, and, some ordinary community members led collective struggles and eventually became key figures in the late colonial community political structure.

Community accusations of excessive demands and abusive behavior against caciques, often perceived as despotic members of local networks of power, filled the colonial courts of the region. Altiplano indigenous commoners, individually and
collectively, mobilized insistently seeking ways to alleviate their burdens. Recourse to litigation was one of their most consistent courses of action. While the networks of power that linked caciques, clergy, and local colonial officials gained power, indigenous commoners and their emergent representatives developed remarkable strategies of defense. They defied local control, confronted their adversaries, and formed networks of allies in order to appear before the royal courts. This community activism frequently generated the arrival of observers and critics from higher jurisdiction that challenged and in some cases even deterred the power of the local groups. Communities demonstrated that colonial officials and elite sectors in their isolated areas tended to act as local despots. Altiplano commoners did not stop the endemic attacks of their enemies on their possessions; however, they developed formidable legal and political abilities that made possible the institution of the community to survive.

Altiplano commoners gradually legitimized segundas, jilacas, and alcaldes, as the emerging community representatives and displaced caciques. This conscious transfer of support towards figures that the community considered more legitimate reveals the growing sense of autonomy and political consciousness. As we have seeing in the numerous examples, caciques in most of the region were consistently displaced from their former prominent roles. For community’s practical purposes caciques were virtually erased. Thus, the actions that undermined caciques’s legitimacy from below were much more decisive in their erasure than the top-down colonial policies often assumed as determinant. The colonial policies were rather contradictory, it did
eliminated caciques and their families that were directly involved in the 1780-81 insurrections, yet it awarded and empowered those who defended the royal interests.

At the community level, the emerging indigenous representatives gradually became accepted before the colonial authorities. Beyond the colonial administration and politics the communities’ the day-to-day business continued. *Segundas, hilacatas, alcaldes*, and other indigenous leaders increasingly acted as the new intermediaries with the colonial government. Many caciques remained in office and continued to appear in diverse disputes, yet their influence in community affairs appeared less clear. As Cahill suggested, late colonial *cacicazgos* “continued to attract mestizos, poor creole and Spaniards as opportunities for access to labor, lands, and most importantly free indigenous labor, all part of the benefits of holding this office.” However, these late colonial caciques, often non-indians, were not easily welcomed into the communities for other than the collection of tributes.

In the larger view, however, the office of the cacique had lost legitimacy from below and from above. Altiplano commoners mobilized with their more plebeian representatives and often ignored the presence of the caciques. The community politics and authority in the late colonial altiplano appeared more diffuse and more active at the base level with mechanisms to reach directly higher colonial authorities. Mridula Mukherjee, an influential scholar on peasant politics in India, convincingly argued that,

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186 Cahill, “Native Andean Elites.”
“behind each peasant protest, a legitimizing notion of right is to be found.”\footnote{187}

Commoners in the altiplano insistently asserted that their struggles sought to eliminate the abuse of the local authorities that were supposed to protect them, and that the caciques were one of them. Commoners claimed that caciques were no longer their legitimate authorities for abandoning the defense of community interests. Furthermore, disaffected altiplano natives considered that caciques had departed from the community views and practice of justice. The process of articulating and advancing their notions of justice is precisely the aspect we examine in the next chapter.

\footnote{187 Mukherjee, Peasants in India’s non-violent revolution: 466. In this quote Mukherjee is paraphrasing E.P. Thompson.}
CHAPTER 3:

DESDE TIEMPOS INMEMORIALES: INDIGENOUS COMMUNITIES BEFORE THE LAW IN THE LATE-COLONIAL AND EARLY-REPUBLICAN ALTIPLANO

3.1 Introduction

Late colonial altiplano communities reinvented their use of the colonial legal system. They collectively generated an unprecedented wave of complaints and petitions about and against caciques and some times against colonial officials. Commoners grew convinced that their caciques, most local elites and authorities had become anxious in their attempts to control their communities and possessions, while they blatantly disregarded community demands for justice. Therefore, commoners mobilized in large numbers in order to bring their cases before higher authorities in the region and beyond. Internally, communities gradually transitioned from struggles about the behavior and the legality of caciques towards a more radical process of undermining and delegitimizing thecacique office from below. Fundamentally, as demonstrated in the previous chapter, altiplano communities, although unevenly, began to replace caciques primarily with former secondary figures such as segundas and jilacatas (assistants of the caciques), alcaldes de indios (indigenous mayors), and many ordinary
commoners as alternative community representatives. In the process they employed a legal discourse that stressed their collective presence and sought for ways to incorporate what they considered their customary views. Concurrently, commoners assembled their arguments in order to resonate with what the colonial legal system expected.

Communities and their representatives launched more aggressive collective mobilizations that transformed community litigations. They relentlessly took their struggles to the higher courts in defense of what they considered their rights. Yet, the parts of litigations in which native communities participated directly and most fervently were actions, around the formal legal proceedings, on the larger social drama of the litigations.\textsuperscript{188} Commoners in the altiplano navigated the overlapping legal jurisdictions for generations, and since early colonial period had been regarded as expert litigants.\textsuperscript{189} Yet, they engaged in litigations as both a part of their broader political struggles and everyday forms of resistance in order to work the system to their minimum disadvantage.\textsuperscript{190}


\textsuperscript{190} James Scott, \textit{Weapons of the Weak, Everyday forms of Peasant Resistance}. Unlike the peasants of Scott, however, altiplano commoners organized sophisticated ways of collective resistance, rather than just domestic and individual forms. Altiplano commoners developed systematic forms of resistance especially using the colonial legal system that went beyond local and regional levels.
In this chapter I examine the complex forms of altiplano communities’ collective struggles in and around the colonial legal system. In particular, I focus on three fundamental aspects of community actions: their remarkable and mostly clandestine journeys on the Andean roads, their differentiated notions of custom, and their effective use of colonial legal discourse. I argue that the late colonial and early republican altiplano communities considered litigations as far more comprehensive process than the strictly legal procedures in the courthouses. In the process, I show that the engagement of indigenous communities was far more transformative than the previous assumptions of “resistance adaptation” to colonial domination.\(^{191}\) The collective and direct participation of commoners in defense of what concerned them deeply generated a political consciousness from below than was not apparent when caciques were the dominant actors.

Altiplano commoners transformed their political practices from below by becoming increasingly independent from their caciques. They argued that caciques had gradually abandoned their role of defense of the community and were primarily concerned with enforcing the colonial government’s demands and advancing their personal interests. While caciques continued to appear in community litigations, they appeared mostly as enemies of the communities. Commoners and their emerging

representatives frequently accused the caciques of abusive behavior, excessive demands of tribute, excessive demands of labor, and encroachment of community lands and resources. As a result, commoners undermined caciques’ legitimacy and accelerated their erasure by engaging collectively in defense of their resources and supporting more plebeian community representatives.

The community litigations confronted several challenges. Commoners argued that their adversaries influenced the local jurisdiction and attempted to stop them from pursuing their cases. Thus, they embarked in remarkable journeys on the roads to the royal courts in order to bring their complaints before the higher courts. These travels were often clandestine in attempts to avoid their enemies from blocking their cases. In terms of content, commoners consciously reinvented their notions of custom in order to, on the one hand, conform to the colonial legal system and on the other defend collective rights considered rooted on communal practices that differed significantly from the hereditary rights that indigenous elites claimed. These transformations were different from previous formulations of custom as “traditional” practices, as Bianca Premo has argued.¹⁹² Yet, while Premo asserts that late colonial indigenous litigants formulated custom as individual claims for immediate needs, commoners in the altiplano assembled their claims of custom as collective claims. Furthermore, these litigations revealed the emergence of a novel stream of political agency of the subaltern sectors that underscores previous assertions about the marginal political consciousness

¹⁹² See Bianca Premo, “Custom Today.”
of commoners and the dominant role of the indigenous elites. Commoners also mastered the use of a legal discourse that deplored the impoverished conditions they were kept in and stressed the abusive behavior of their authorities and local rivals in forms that judges recognized. Overall, commoners attempted to improve their chances in the colonial legal system through the theatrics of direct participation. In their arguments they changed their notions of custom and used a legal discourse that the judges could understand. Commoners perceived all these elements also as important as the legal procedures in the courts.

3.2 Litigation in the Late Colonial Altiplano

Indigenous communities in colonial Andes knew that litigation before Spanish church and lay royal courts was vital in order to carve out their place under the colonial regime. Caciques, the ethnic lords, on behalf of the native communities engaged in litigation and became expert litigants very early in the colonial era. Caciques with their legal aides poured into the different jurisdictions of the colonial legal system and pursued cases that often continued for generations, even centuries. Community authorities faced with long and frequent travels to distant regional courts often opted for hiring more permanent legal assistants and procuradores (legal advocates) with power of attorney as permanent representatives for the communities.\(^{193}\) The intensity, 

the number of people involved, the time and costs associated with it, and the direct challenges it represented to the colonial powers, became of primary concern to colonial authorities. Colonial authorities throughout the colonial period complained about the massive and unrelenting legal battles that the “extremely litigious” Indians carried on for generations.\(^{194}\) Despite the heavy burden of litigation, the Altiplano communities pursued them as a political tool to effectively challenge authorities and advance their interests.\(^{195}\)

The late colonial community struggles in the altiplano were directed mainly against the local authorities and elite sectors. The records from the Archivo Regional of Puno, in Peru reveal that the collective struggles of these Quechua and Aymara communities intensified in the second half of the eighteenth century and continued well into the first half of the nineteenth century. As we can observe in Table 5 below, the community lawsuits increased significantly in the 1760s when the mix of the effects of

\(^{194}\) One of the most dramatic descriptions of the effects of litigations on native communities in the colonial courts is that of mid-sixteenth century judge in New Spain, Alonzo de Zorita. He lamented the destructive effects that *pleitismo indigena* had for the native communities and the Spanish Crown. See Woodrow Borah, *Justice by Insurance*: 42. For most of the colonial period caciques and their assistants litigated on behalf of the community and mobilized community resources. In the eighteenth century, however, as a result of several factors commoners gradually began to contest and curtail caciques’ presence. Also for an instructive discussion of indigenous commoner’s use of the colonial legal system, see, Spalding, *Huarochiri*. Also, Stern, *Peru’s Indian Peoples*. Stern asserts that among the indigenous peoples, the most constant litigants were caciques and the elites; however they were not the only ones, non-indigenous sectors were equally engaged in litigation.

\(^{195}\) See De la Puente, “That which Belongs to All.”
the Bourbon Reforms and the reactions of people began to heat up the social landscape. While these findings confirm the general sentiment in the historiography that caciques and local colonial authorities were the most frequent targets of lawsuits, it also reveals that creoles and mestizos were rapidly becoming frequent adversaries of the communities. The intra-community conflicts were the less frequent reason of litigation. As we will see in the sections below, the litigation against caciques were accusations of excessive demands, abusive behavior, illegal appointment, and, most frequently, for encroaching on community lands. Colonial officials such as corregidores, tribute collectors, subdelegados, intendants, judge commissioners, were accused mainly for the enforcement of repartimiento de mercancías, excessive demands, abusive behavior, and obstruction of justice by disobeying audiencia and royal decrees. The accusation against creoles, mestizos and other non-indigenous individuals was fundamentally for attempts of encroachment of community lands and possessions.
### TABLE 3

**DIRECTIONS OF ALTIPLANO COMMUNITY LITIGATIONS**

(ARP)

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<tr>
<th>Years</th>
<th>Against Caciques</th>
<th>Against Colonial Officials</th>
<th>Against Intra-Community</th>
<th>Against Creoles</th>
<th>Against Others</th>
<th>Total</th>
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<tr>
<td>1701-1720</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>1721-1740</td>
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<td>2</td>
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<td>1</td>
<td>5</td>
</tr>
<tr>
<td>1741-1760</td>
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</tr>
<tr>
<td>1761-1780</td>
<td>6</td>
<td>7</td>
<td>2</td>
<td>5</td>
<td>0</td>
<td>20</td>
</tr>
<tr>
<td>1781-1800</td>
<td>34</td>
<td>19</td>
<td>12</td>
<td>21</td>
<td>5</td>
<td>91</td>
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<tr>
<td>1801-1820</td>
<td>19</td>
<td>23</td>
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<td>17</td>
<td>4</td>
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<td>5</td>
<td>11</td>
<td>2</td>
<td>34</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
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<td><strong>69</strong></td>
<td><strong>33</strong></td>
<td><strong>56</strong></td>
<td><strong>16</strong></td>
<td><strong>237</strong></td>
</tr>
</tbody>
</table>

|        | 26%            | 29%                       | 14%                     | 24%            | 7%             | 100%  |

Source: Selected documents from the Archivo Regional de Puno, Peru. Sections: Corregimiento, Intendencia, Eclesiales, and no catalogados between 1700 and 1850.

This study, by examining the late colonial community struggles against their local authorities, reveals unique forms of political transformations at the community level that can provide insights in the larger late colonial Andes. Scholars have long demonstrated that the Andes experienced earth-shattering events in the second half of the eighteenth century. They revealed that the conjunction of diverse factors such as the Bourbon Reforms, the pressure of local authorities for revenues, and the massive
Indigenous insurrections had shaken the foundations of the Spanish colonial structure.\textsuperscript{196} Furthermore, recent studies of the late colonial Andes argue that beyond the larger events, village-level political consciousness was a main factor in local mobilizations that gradually grew into larger insurgent movements.\textsuperscript{197} Following this path, this study demonstrates that the indigenous insurrections did not suspend or replace the more subtle and long-term struggles from below, community resistance, mobilizations, and litigations.

Altiplano commoners were aware of similar disputes occurring in other communities and when possible they made alliances with their counterparts. Many communities struggling against the power of their authorities learned, on the roads or through their legal assistants, that other communities were also facing similar struggles. Hence, communities were open to collaborate and join efforts in legal cases when offered better chances. For instance, in 1749 the commoners of Hanansaya in Guaqui (La Paz), contesting their cacique’s abusive behavior learned that their neighbors of Urinsaya were also litigating against cacique and the local priest. Furthermore, they realized that the same priest was also influencing their own cacique, directing the


\textsuperscript{197} See Sergio Serulnikov, \textit{Subverting Colonial Authority}; Sinclair Thomson, \textit{We Alone will Rule}; and Ward Stavig, \textit{The World of Tupac Amaru}. 

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abusive actions against Hanansaya.\textsuperscript{198} Thus, both communities decided to unite their efforts and carried their legal case to the corregimiento of La Paz and up to the court of appeals in the Royal Audiencia of Charcas. Similarly, the communities of Cabanilla and Tiquillaca, in the province of Lampa, shared information about the new Viceroy of Peru traveling through their region, both communities in mass were able to secretly mobilize and wait on the road for the viceroy to appear.\textsuperscript{199} While each community had their own issues to present before the viceroy, their joint efforts prevented their local rivals from obstructing their plans to meet the viceroy face-to-face. Altiplano commoners recognized that their fellow commoners in most of the region were also in thrall to caciques and colonial authorities.

Evidence from the court of appeals at the Audiencia of Charcas mostly mirrors the local trend of disputes. The records from the ABNB originated from the Royal Audiencia of Charcas, the main court of appeals during most of the period of this study. This court therefore, received significantly less litigations and other processes that originated at the community level. The complex late colonial context with revolts and the eventual massive insurrections, made the prospect of travel extremely difficult. The legal cases involving altiplano communities received at this audiencia court were also primarily contentions about the caciques, local colonial authorities, and increasingly

\textsuperscript{198} “Comunidad de Guaqui contra caciques” ABNB, EC Nro. 49, [1754]. I examined this case in detail in chapter two of this work.

\textsuperscript{199} “Cabanilla contra Bartolome Calisaya,” ARP, SI, Caja 02, [1806]; “Eugenio Quispe y Pedro Hilari contra cacica de Tiquillaca, Puno,” AGN Real Audiencia, Legajo 29, Cuaderno 574 [1802].
against creoles and mestizos. Intra-community quarrels also increased towards the end of the eighteenth century under mounting pressure for revenues, encroachment on lands, and the government repression after the insurrections. In general this trend also confirms the arrival and spread on the ground of the toxic mix of the Bourbon Reforms and other demands into an already unstable social context. The table below contains 208 documents selected from the Archivo y Biblioteca Nacionales de Bolivia (ABNB) corresponding to the years from 1740 to 1800. Audiencia judges received and processed legal cases, and issued mandates, often in response to local level disputes from the diverse Aymara and Quechua communities of the Altiplano. The column under “others” shows that the nearly thirty percent (27%) of all the records selected shows problems that are significantly different from what the historiography made us expect.
TABLE 4
DIRECTIONS OF ALTIPLANO COMMUNITY LITIGATIONS
(ABNB)

<table>
<thead>
<tr>
<th>Years</th>
<th>Against Caciques</th>
<th>Against Colonial Officials</th>
<th>Intra-community</th>
<th>Against Creoles</th>
<th>Others</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1740-1760</td>
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<td>2</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>1761-1780</td>
<td>14</td>
<td>43</td>
<td>7</td>
<td>14</td>
<td>28</td>
<td>106</td>
</tr>
<tr>
<td>1781-1800</td>
<td>10</td>
<td>17</td>
<td>25</td>
<td>17</td>
<td>27</td>
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<td>Totals</td>
<td>27</td>
<td>62</td>
<td>33</td>
<td>31</td>
<td>56</td>
<td>209</td>
</tr>
</tbody>
</table>

Source: Archivo y Biblioteca Nacionales de Bolivia; selected documents from sections: Expedientes Coloniales and Sublevación General de Indios, 1740-1800.

Recent scholarship has redefined the meaning of the colonial legal system in the life of the Andean communities. Scholars emphasized the deepening effect that the legal system had in indigenous communities’ dependence on the colonial state. As Susan Kellogg argued, the use of the hegemonic Castilian legal system aligned native communities, and especially their elites, to the colonial regime and undermined their autonomy.200 Similarly, Stern asserted that, despite the considerable hardships community litigations inflicted on colonial elites, in the long run the effects within the

communities were greater, since “they used their litigant rights and skills against one another.” These assertions mainly highlight the perverse effects of colonial litigation for the indigenous communities. Indeed, commoners in the altiplano just as most others in the Andes were deeply engaged in litigations and used the colonial legal system at best they could. Yet, the late colonial communities had developed complex and seemingly contradictory forms of collective and long-term litigation that allowed them to work the system to their minimum disadvantage.

Throughout the colonial period, native communities with their advocates participated in the creation and re-creation of colonial legal culture. The colonial legal system encouraged the use of customary practices, as scholars asserted, as long as they did not contradict Spanish or Christian law. Thus the legal system, formally maintained the imperial power of granting the use of custom, in reality, commoners at their local

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201 Steve Stern, *Peru’s Indian peoples*: 132. While Stern asserts that litigations between communities fractured and privatized interests, this study demonstrates that altiplano communities managed to maintain community interests as a primordial concern against individual and/or external forces.


203 It is well known that early colonial jurists debated over the difference between the local indigenous practices of justice and Castilian laws, see for instance the explicit arguments of Licenciado Juan Polo de Ondergardo “estando determinado por los teólogos la obligacion que hay de guardar sus fueros y costumbres... porque de otra manera... no hay duda sino que a muchos se les quita el derecho adquirido.” The examination of the importance of the customary laws in Colonial Latin American history has been one of the most intense activity in recent years, see, Tamar Herzog, “Colonial Law,” Yanna Yannakakis, “Costumbre, a Language of Negotiation in Eighteenth Century Oaxaca,” in *Negotiation within Domination: Colonial New Spain’s Indian Pueblos Confront the Spanish State*. (Boulder: The University Press of Colorado. 2010): 137. See also Bianca Premo, “Custom Today”: 359.
jurisdiction incorporated their own notions and claimed that the king accepted community views as part of a larger pact with their subjects.204

Scholars studying colonial legal practice have convincingly demonstrated that the notion of custom used by the native communities was not precisely “traditional” or fixed ancient practices as often believed. Quite to the contrary, custom constituted instead a dynamic concept consciously adjusted to their contemporary needs.205 As Karen Graubart has stated, the pressure for the application of usos y costumbres was more a political maneuver that responded to immediate interests rather than a fixed set of “traditional” practices.206 Furthermore, communities developed a “concept of custom with and immediacy and historicity” that has not been considered as such before.”207


These are significant contributions to our understanding of community agency and interventions on the colonial legal system in late colonial Latin America.

More remarkably however, while the Aymara and Quechua communities in the altiplano used the practice of custom that the legal system accepted, they also attempted to advance more vernacular notions. Commoners and their legal assistants articulated their views of custom in the form that the colonial legal system expected and the judges understood. Thus, commoners went to great lengths to back their claims of custom or *antigua costumbre* with documents, oral testimonies, and demonstrations of physical possession that they considered from time long enough to be considered “immemorial.” Therefore, decades--or even centuries old—litigation documents were re-interpreted and reassembled every time a contention arose. Commoners some times also found success through the cracks of the system when local authorities and their superiors at regional and vice-regal levels conflicted over jurisdictions and interpretations.

But commoners at the community level also insisted that their notions of custom derived fundamentally from their concerns with the protection of their communities’ collective existence. Commoners systematically advocated for what they called and “established custom” to provide the community with access to vital resources for sustenance. For instance, at the core of most commoners’ disputes over lands were the insistent concerns for lands with access to water, lower lands for agriculture and higher lands for pasture, as well as access to firewood and the like. These vital elements appeared regularly in the fine print of most late colonial altiplano community claims of
rights from “time immemorial,” often hidden in the countless oral declarations regarding the distribution of land by colonial officials. When caciques and other authorities ignored or disputed community access to these resources, commoners sued or attacked them. Furthermore, the commoners’ emphasis on the protection of the collective access and use of resources conflicted with the indigenous elites views that focused on the individual control of goods. Caciques and their elite counterparts mainly accommodated to the colonial views of custom that favored hereditary claims of nobility that were expected to include control over the community and its resources.

Late-colonial indigenous elites in the altiplano, as in most of Spanish America, frequently used two kinds of procedures in their attempts to encroach on community lands. One of them was to claim that the lands in which they were interested were declared vacant or “realengos.” Castilian legal practice, influenced by Roman law, considered that all lands were under the jurisdiction of the crown, which distributed them among its subjects and social structures according to a range of considerations. Lands that were not in use were considered realengos and reverted to the crown, to be

208 According to Alan Covey, Inca systems of land and labor were eventually transformed into Spanish system in the first decades of the colonial regime. Covey, “Ethnicity, Demography, and Estate Management” in Ethnohistory Spring 54:2(2007): 303-335. However, commoners in the altiplano maintained claims over supplementary resources that they argued were part of their local custom. See for instance the prevalent native practice of temporary and shared use of resources, “Water, forest, and pasture lands were, at least in theory, open to the use of different ethnic groups” asserted De la Puente in “Cuando ‘e; punot e vista de los nativos.” For an interesting analysis of the early colonial transformations on native systems of land tenure and access in Oaxaca, see Kevin Terraciano, “Land and Livelihood” in The Mixtecs of Colonial Oaxaca: Nudzahui History, Sixteen through Eighteenth Centuries. (Stanford: Stanford University Press, 2001): 198.
made available for grant or purchase. Parties interested in lands, therefore, often claimed that they were not being used, and asked royal officials to declare them realengo, and appraise and auction them out. If royal officials then carried a composición de tierras, the interested parties could request to buy them at justiprecio (a price suggested by a commissioned judge). The crown was often willing to do this, as it filled royal coffers and made local elites happy. In late colonial altiplano however, in many cases the lands decalred realengos were actually wholly or partially community lands. Expropriated commoners immediately responded with mobilizations and legal suits. Therefore, commoners often considered “overly litigious” were in great part responding to attacks on their possessions.

Indigenous elites also frequently sought to claim lands as family possessions dating from “time immemorial.” They furnished hereditary titles or documents claiming conditions of nobility with rights to lands and privileges that their ancestors allegedly

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209 Borah, Justice by Insurance: 38. As Borah asserted, the result of this was a massive process of confrontation between Spanish and natives. That not only Spanish elites but also Indian elites procured to appropriate and/or extend their ownership in the Spanish fashion, usually at the expense of the peasantry.

210 While in the eighteenth century, primarily colonial and Indian elites requested composición de tierras (measurement and auctioning out of lands), back in the sixteenth century it was the colonial government. One of the goals of the reducciones carried out by Viceroy Toledo in 1570, was to transfer the management of land over Spanish conquistadores and to the colonial government. The colonial caciques soon began to use the same system in order to appropriate community lands as their individual hereditary possessions. For example the Kurakas of Juaja in 1555 presented a “probanza de servicios;” similarly in 1560 don Francisco Guacra Paucar requested an encomienda; as well as don Diego Caqui of Tacna in 1588 and the cacique of Pomata in 1628, in Franklin Pease, Curacas, reciprocidad y riqueza (Lima: IEP 1992).
Indian nobility in the most part were considered *reservados* --exempted from tribute, labor drafts, and other services--and tended to have better access to the legal system. When asking for the recognition of hereditary land possessions, they usually requested a *composicion moderada*, an arbitrary symbolic monetary contribution to the royal coffers in exchange for a set of titles in their name. Both procedures in the Altiplano were primarily handled at local and regional levels before the *corregidor* or *intendente*. Unequivocally, land grabbing was made at the expense of the communities, and often the indigenous elites carried them out with the backing of local colonial authorities. Thus, commoners constantly accused the elites and their associates of acting in alliance and sought to drag them up before the higher courts, which they perceived to be beyond their influence. These two mechanisms in a way replicated early colonial government’s massive encroachment of community lands, this time however, were primarily the caciques and local elites.

Therefore, commoners sought to intervene directly in the litigation processes by traveling collectively to the higher colonial courts. Altiplano commoners were

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212 See the examination of the process how caciques with better access to legal discourse differentiate themselves from the “plebeian Indians,” in Abercrombie, *Pathways of Memory and Power*: 303.

213 See Stern, *Peru’s Indian Peoples*: 95.

214 For a comparative view, Terraciano argued that in the case of the Mixtecs, fundamentally the *cabildos*, on behalf of the communities, contended the attempts to encroach community lands. See Terraciano, *The Mixtecs of Colonial Oaxaca*: 196-197.
accustomed to traversing across the high Andean mountains between their communities and the colonial centers, often more than once a year. They frequently traveled to in the Potosí, Charcas, Cuzco, Lima, La Paz, and Buenos Aires. The primary reason for travel to Potosí was their mandatory labor draft, called mita in the silver mines known as Cerro Rico. Their travels to the other colonial centers were primarily in order to bring their complaints before the higher colonial authorities. Because non-elite Indians were not allowed to ride on horses, the great distances and difficult terrain represented immense challenges and logistics. For instance, the distance from Chucuito to Potosí was 145 leagues and took a person 36 days to complete a one-way trip. The trip from Chucuito to the city of Charcas, where the Royal Audiencia was located, took a similar time. More than distance however, other complications such as local authorities’ prohibitions for Indians to travel out of their communities, their adversaries’ attempts to prevent them, limited provisions, sickness, and crisscrossing of documents often affected travels. Therefore, most of the travels that villagers took were clandestine defying local travel restrictions, and attempts of their adversaries to prevent them from doing it. Furthermore, the many local uprisings that broke out in different parts of the region during the second half of the eighteenth century rendered the routes extremely

215 “Timotheo (sic) Alvarez Chasquero que corro estas distancias para el Governador de Chucuito,” ARP. Fondo Corregimiento, Seccion Tributos, [1760]. This document is the report of Timotheo Alvarez, an official commissioned to measure the exact distances and days for the trip from Chucuito to Potosí, in order to suggest salary for travelers sent by the government. The report suggested that a round trip between Chucuito and Potosí could be done in almost two months and a half. However, his estimate is based on an uneventful trip made by an individual in healthy condition, in reality commoners often traveled with their wives and children carrying food and personal belongings. Late colonial documents sometimes mention the effects that travelers underwent with sudden increase of rivers in the rainy season and health issues that affected travelers crossing multiple elevations in the same day.
dangerous to travel, especially for those traveling in groups. Thus, to surmount the risks and limitations described above transformed the roads into a whole other theatre of war that became often more important than the legal procedure in the courts. These constituted some of the elements of the larger social drama of the late colonial altiplano community struggles and litigations.

The age of the Andean insurrections was the unavoidable background of the communities’ lives. Most in this study participated in and suffered the effects of the late eighteenth century massive mobilizations, military confrontations, and their aftermath. The insurrections showed commoners for the first time what they were capable of and the limitations of the local elites as well as the colonial regime. However, Altiplano commoners maintained their struggles in and around the legal courts throughout the unstable and uncertain times during and after the insurrections. Many successfully separated themselves from the “rebels” just as the colonial authorities wanted them to and even turned in some of their local adversaries, accusing them of involvement in the uprisings. While this sometimes created internal divisions, it confirmed commoners’ awareness that their struggles over tribute, labor, mita, and repartimiento, and lands were not isolated. Hence, commoners used the massive movements, that had raised similar issues, and the anxiety it created in order to press their cases further in the legal system.

Often times the ghost of community uprisings loomed over the judges’ decisions. High court judges in their rulings often included exhortations to defendants and local authorities to refrain from provoking tumultos (agitation) and instead promote
tranquility and obedience among native communities. Villagers in the altiplano continued to create diverse forms of direct participation and collective action that advanced their political transformations in process and further displaced caciques. To the examination of the larger social drama of altiplano commoners’ struggles and litigations, we now turn.

3.3 On the Road to Justice

The purpose of the travels across the altiplano was radically transformed during the colonial period. The breathtaking altiplano roads, with mountain passes over 15,000 feet and narrow ravines overlooking the Andean valleys, in pre-colonial times were used by the Inkan state for political and social control, but also often for pastoral and religious pilgrimages in ceremonial performances. The travels of the indigenous commoners in the altiplano, as Abercrombie sharply puts it, shifted the tone from mostly festive journeys and sacred pilgrimages into more somber and funerary like caravans. The massive labor draft to the mining center of Potosí and other colonial services that forced men and women to travel from place to place transformed the meaning of travel for the people in the altiplano. But clandestine travel to file lawsuits also shifted the meanings of the roads for late colonial altiplano communities.

216 See Abercrombie, Pathways of Memory and Power: 233. Along with it of course there was the change of methods of traveling with the introduction of European cultural practices explained by Susan D. deFrance, “Iberian Foodways in the Moquegua and Torata Valleys of Southern Peru” in Historical Archeology 30:3 (1996): 20-48. See also John Murra, Formaciones económicas y políticas del mundo andino (Lima: Instituto de Estudios Peruanos, 1975): 33-34. Murra wrote that for the people to go to the mita was perceived “como una ocasion gozosa, la gente se encaminaba al trabajo cantando, vestido con sus mejores ropas... El Estado proveía la comida y la chicha... y la gente su energía”
Late colonial Altiplano commoners’ increasing engagement in more direct and collective struggles continued to undermine the caciques. Caciques’ response to growing colonial pressure and their own concerns about maintaining their position of power often translated into increasing demands upon their communities. The ever growing demands for more contributions and labor for both the state and the church, and increasing attacks on community lands were met with increasingly better organized and more sophisticated resistance from the commoners. Communities in the altiplano intensified their contestations in defense of their collective resources. Led by former secondary authorities and other plebeian community figures, commoners engaged in direct actions against their opponents, mostly local elites, colonial authorities, and their own caciques.

Altiplano communities litigated extensively for generations, yet in the late colonial era, the most dynamic aspects of their litigations took place on the roads outside the formal procedures in the colonial courts. They devised mechanisms to mobilize in clandestinity, marshal resources, and cultivate favors with intermediaries and authorities deemed potential allies. They considered that the series of obstacles they outwitted on the roads, defying the control of their adversaries, who they often accused associated with the local authorities, were symbolic victories. Commoners were aware of the risks, in fact, many times they endured physical punishment and imprisonment in retaliation. This was the social drama of the community litigation well beyond the constraints of the narrowly conceived colonial legal system.
In 1749, Francisco Paye, Francisco Ary, Gaspar Quispi, Sebastian Quispi, Sebastian Cutipa, Pedro Hilacopa, Tomas Hilacopa, Phelipe Villa Santi, Juan Samo, Francisco Mamani, Phelipe Mamani, Phelipe Gomez, indios originarios, principales and tributarios of Italaque, province of Larecaja challenged the local powers. Between 1749 and 1752 they traveled several times the near sixty-day round trip to the Royal Audiencia of Charcas. They accused their cacique Julian Ramirez of being “a mestizo who hated Indians,” thus an “intruder” who was illegally appointed to office.²¹⁷ They added that Ramirez dispossessed the commoners from their lands, abused them with excessive tribute and labor, forced them into servitude, and punished them physically if did not obey. The commoners asserted that “if the King [in Spain] could hear them, he would be furious.” They requested Ramirez be stripped from the post, his possessions confiscated, and the commoners reimbursed for excess tribute paid and work unpaid. They asked the royal audiencia to appoint an external judge rather than the corregidor or other local judges, because they considered them allies of Ramirez.

The Royal Audiencia of Charcas played by the book. It appointed a judge commissioner to investigate the case. It asked Ramirez to retreat ten leagues away from the community while the investigation was performed. It also ordered that if the accusations were to be confirmed Ramirez should be detained, his property confiscated, and community goods returned. The judges of the audiencia, however, had little control

²¹⁷ “Indios de Italaque contra su cacique,” ABNB, EC, Audiencia de Charcas 3ra parte 1749-1775. Expediente 12 (1749). “En nombre y voz de los demas de dicho nuestro comun deseros de alcanzar justicia contra la tirania que usa con nosotros y los demas del dicho comun, Julian Ramirez, cacique intruso de nuestra parcialidad… que se hace merecedor del mas severo castigo.”
over the applications of their decrees in the distant rural communities. There, the commoners faced the most difficult aspect of their struggles, in attempting to make the local authorities conform to the mandates of the higher courts.

The villagers of Italaque traveled to the city of Charcas to meet the commissioner as soon as they learned about his appointment and offered assistance for his trip to the community. Not too long after, however, the villagers started to present complaints against the commissioner for inaction. They recounted the sacrifices they made on the clandestine travels to the distant audiencia of Charcas avoiding to be captured by their cacique. After two years into the case, they stated that they could no longer continue their case since they lacked the 300 pesos of audiencia fee. Soon after they anxiously reported that their case had worsened, “We are now fugitives not able to return to our community because our cacique and the corregidor, will capture us... our lands, our family and children all abandoned.”

The cacique Ramirez also played his part. He asked the local corregidor to investigate false accusations made by some indios forasteros. The corregidor investigated and declared Ramirez as a legitimate cacique who treated his Indians with love and care. Furthermore, the local royal treasurer issued him a certificate of excellence for increasing tribute rosters and tribute collection during his tenure.

However, the travel of judges and commissioners to the distant communities was never a straightforward undertaking. The Audiencia appointed don Martin Antonio

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218 Idem. f. 09.
Vertuzverea as the judge for the case. He was an outsider as the community had asked for, yet, he showed no interest in traveling to the community of Italaque to investigate. He remained in his residence, in the city of Charcas, excusing himself, blaming the circumstances, and the complainants. Finally, in 1751, he reported that he wanted to go to Italaque but because the commoners did not provide travel assistance he was not able to go. On a second attempt he stated that the six mules that the commoners provided were not enough to transport him, his ministers, and their families. He instead decided to go to the town of Copacabana where the carnival festivity was being celebrated. Unfortunately for the community of Italaque, on March 1752, the same Vertuzverea, was appointed Corregidor of Omasuyos, the province to which Italaque belonged. Apparently the cacique Ramirez had better connections with Vertuzverea since one the first things the new corregidor did was to order the capture of the commoners of Italaque involved in the complaint against their cacique.

In 1752, shortly after the new corregidor issued the arrest order, the commoners were arrested. During the trial the commoners promptly cleared the cacique of all charges and instead they were charged for unpaid court fees. The commoners of Italaque, however, despite the negative outcome, asserted that the process was symbolically successful. They considered as positive that they were able to bring their case beyond their local jurisdiction, travel to the city of Charcas several times, and appeared before the Royal Audiencia. Similarly, they stated that with these actions they had defeated the attempts of the cacique and the Corregidor to prevent them from doing it. As Sinclair Thomson pointed out, every time the community
representatives returned to Italaque with news about their actions in La Paz and Charcas, they were received as the *redentores* (redeemers) of the community.\(^\text{219}\)

Just as in Italaque, the Quechua community of Cabanilla in the province of Lampa, at the northwest of the Lake Titicaca, performed a remarkable demonstration of the social drama of litigations on the roads. In early November of 1806 they learned that the newly appointed Viceroy of Peru was traveling through their region and realized that this was their once in a life chance to tell him personally about their tribulations and obtain justice.\(^\text{220}\) Led by Vicente Paricava, the *segunda*, they gathered all the documents from their generations-long litigations in defense of their community lands expecting to place them on the hands of the viceroy. The community mobilized to the *camino real* where they expected the caravan of the viceroy to appear.\(^\text{221}\) On the road, the commoners along with their wives and children waited for days enduring the rough weather of the highlands at twelve thousand feet above the sea level. More than from the weather, however, they had to hide from the local authorities in order to not be discovered and jailed. They managed to wait unseen and met the viceroy, the “king’s

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\(^{219}\) Sinclair Thomson, on his commentaries to the panel “The ‘República de Indios’ and the Formation of a Legal Culture in Spanish America.  *AHA. Jan. 2015. (personal communication).*

\(^{220}\) “Comunidad de Cabanilla contra Bartolome Calisaya,” ARP. Sección Intendencia (SI) caja 02, [1806].

\(^{221}\) Idem. f. 64. “Hemos ocurrido a esperarlo a medio camino del tránsito a la ciudad de Arequipa.”

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living image,” face to face. After describing their sufferings and what they called the tyrannical abuses of the local elites and authorities, they received his promise to resolve the issues. This extraordinary event was for the commoners a symbolic triumph over their opponents, as they stated “we were left with the only option of meeting the viceroy of Lima, who now knows our suffering and from him we expect justice.” There is no evidence that they received any concrete resolution, other than a vague promise to look into it, however, the commoners used this encounter as a political tool before their local authorities. Every time that the villagers of Cabanilla went to continue their case they stated that the viceroy knew about their case and that he would intervene at any moment.

The neighboring community of Tiquillaca, also learned about the Viceroy’s trip. Led by two tributary Indians, they prepared to meet the viceroy as well. The main issue of concern for them was the despotic behavior of their cacica Margarita Tinajero, who was in the process of evicting them all from their community lands. Pedro Hilary and Eugenio Quispe, tributary Indians of Tiquillaca, stated “with the whole community assembled, we presented [documents] to the Viceroy when we had the joy to see His

222 See also the examination of the role and the perceptions about the Viceroy in New Spain, in Alejandro Cañeque, The King’s Living Image, The Culture ad Politics of Viceregal Power in Colonial Mexico (New York: Routledge, 2004).

223 “Comunidad de Cabanilla contra Bartolome Calisaya,” ARP. Sección Intendencia (SI) caja 02, [1806] f. 22v. “... y solo tuvimos el recurso al Exelentísimo Sr. Virrey de Lima a quien patentizamos por un escrito... y de quien esperamos su recta justicia.”

224 “Eugenio Quispe y Pedro Hylari contra cacica de Tiquilaca. Puno,” AGN. Real Audiencia, Legajo 29, Cuaderno 574 [1802].

225 Idem. f. 3.
Excellency passing by our lands in his way to take the office of this viceroyalty.”

The viceroy listened the commoners, received their documents and, recommended the commoners to reach out to him in Lima.

Following the advice of the viceroy, the community of Cabanilla sent a committee to the city of Lima expecting to meet the viceroy again. Upon their arrival in Lima, Quispe and Hilari, before the lawyer they hired to present their complaint, declared “we arrived with joy, with the favor of the divine providence, despite the long and eventful journey, we were not captured by Tinajero’s efforts to prevent us from coming here.” The committee on behalf of the indios del comun, 70 tributary Indians, suggested that the remedy to their sufferings was the dismissal of Tinajero from the cacicazgo. They returned to Tiquillaca with a decree ordering the investigation of the cacica, and were received by a festive crowd that attributed their success to divine intervention.

Religious views also played an essential part of commoners’ struggles for justice. They often attributed success in their travels and legal cases to divine intervention.

Altiplano commoners asserted that their struggles in defense of their possessions were
efforts in a search for justice. While they used the colonial legal system as the established mechanism to seek and obtain justice, they considered that justice was ultimately a gift from god. Thus, commoners asserted that every successful step on their cases was the result of divine intervention. Therefore, they accused their rivals of opposing god’s justice and of having had lost fear on god. For instance, in 1754 the community of San Agustin de Toledo in the province of Paria, near La Paz, charged their caciques as for despotic behavior and for demanding excessive payments.230 They argued that by abusing and attempting to force them into servitude, the caciques had lost their fear of god. Time and again they described that their arrival at their destination, despite the misfortunes and complications, was a divine sign to maintain their fight.231 Similarly, Thomas Escapacuela, indio originario of San Miguel de Achaya, province of Azangaro, declared that it was their faith in god that sustained them.232 Escapacuela asserted that they survived those long journeys with the favor of god and eating achacanas and similar roots.233

Towards the end of the century, a group of commoners of Asillo, in the province of Azangaro brought a case against their cacique before the newly created royal


231 Idem. “solo los signos de Dios nos ayuda a seguir batallando…”


233 Idem, f. 2. “solo andan de cerro en cerro buscando achacanas para comer y otras semejantes raices.”

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audiencia of Cuzco. They recounted that the powerful Mangoturpo brothers, caciques of Asillo, using their influence counter-accused their leaders of rebellion against the crown and detained them in Cuzco. For seven months they wandered in the arrabales (outskirts of the city), turned into beggars, and were ostracized as rebels and enemies. Finally, the threat of a massive mobilization of their fellow commoners, reported by the defensor de naturales back in Asillo forced the judges to allow the leaders to return home. Altiplano communities increasingly demonstrated that the caciques’ priorities no longer coincided with those of the communities and that they themselves had to intervene in the defense of their collective interests. Secondary authorities and often the commoners themselves transitioned from accusing caciques for abusive behavior towards a gradual displacement of and eventual substitution for the cacique figure. Thus, community litigations often took the form of a larger social drama with political and religious meanings beyond the formal procedures in the courtrooms.

There were times however when, the commoners’ challenges on the roads took more radical forms. In August of 1750 the judge commissioner Francisco Arciniega recounted the violent demonstrations that the community of Chayanta performed as part of their struggles against their cacique. Arciniega described that Indians gathering in the town, drinking from dusk to dawn, made several displays of force in the plaza and

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234 “Indios de Asillo contra Thomas y Domigo Mangoturpo,” ARC, Fondo Real Audiencia, legajo Nro.103 exp. No. 19, [1790]. The community of Asillo in the province of Azangaro, sent don Cruz Bustinza, Dn. Carlos Olandes, Dn. Pasqual Mamani, and Dn. Santos Pacosonco, indios principales in order to present their complaint against the powerful brothers don Thomas and don Domingo Mangoturpo, caciques of Asillo.
the streets, many of them carrying sticks and clubs.\textsuperscript{235} The community had accused their cacique of the all too common charges of abusive behavior, excessive tribute demands, and mismanagement of tribute. Arciniega, who wanted to collect oral testimonies for the case was not able to do it. These diverse ongoing local and regional disputes constituted the complex social landscape out of which the massive insurrections eventually broke out.

3.4 The Discourse of Time Immemorial

The term “time immemorial” that expressed the canonical concept of custom had varying meanings for the altiplano native communities, often unexpected for colonial legal agents. The notion of customary practice was not new to Castilian law, since it existed in European medieval legal practice.\textsuperscript{236} The Spanish colonial authorities mostly translated their views of custom and \textit{fueros} into their American colonies, although custom differed from place to place. Local community authorities initially, and eventually the community at large, appropriated the notion and incorporated elements they perceived expressed their customary practices. As Premo asserts, earlier scholarship perceived custom as practices “old and invariable over time,” and ignored the sense of immediacy it acquired in the second half of the eighteenth century.\textsuperscript{237} Thus,


\textsuperscript{236} See Borah, \textit{Justice by Insurance}: 8-11.

\textsuperscript{237} See Premo, “Custom Today:” 355.
by the eighteenth century both communities and legal authorities adjusted and applied views of custom that often differed in each jurisdiction.

Altiplano commoners knew and used the notions of custom that the colonial legal system accepted. With their legal assistants and advocates, commoners framed their cases in the way that would be most convincing to judges expected. They knew well that in the legal discourse they were indios del comun, naturales and tributarios, as such had rights to certain protections, access to lands and a degree of local autonomy. Similarly, they used the commonly accepted expression usos y costumbres when they argued for their local practices of custom. Commoners followed the procedures and discourse as best they could and presented their cases before the colonial courts.

In their direct interactions however, commoners argued for custom not just as a set of practices but also as a notion for protecting collective access to resources. In most of their direct interventions, oral declarations, discussions, and petitions before their local authorities or judge commissioners, commoners insisted that the central rationale of their antiguas costumbres, was the protection of the collective access and use of resources. For instance, they assembled their arguments as naturales and indios del comun in defense of their communal lands that they had possessed and used from time immemorial. Every time that an authority arrived in order to inspect in situ, measure, and mark borders on the lands, they closely followed the legal procedure and pestered
the judges in charge. They arrived with bundles of previous legal documents ready to be presented as evidence. They included detailed descriptions regarding the several times their relatives, or other community members, in the past had appeared before the colonial authorities. They had a group of commoners, mainly elders, to present witness testimony, the whole community assembled followed the procedures and toured the area with the authorities in charge. Commoners, their representatives, and their advocates, assembled for the judges a long history of defense of their collective possessions, documents, memories, testimonies, and their physical possession, wrapped as “evidence” of time long enough to be considered immemorial.

The most significant aspect, beyond the legal procedures, was the underlying process of displacement of the caciques. Altiplano commoners collectively, along with their more plebeian community representatives, engaged in the defense of their resources closely following the legal procedures and use of the contemporary legal discourse. Where previously caciques had led such community actions, they were now nearly invisible, and when they did appear it was increasingly as adversaries to the

238 “Composicion y venta de tierras con participación de protector y cacique y Quipocamayoc,” ARP. Sección Intendencia, Exp. 002. Caja 01, [1786]. The Juez visitador de composicion de tierras of Azangaro and Lampa, asserted, “toda el comun con sus segundas, jilacatas, principales y protector de naturales presentes durante toda la diligencia quedaron de acuerdo.”

239 “Indios de Acora contra indios de Yanaque,” ARP. Legajo 03 Exp 059 [2 de marzo de 1799]. “Diego, Francisco, Miguel, Lorenzo, y Agustín Calloguani indios en su voz y de todo el comun del pueblo de Acora, presentaron sus títulos de las tierras que los de Yanaque quieren invadir... Los indios de Yanaque no cuentan con ningun documento.”

240 See the interesting examination of Abercrombie of the way native indigenous even today keep records of colonial origin as material and symbolic evidence of their claims. Abercrombie, Pathways of Memory and Power: 9.
community. Commoners and their representatives frequently accused the caciques of abusive behavior, excessive demands of tribute, excessive demands of labor, and encroachment of community lands and resources. While stressing claims of ancient rights and customary practice the emergent forms of community action and discourse subtly displaced a former central figure of that same custom, the cacique.

Altiplano commoners, and everyone else for that matter, furnished and guarded carefully legal documents and symbols for decades or centuries as evidence to back their claims of possession. They learned to articulate into their evidence even seemingly contradictory parts of decades- or centuries-old litigation documents, titles of possession, and oral declarations of community elders. For instance, in 1806 the community of Cabanilla led by their segunda Vicente Paricahua presented documents dating back to 1699. These documents also revealed important changes to what the community of Cabanilla called their community lands. The 1699 document was a title of restitution of lands with new boundaries to the community of indios, issued by the judge visitador. A royal decree in 1739 granted these same lands to the cacique Ysidro Quispecabana and his Indians. Since then the Quispecabana cacical family contested the lands against many neighboring hacienda owners, claiming they belonged to their family. In 1785 however, the commoners of Cabanilla presented a claim stating that these lands belonged to the community “since time immemorial.” The then-cacique Ambrosio Quispecabana responded, accusing the indios of Cabanilla of invading his

\[241\] “Comunidad de Cabanilla Contra Bartolome Calisaya,” ARP. S.I. Caja 02 [1806].

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lands. Vicente Paricahua and the commoners kept a bundle with copies of most of these documents and presented it as evidence of their ancient possession of these lands. As was the case in many communities in the eighteenth century Andes, the commoners of Cabanilla rebuffed their cacique’s theft of their lands by delegitimizing his office.

Commoners in the Altiplano used notions of custom that the colonial legal system accepted, yet, they insisted that their local views of custom were understood imperfectly. While community representatives and their legal advocates prepared their documents by following the procedures required by the legal system, a large number of community members followed every stage of the process. Concurrently, commoners in their oral interventions insisted that what they deeply resented was the eroding conditions to sustain their community. They consistently argued that at the core of their demands was the defense of collective access and use of their possessions, a practice of *antigua costumbre* or from “time immemorial.” Along community contentions for increasing demands for tribute and labor, the more frequent and more convoluted were their struggles over lands. The altiplano communities’ struggles for lands were also often for the marginal conditions of their lands. In a region located at an elevation that averaged ten thousand feet above the sea level, more than size of the land, conditions of lands mattered.

In their contentions over community lands, commoners also consistently argued that they were entitled to specific kinds of lands, for agriculture, pasture, and religious purposes. Frequently commoners insisted that the lands needed to have access to water, grass for roofing, firewood, and protection from animals, that hacienda owners
and other elites tend to leave unattended. Unlike the indigenous elites who in their litigations concentrated on their claims of nobility and hereditary rights to individual possessions, the commoners emphasized the collective importance of the goods they struggled for.

Wrapped in claims of customary rights from “time immemorial,” commoners in the altiplano presented their concerns over vital aspects of community life. For instance the commoners of Italaque accused their cacique of dispossessing them from a large part of their community lands and lamented that the lands they were left with were incapable of sustaining them. They argued that it was customary that *tierras del comun* must have access to water (*aguadas*) and firewood (*leña del bosque*) and that by preventing them from it the cacique did not respect their rights from “time immemorial.” Likewise, in 1795 the community of Collacachi in the province of Lampa, requested that the neighboring hacienda must respect the custom of giving the community free access to water, grass for roofing, and the firewood that the commoners collected and sold. The request added that the hacienda owner must also prevent their animals from invading and damaging community crop fields. The villagers insistently argued that by dispossessing them from their resources, their adversaries

242 “Indios de Italaque contra su cacique,” ABNB, EC, Audiencia de Charcas 3ra parte 1749-1775. Expediente 12, [1749]. I examined this case in more detail earlier in this chapter.

243 AGN. Derecho indígena, legajo 29, cuaderno 550, [1798]. “Que los montes y aguadas de esta hacienda hayan de ser y sean comunes ...sin atajar a los naturales en la saca de paja y leña, con cuyas especies comercian. Que las bestias y ganados entrem y salgan libremente a beber las aguas caso que las colindantes tierras no las tengan, que la dueña y sus descendientes cuiden que los ganados de su hacienda así vacas, caballos, mulas y yeguas ni otras especies no pasen de sus límites a inferir daños a las chacras y demás semienteras de la comunidad.
deprived the community of what was an “ancient and established custom” in their community.  

Notions of custom were constantly adapted in every community. Right after the insurrection of Tupac Amaru II in the highlands of Cuzco, the community of Suio in the province of Sicuani elaborated their notions of custom in order to ameliorate the effects of the colonial demands. Thus, they described how they adapted pre-colonial practices of collective work into colonial mechanisms of social mobility. The commoners from Suio stated that following “the ancient and established custom,” every year the commoners decided about key things pertaining to the service of god and the king. They had established that the fulfillment as cedulas (mita worker) was the basic requirement in order to be eligible for captain enterador, segundas, and alcaldes. Indeed in the province of Canas y Canchis, the commoners of Lurucache challenged the legitimacy of their cacique Santos Mamani on these grounds. They objected the appointment of Mamani in the cacicazgo arguing that he did not perform his mita obligation before his appointment, and that it was “a custom among us to serve in Potosi” prior to be considered for cacique office. The commoners time and time again argued that custom from “time immemorial” was informed by concerns on preservation of community life.

244 See Stavig, The World of Tupac Amaru: 30.
245 Idem: 202-203.
The legal assistants and advocates of the commoners however, often adjusted the community claims in favor of the formulaic expectations of the judges. Most of the community documents were assembled from a mixture of oral and written recollections over generations often at different jurisdictions. Many times these “collections followed criteria that diverged from those of Europeans,” as Rappaport and Cummings asserted.247 Navigating the cross-cultural misunderstandings that Abercrombie has pointed out as a commonplace in the Andean relations, commoners generated a legal discourse that the judges expected.248 The legal procedure often led commoners and their legal aids to emphasize details such as the oldest dates, prominent names, and signatures of highest authorities. Thus, more nuanced and more genuine elements that constituted the notions of custom for commoners at local level were often displaced or lost in favor of the more formulaic documents that the lawyers and judges preferred.

While altiplano commoners in their contentions most often maintained notions of custom expected for the colonial authorities, in their oral declarations they continued to mention elements of what they considered were their own views. Most local level disputes were dealt with orally and at best only brief written records were kept.249 Still, despite the regular procedures some suits were moved across overlapping jurisdictions

247 See Rappaport and Cummings, Beyond the Lettered City: 55

248 Abercrombie examines multi-generation documents and the symbolic importance placed on them by their owners. See particularly the documents of Pablo Choquecallata in Pathways of Memory and Power: 284-285.

249 See Burns, Into the Archive: 10. Burns explains that indigenous communities’ records “before Spanish ‘Jueces de naturales’ was conducted orally and only a brief summary of the proceedings was kept by the notary.”
and eventually generated written records. A closer examination of these records reveal how subaltern sectors participated on the making of a hybrid colonial discourse, incorporating what they perceived their own notions. Some communities in their local interactions maintained complex systems of use of lands that conflicted with Spanish practices of use and claims of ownership. These local notions however, were often overlooked when the cases were rendered into the formulaic legal procedures.

For instance, the Aymara communities of Acora and Yanaque maintained a century old dispute over lands that both claimed had rights to on the basis of ancient customary practices.\textsuperscript{250} For years both communities maintained this dispute locally with no written records. It was only when the commoners of Acora in 1775 brought the case before the Alcalde de Españoles (Spanish mayor) in the head town of Acora when the case began to produce written records. The oral testimonies revealed that the contention started several years prior over the rupture of respect of an “old accepted custom” on the use of a piece of land to which both had access. The community of Acora argued that they had primary access and that Yanaque had only “temporary” access.\textsuperscript{251} The testimonies described that on the one hand, commoners of Acora were upset by Yanaque’s decision of planting on the lands without consultation; on the other hand, Yanaque resented Acora’s decision to build houses on them. The testimonies

\textsuperscript{250} “Indios de Acora contra Yanaque,” ARP Puno, Legajo 002 Expediente 068 Marzo 16 [1800].

\textsuperscript{251} Idem. “Nosotros indios del comun de Acora como es costumbre aceptada, tenemos acceso a las dichas tierras desde tiempos inmemorables y los indios del comun de Yanaque solo tienen acceso temporal a estas tierras.”
however, do not reveal what exactly “primary” and “temporary” access to these lands meant. It was not uncommon that certain communities rotated planting of different crops and alternated agricultural with pastoral activities in order to organically fertilize their lands. Thus, the “temporary” access of Yanaque may have been determined by the customary practice of alternating some of these activities. The Alcalde de Españoles acting as justice could not relate the communities’ local land arrangements to any formal property relation, thus, he ordered that both communities must divide the lands and use them only as pasture lands.

The Alcalde de Españoles’ decision, however, did not resolve the contention. To the contrary it complicated the process by dividing the land and adding restrictions. Both communities continued litigating. In 1800 the commoners of Acora again before the Alcalde de Españoles of Acora stated that “since time immemorial they were the owners of these lands and that those of Yanaque wanted to appropriate it.”252 In 1828, under the republican legal system, Antonio Calloguani, a commoner of Acora, accused Gino Ticona from Yanaque for attempting to take over the same lands.253 Later, in 1836 Calloguani was back in court in order to argue that unlike the commoners of Yanaque, that had no single document, his community of Acora possessed the necessary documents upon which to make a petition for land titles. The last document in this file

252 Idem. “Desde tiempo immemorial estas tierras son nuestras y lo del común de Yanaque quieren introducirse y despojarnos.”

253 Idem. Antonio Calloguani indígena del ayllu Collana del distrito de Acora contra Gino Ticona por mis tierras de sembrio nombradas Chicollo, Collpamocco y Milloraya, “son mis tierras de sembrio y los de Yanaque quieren usurparlos.”
shows that both communities continued their dispute in 1881. Throughout this century long litigation the commoners of Acora, shifted their views from recognizing that Yanaque had “temporary” access to the lands, to completely ignoring it. Similarly, those of Yanaque shifted from claiming “temporary” access, to access to half of the lands, and ultimately to dispute the whole piece. As in the cases studied by Bianca Premo, the communities in the altiplano craftily adjusted their notions of custom in order to best respond to their immediate needs.254 However, some unique elements of local custom continued to be considered and discussed while adjusting their claims to the changing political and legal circumstances. Altiplano commoners, in their long litigations, as Rappaport and Cummins demonstrated, learned how to “frame their arguments” piecing together earlier documents, oral declarations, and contemporary judges’ decisions.255

Unlike most of the legal contentions before the colonial legal system, many intra-community disputes favored less conflictive resolutions. The community contentions before local authorities tended to favor internal arrangements considered closer to their views of “accepted custom” rather than the more divisive rulings of the colonial courts. Commoners pursued their cases for generations, yet in many direct confrontations the oral testimonies described complex long term local arrangements

254 See Premo, “Custom Today.”

255 For a more extended examination of the complex process of native communities’ process of active intervention in the production of legal documents with their own views in the late colonial northern Andes and their ability of “framing of arguments” over time and space, see Rappaport and Cummings, Beyond the Lettered City: 156.
rather than clear predominance of either contender. For instance, in March of 1790, a large group of commoners from the neighboring communities of Chucuito and Acora congregated on the large plateau of rich arable lands called “la Platería” located on the border of the two communities.\(^{256}\) Both communities in mass were working on adding topsoil to their crop fields. After a long day of labor, Don Nicolas Zerena, the segunda, and Thomas Guarco, the indigenous mayor of Acora maintained “un dialogo amigable” (a friendly dialogue) with the commoners of Chucuito over a previous disagreement and together signaled their land borders.\(^{257}\) The next day however, don Pasqual Toledo and doña Petrona Perez y Catacora, both interim caciques of Acora, a few \textit{Indios principales}, and a Spanish judge commissioner returned to the place in order to legally mark the borders. The judge commissioner reported that there were numerous commoners of both communities working but that the authorities of Chucuito were not present to carry out the act. Some months later, the caciques of Acora continued the case and presented witness testimonies. Most of the witnesses, brought in by the authorities of Acora, stated that the lands belonged to Acora and that the commoners of Chucuito had invaded them and were expelled in 1772 and 1776. Yet, three witnesses, through interpreters, asserted that these lands were actually “shared from time immemorial, 

\(^{256}\) La Platería was a small colonial settlement where a handful local artisans melted silver from the famous Laykakota mines and created some basic utensils. It was a rural crossroads for several small communities that in nineteenth century started to become a small village and only recently in 1964 became the modern district of Plateria.

\(^{257}\) “Indios del comun de Acora y Chucuito,” ARP seccion Intendencia, Exp. 005. caja 01, Marzo 17, [1790]. The secondary authorities of Acora reported that their dialogue with those of Chucuito were amicable.
both pueblos planted these lands in a friendly way.” 258 Later, when more testimonies from communities were allowed in, the judge learned that these lands were abandoned since the time of the 1780 rebellion and only recently had resumed planting. Based on these testimonies, don Vicente Fonclara, the judge commissioned in the case, decided that the lands must remain in use amigablemente and that, if anyone contest them must have the appropriate land titles.

The struggles of altiplano communities continued even during the difficult years of the insurrections. Scholars have demonstrated that in the years following the insurrections local elite sectors increased their push for indigenous community possessions. In the subsequent disputes, colonial authorities mostly favored elite sectors for remaining loyal to the crown and associated indigenous communities with the rebels. Despite overwhelming devastation of the insurrections on the community, communities managed to maintain some mechanisms to continue their struggles and litigations. Not long after Tupac Amaru II’s rebellion (1780) Don Mariano Carrasco y Solorzano, a Spanish resident in the community of Nuñoa, province of Azangaro, requested a composición y venta of the lands called Laguanasa.259 Solorzano claimed that these lands belonged to his antepasados and secured the local Defensor de Naturales and some vecinos notables as witnesses in his favor, including former caciques

258 Idem. f. 4. “Request of the caciques of Acora to the governador intendente, ‘ambos pueblos sembraban estas tierras en forma amigable desde tiempos inmemorables.”

259 “Composicion y venta de tierras con participacion de protector y cacique y Quipocamayoc” ARP. Seccion Intendencia, Exp. 002. Caja 01, [1786].

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and some *Indios principales*. During the oral testimonies however, don Blas Aitara, a *khipukamayoq* (the community record keeper), through an interpreter, added that in the past these lands had been contested between the communities of Nuñoa and Santa Rosa. Aitara recounted that some decades earlier the commoners and their caciques came to a friendly agreement, walked together on the borders, and placed their land markers. The judge granted most of the lands to Solorzano, with a small portion set aside for the commoners, adding “I do not want to disturb the commoners established on these lands, but rather keep them in peace and tranquility.” While local elites and authorities used the repressive context after the rebellion in order to enhance their control over the indigenous communities and their possessions, the rebellion in itself still loomed large over judges’ decisions.

Similarily, on March 1, 1793 Simon Sanchez and commoners of Yunguyo, filed a complaint against Matias Centeno from the community of Zepita for invading his lands called Guanilequita. Sanchez accused that Centeno supported the rebels during the rebellion, and that it was precisely during the rebellion that he had invaded his lands. Centeno defended himself by counter accusing Sanchez of invading Guanilequita and building a house there. During the investigation the local justice, a Spanish mayor,

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260 Idem. “Caminaron juntos y colocaron mojones”

261 Idem. “No quiero causar daño ni disturbios the Indios que tienen sus casas en estas tierras y mantenerlos en paz y quietud.” Finally in 1795, a decade after the final judge’s ruling in this case, Solórzano received his land titles signed by the Viceroy of Buenos Aires. However, the commoners of Nuñoa were able to keep part of the lands most likely for their collective presence during the case and the judge’s concern about not generating greater resentment that could force the commoners to revolt.

262 ARP. Sección Intendencia, Expediente 012; caja 01, [1793].
learned, through oral testimonies of commoners from both communities, that these farmlands were “customarily used” by both communities of Yunguyo and Zepita. Again during the several months of investigation commoners of both sides many times made references that this contention motivated both communities into the rebellion. The judge at the end decided that in order to keep the peace both communities should divide the lands of Guanilequita in equal parts. Again, commoners’ oral testimonies revealed complex local practices of land use in some shared form that appeared to facilitate collective access. The colonial officials however, tended to opt for the orthodox solution of either favoring one side or dividing them in equal parts, in hopes to avoid further disturbance.

Thus, altiplano commoners used the legal system in order to resolve most of their disputes. More importantly however, the underlying process of these community litigations was the continuous displacement of caciques by former secondary figures and the commoners en masse. Most of these late colonial contentions in defense of community lands, reparto, mita, and tribute were led by less prominent figures of the community such as the segundas, the Jilacatas, the alcalde de Indios, and often some dynamic commoners themselves. While caciques were mentioned or appeared in some of the contentions, they did so increasingly as adversaries to the community. Commoners and their representatives frequently accused their caciques of a host of reasons, most common among them, abusive behavior, excessive demands of tribute, excessive demand of labor, and encroachment of community lands and resources. Thus, despite the adverse conjuncture of the era, altiplano commoners maintained their
collective mobilizations and support for secondary community representatives, a process that delegitimized caciques and directly contributed to their demise.

3.5 We the Miserable Indians

The native communities in the Andes appropriated and adapted aspects of the colonial legal discourse they considered critical. Indigenous communities assimilated dominant Hispanic legal mores into their lives in almost every aspect of life. The formal separation of the República de Españoles and the República de Indios, if ever, was purely nominal. Interactions between the natives, Spaniards, and those of African origin was an everyday reality. For instance, certain clothes, furniture, house utensils, and food that were considered of exclusive use for Europeans were frequently found among the possessions of Indigenous and Afro-descent people. Just as in the domestic arena the interactions in the legal front were common occurrence. As Kellogg, had asserted, that the natives’ use of the Spanish legal system produced a hybrid legal culture, Altiplano Quechua and Aymara natives continued to do it in their late colonial litigations.

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Altiplano communities in their legal struggles learned how to use a rhetoric of the “colonial divide” that stressed polarized views between them and their adversaries. On the one hand, they highlighted the extreme conditions of impoverishment they endured. On the other hand, they redirected against their adversaries the rhetoric that Spanish officials used to condemn those who acted against the accepted social norms. Therefore, commoners frequently described themselves as humble and loyal subjects that under unfair treatment by local authorities were turned into miserable peoples. At the same time they used the most condemned social behaviors such as adultery, tyranny, lack of fear of god, as aggravating factors in their accusations against their opponents. They accused caciques of acting just as corrupt elites and of acting in alliance with local powers. The legal discourse that communities used to describe themselves frequently included categories such as humble vassals, miserable Indians, and good Christians. Concurrently, when it came to describe their rivals, commoners referred them as tyrants, abusive despots, evil, and lack of fear for god.

Altiplano commoners especially used the legal category of “miserable,” the wretched.265 This legal concept, with biblical origins, considered pertaining to a rightful king concerned, merciful, and charitable with the orphans, the widows, the poor, and the wretched. “Protection to these groups came to be considered part of the proper

exercise of justice,” asserted Borah. As a result of the ongoing debates over the legal condition of the Indians in the American viceroyalties, this notion was translated in the new world in order to incorporate the Indians. In 1619, the King of Spain instructed his viceroy in Mexico to act for “the preservation, protection, and good treatment of the Indians, and that they be rightly governed kept in peace and administered justice as vassals of this crown.” The emphasis of colonial authorities’ views resided on the long held argument that the Indians were miserable, weak, childlike, and incapable to govern themselves. Thus, both secular and religious authorities portrayed their role as providers of protection, civilization, and salvation. The language of the wretchedness, usually formulated as nosotros los miserables Indios (we the miserable Indian) appeared in almost every litigation document and oral intervention that communities produced.

Commoners were aware that by using the notion of “miserable” they invoked the power of not only the authorities in the region but also, appealed to the king himself. They used the formulation “we the miserable Indians” as a contemporary legal notion that appealed to the king’s conscience and mandates to protect and deliver justice to the most destitute of their vassals rather than a description of their social

266 Borah, Justice by Insurance: 12.

267 See Cañeque, The King’s Living Image: 186. See also Abercrombie, Pathways of Memory and Power: He discussed how common folk sought to be recognized as miserable Indians, in order to receive the king’s preferential care for the poor and the destitute.

268 See the analysis of Cañeque, The King’s Living Image: 190.

269 What “miserable” meant for the Indigenous commoners however, differed greatly from that of the colonial authorities, As Owensby argued, they saw their intervention more in terms of a pact in which the king had the obligation of providing protection in exchange of the tribute and labor they contributed. See Owensby, “Pacto entre el Rey Lejano y Subditos Indígenas:” 83.
condition. In this sense, the perseverance of the indigenous communities in asking for the application of the royal laws and the king’s direct mandates of protection of the most destitute, in the words of Owensby, “kept the law alive, despite enormous challenges.” It is in this context that the action of the commoners of Cabanilla assumed its dramatic dimension when, against all odds, on the roads, they managed to meet face to face with the “king’s living image.” Paricahua and his community showed to the Viceroy what every community aspired to: the distressed faces of the king’s loyal vassals accusing oppression by the very authorities entrusted to protect them.

The remarkable act of the community of Cabanilla however, was not an isolated event. The neighboring community of Tiquillaca that also appeared before the Viceroy, accusing their cacique, used similar discourse. The commoners of Tiquillaca led by their secondary leaders recounted that their cacique had associated with the local elites in order to dispossess them from their community lands and turn them into servants. They insisted that, neither the caciques nor the local authorities obeyed the laws and mandates of the king that protect their “miserable Indians,” yet, they expressed that to have met the viceroy in person was a joy and a sign of justice. The commoners in the

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270 See Owensby, “Empire of Law”: 306.

271 “Comunidad de Cabanilla contra Pelotieri,” ARP. Sección Intendencia, [1806]. I introduced this case earlier in this work.

272 “Eugenio Quispe y Pedro Hylari contra cacica de Tiquillaca, Puno,” AGN (real audiencia) Legajo 29, Cuaderno 574, [1802] I introduced and examined this case in the first chapter.

273 Idem. f. 3. “Que cuando tuvimos la felicidad de que VE pase por aquellos lugares... y mostrar su justicia.”
Altiplano accused the local authorities and the caciques of placing their personal interests before those of the king and of abusing of the remoteness of their communities. As the community of Italaque stated, “If our king could hear our cry, he would be furious,” communities in most of the region articulated their arguments in similar terms.274

Commoners attempted to direct their struggles and documents towards higher authorities, however, many never made it out their local jurisdictions. Altiplano commoners in their contentions against caciques, local elites, and local authorities accused them of forming aggressive local groups of power against the “miserable Indians.” Therefore, commoners organized and mobilized frequently in clandestine forms, avoiding local control in order to bring their cases before the higher courts. Commoners on foot brought their cases before the Audiencias of Charcas, Lima, Buenos Aires, and Cuzco. As demonstrated above, the risks and challenges that commoners faced in their long journeys formed part of the larger social drama of community litigations.

When they came before the royal Audiencia, commoners deployed a legal rhetoric that stressed their struggles during the long journeys and their local authorities’ lack of obedience of the laws. Like many communities in the region, the villagers of Italaque on the Eastern rim of the Lake Titicaca accused their cacique for being illegally

appointed. They argued that Julian Ramirez, a mestizo could not be legally cacique of an Indian community. Furthermore, the villagers charged Ramirez with abusive behavior and attempts of dispossessing from their community lands. They lamented that “from January to December the outcry of our miserable community is heard for the lashes we receive... if our king in Spain could hear us he would be furious because, he knows that we are his miserable Indians, humble, and most loyal vassals.” For the commoners the notion of “miserable Indian” stressed the dramatics of their condition as well as that of the wrongdoings of their rivals against the mandates and the conscience of the king himself.

Similarly, the native communities in the Altiplano used the discourse that dominated the colonial campaigns of social control. They recognized that accusations of adultery, idolatry, witchcraft, tyranny, lack of fear of god and the like figured among the most atrocious crimes in the colonial imagination. Therefore, commoners, insistently employed this legal rhetoric in their contentions. While Ann Twinam argued that this rhetoric was primarily a mechanism of control of social hierarchy for the rich or well connected, there is evidence to show that altiplano communities used it as legal and

275 “Indios de Italaque contra su cacique,” ABNB. EC de la Audiencia de Charcas 3ra parte 1749-1775, Expediente. 12, [1752].

276 Idem. “El dicho Julian Ramirez por su naturaleza es mestizo inepto, por esta razon no debe ser cacique.” f. 03.

277 Idem. f: 03-05. “...si oyera nuestro rey se indignaria con razon y conoce que somos miserables indios y la obediencia con que le rendimos vasallaje.”
political tool. The villagers of Cabanilla and those of Tiquillaca, who appeared on the road before the viceroy, accused their respective local rivals of tyranny and despotic behavior. Those of Cabanilla explained that their elite rivals attempted to dispossess them from their lands and that as despotic mandones forced them to be their servants, punished them physically, and illegally demanded tribute from the youth and widows. Similarly, those of Tiquillaca, asserted that their cacica was in office only “because she married the son of a former kuraka.” They asserted that upon taking the office she became a tyrant, that she made commoners work every day without payment, demanded excessive tribute, appropriated community production, and associated with local authorities against the commoners “sin temor de dios.” Both the commoners of Cabanilla and Tiquillaca, employed this rhetoric in support of their primary accusations of land grabbing and encroachments.

Furthermore, the Altiplano villagers understood that the higher authorities and their peers closely scrutinized each other. Commoners were keenly aware that honor, status, appearance, and the like were extremely important in social relations for the elite sectors, including indigenous elites. As Twinam pointed out, a seemingly simple neglect of the honorific title like “don” or “doña” was considered a major offense. Commoners familiar with their local rivals’ private behavior, wrong doings, or rumors used the information as aggravating factors in their ongoing contentions. In 1782, in the


midst of the massive Andean indigenous insurrections, two communities of Guaycho, in
the Ayamara region of Omasuyos, demanded the change of their cacique. The
Indigenous mayors, segundas, principales, and the commoners of the communities of
Urinsaya and Hanansaya mobilized and presented a complaint against don Pedro
Guachalla, their cacique. They accused Guachalla of having been appointed illegally in
office and of lacking good government. The commoners in their oral testimonies
asserted that Guachalla had no right to govern them, that he abused the “miserable
Indians,” and that ultimately he was a drunk with a disgraceful behavior.280

Commoners in late colonial altiplano undermined the legitimacy of the caciques
and contributed significantly to their eventual elimination. Indigenous mayors,
segundas, jilacatas, and other secondary community authorities that formerly, followed
the cacique’s authority, found themselves leading the communities’ efforts to fight back
caciques instead. Between 1743 and 1859 the communities of Urinsaya and Anansaya of
Ilave disputed the lands they called Chur. In 1743 the jilacata, the segunda, the khipu
(record keeper), and a large group of villagers of Urinsaya, accused their neighbors of
Anansaya of land encroachment.281 The judge, after examination of the case,
determined that “since time immemorial” both communities had rights to access to


281 “Diligencias seguidas sobre isla Chur,” ARP Seccion Civiles, Cja. 01. The local Defensor de
Naturales who intervened in the process stated: “Digo que es verdad que... los índios de la parcialidad de
Urinsaya han ocurrido a esta ciudad demandando su posesion y derecho de propiedad de las tierras en la
dicha isla de Chur ...que los de Anansaya han invadido sin temor de Dios.”
these lands and not only those of Urinsaya as they have claimed. Footnote 282 Four decades later in 1783, the villagers of Urinsaya identified their cacique don Nicolas Figueroa as the enemy of the community. They accused Figueroa of behaving as a mandon (a despot) and for attempting, during many years, to dispossess them from their lands in Chur. Figueroa indeed had already claimed the lands as his own: in a parallel legal case he was contesting his possession with doña Manuela Uriarte, a local criollo elite woman. Footnote 283 The villagers added that Figueroa was also un adultero who publically lived with another woman, despite having his own wife. A century later—in the republican period—between 1839 and 1859 both communities were back in court over the lands of Chur.

Caciques, however, are no longer mentioned.

Commoners in the late colonial Altiplano also learned to exploit the complications of the overlapping of jurisdictions. Altiplano communities were located on the border of the jurisdictions of the Royal Audiencias of Lima and Charcas. These borders changed a number of times in the period of 1750 and 1836. Footnote 284 For instance,

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Footnote 282 Idem. f. 1v and 2. “Así se conoció que desde tiempos inmemoriales las tierras de Chur no pertenecían solo a la parcialidad de Urinsaya, como pretendieron dichos Indios y su cura, sino también a los de Anansaya. ... (Yo) determiné que la mitad de ella pertenece a los de Anansaya de la doctrina de Santa Barbara y la otra mitad a los de Urinsaya de San Miguel.”

Footnote 283 Idem. f. 03. The problem begun, stated one resident of Urinsaya, when some families of Anansaya “with no fear of god” started to build their cabañas (huts), moved the land markers, and began to reside in them permanently.

Footnote 284 The territory of the southern Altiplano, also known as the Alto Peru, was initially divided between the Corregimiento of Cuzco that responded directly to the Royal Audiencia of Lima and the corregimiento of La Paz that responded to the Audiencia of Charcas. Then, in 1776 the Corregimiento of La Paz, along with the Audiencia of Charcas was transferred to the newly created Viceroyalty of Rio de la Plata with its capital in Buenos Aires. In 1782 the Corregimiento system was eliminated and the Intendant system was introduced with, again, changes on jurisdictions and borders. The borders continued to change during the formation of the republics of Peru in 1821 and the subsequent separation of Bolivia in
when in 1776 the Viceroyalty of Rio de la Plata was created, a large sector of the altiplano communities was transferred from the jurisdiction of the Viceroyalty of Peru to the new viceroyalty. Just a few years later, as a result of the indigenous insurrections, the Corregimiento system was eliminated in 1782 and the Intendencia system established in its place. In the same year of 1782 the community of Guaycho, in Omasuyos, challenged the appointment of Pedro Guachalla as interim cacique by a temporary inspector from the distant Viceroyalty of Peru. They argued that a temporary official from such a distant place did not understand their local customs. They, of course, presented their case to the Audiencia of Charcas, which was geographically closer, but more importantly an overlapping jurisdiction. More than distance then, the intention of the commoners was to exploit the still unclear division of jurisdictions between the Audiencia of Charcas and the recently created Audiencia of Rio de la Plata.

Although caciques continued to be mentioned in some disputes, they appear mostly as opponents of the community. Scholars mostly agree that the Bourbon Reforms, the colonial intervention in the office of cacicazgo, the massive indigenous insurrections, and ultimately the colonial government’s decision to eliminate the

1824 and 1836 after a brief attempt to form a federal uniting Peru and Bolivia. See also John Fisher, El Perú borbónico, 1750-1824 (IEP, Lima Peru 2000): 28 (Translated by Javier Flores).

285 “Cacicazgo de Guaycho, Omasuyos,” ABNB. SGI, exp. 210, [1782].
caciques had cumulative effects on the final crisis of the colonial caciques. O’Phelan argued that the systematic appointment of “caciques intrusos,” and the massive indigenous insurrections eliminated the post of the cacique. Cahill argued that the fiscal imperative of the colonial regime was the most pressing issue on the decision to intervene and undermine the office of the cacique. While caciques were not completely eliminated, their former prominent presence before the commoners had largely eroded. However, despite its debilitated condition, the office of the cacique continued to attract poor creoles and Spaniards as opportunities to access to labor, lands, most importantly free Indigenous labor, all part of the office. Scholars nevertheless failed to identify the less prominent yet, crucial intervention of the commoners’ role in undermining the caciques from below as a main factor in the final crisis of caciques in the altiplano.

286 See O’Phelan, Kurakas sin sucesiones; also, O’Phelan, Mestizos reales en el Virreynato del Peru: indios nobles, caciques y capitanes de mita. (Lima: Fondo Editorial el Congreso: 2013): 123; Sala I Vila, Y se armo el tole tole; Stavig, The world of Tupac Amaru; and Serulnikov, Subverting Colonial Authority.

287 “The cacique Network and tribute Administration: Social Change in the Cuzco and Puno Regions, 1780-1830” in David Cahill, From Rebellion to Independence: 153. Also Cahill shows how after Tupac Amaru II’s rebellion, even some priests were appointed as caciques competing with criollos and Spaniards. He does it in reference to the cura of Marcapata who comes to light in an 1811 legal case, as the cacique of two communities, and his brother-in-law was cacique of other two towns. See also Cahill, “The Long Conquest:” 117.

3.6 Conclusion

Spanish colonial authorities labeled native communities as extremely litigious, however, commoners in the Altiplano perceived litigation as a far more complex undertaking than authorities understood. Late colonial altiplano commoners endured the effects of the Bourbon Reforms, the endemic intra-communal conflicts, and the massive insurrections that shook the foundations of the colonial structure. Commoners were central actors in most of this process, actively challenging the effects of the Bourbon Reforms and participating in the military confrontations. However, beyond the exceptional times of the massive military confrontations of the late colonial and early republican periods, the most consistent form of community participation was via local mobilizations and the colonial legal system. Altiplano commoners intensified their struggles, mobilizations, litigations, and remarkable display of social drama.

While “moral economy” theory explains altiplano community struggles against colonial interventions in part, it must be supplemented by taking into consideration community views on politics and culture. The communities struggled over essential issues such as lands, tribute, and labor, they insisted that these were the effects of lack of good governance of the local authorities. Quite often, lawsuits that commoners maintained for many decades in the colonial period continued in the republican period, mostly following similar line of arguments and procedures. The increasing contentions of commoners about and against caciques directly contributed to the undermining of the office of the cacicazgo. The figure of the cacique was not completely eliminated, yet the communities were already functioning without them. As Cahill has asserted, late
colonial cacicazgos continued to attract mestizos, poor creoles and Spaniards.\textsuperscript{289} Aymara
and Quechua speaking communities in the altiplano insistently denounced that the
encroachment on their lands was just the beginning. Their complaints described rather
candidly how indigenous, creole, and Spanish elites were not only after their material
possessions but also their labor, in other words, their autonomy and their way of life;
their place in the world.

The network of Andean roads that most people literally walked every step of the
way was the stage for actions that have been often overlooked when examining
community litigations. Commoners in the altiplano demonstrated that knowledge of,
and success on, the roads between the communities and the royal courts were at times
as important as success in the courthouses, if not more so. Community representatives
and groups of commoners themselves spent several months every year walking across
their network of roads, pursuing their legal cases. Many of these travels were
clandestine, done despite the restrictions in place or more often in order to avoid the
control and retaliation of the individuals who they struggled against. Commoners on the
roads even perceived difficulties as necessary sacrifices and success as signs of divine
intervention. For they saw that regardless of the outcome on their cases, justice was
considered ultimately a justice of god.

Commoners attempted to advance differentiated notions of custom in their legal
struggles. The colonial legal system recognized customary law, yet the commoners saw

\textsuperscript{289} See Cahill, “Native Andean Elites.”
that the notions the royal courts recognized were often different from their local views. Thus, commoners in their litigations before the regional and viceregal courts used a legal rhetoric that the lawyers and authorities expected and understood. The focus of this approach was centered on the production of documented evidence in order to legally support their claims. However, in their local jurisdictions, before indigenous and local creole authorities, they used notions of custom claiming defense of collective possessions rooted on rights they considered from “time immemorial.” Still, commoners invested great efforts in order to accumulate documents, present oral testimonies, and demonstrate physical possession as evidence of their claims as old enough to be considered “immemorial.”

In almost every complaint, petition, and mobilization commoners denounced that their adversaries did not act alone. Commoners accused, and often demonstrated, that their rivals were part of local groups of power that frequently included colonial authorities, caciques, and landed elites. They argued that the primary focus of these groups was to control indigenous communities’ possessions and labor in disregard of the royal mandates and protection of the Indians. Thus, they continuously sought to undermine or lessen the power of local authorities and appeal for autonomy while expressing loyalty to the crown and the Catholic Church. They insisted, however, that the relationship should be directly between the community and the higher colonial authorities rather than through the caciques. Just as the community of Cabanilla and that of Tiquillaca who managed to meet personally with the viceroy, many others attempted to reach to the highest authorities in the viceroyalty. Those who managed to
appear before the highest authorities, civil or ecclesiastic, made efforts in order to
maintain open channels for direct relations via their documents or collective
mobilizations.

Finally, commoners did not see their local rivals as a homogeneous group. They
grew convinced that caciques and most native elites became inevitably alienated and
opposed to community, yet they perceived that criollo and Spanish elites were the most
hostile against the community. As we will see in the next chapter, they insisted that the
most aggressive were “these criollos and Spaniards who want us eliminated.” By using
the colonial legal discourse in their favor they portrayed themselves as poor and
miserable Indians, loyal vassals to the king and faithful before god. At the same time,
mobilized and organized sophisticated forms of resistance that shaped the outcome of
their litigations. Thus, as Stern has argued for the early colonial context, indigenous
communities continued to have powerful consequences for the colonial society, late
colonial altiplano commoners, were not far from their earlier counterparts.290

290 Steve Stern, Peru’s Indian Peoples and the Challenge of the Spanish Conquest: Huamanga to
1640: 136, 193.
CHAPTER 4:

EN MI VOZ Y DE TODO EL COMUN: ELEMENTARY ASPECTS OF COLLECTIVE MOBILIZATIONS IN LATE-COLONIAL AND EARLY-REPUBLICAN ALTIPLANO

4.1 Introduction

1750 began a century of transition, a rather slow and uncertain process of changes from the colonial to republican era. The unrelenting struggles of indigenous communities, against worsening conditions of life and increasingly for autonomy, began to erode local colonial control. The discontent from below was manifested in increasing collective actions of resistance across the region. The most consistent of these actions were the direct defiance of local authorities, litigations, and mobilizations that eventually produced a fertile ground for the massive uprisings best known as the “Age of the Andean Insurrections.”

Indigenous communities gradually reclaimed political

291 See Stern, “The Age of Andean Insurrection, 1742-1782: A Repraisal,” 34-93; O’Phelan, La Gran Rebelion en los Andes; also, Un Siglo de Rebeliones; and El Peru en el siglo XVIII; Sala I Vila, Se Armo el Tole Tole. A classic work is Jurgen Golte, La Racionalidad de la Organizacion Andina, Lima: IEP, 1980; John Fisher, “Resistance, Revolts, and Rebellions,” in Fisher, Bourbon Peru: 1750-1824, (Liverpool: University Press, 2003): 94; See also the examination of Alberto Flores Galindo, “In Search of an Inca;” Thomson, We Alone will Rule; Stavig, The World of Tupac Amaru; Walker, The Tupac Amaru Rebellion. Also for previous views for the larger Spanish America see Joseph Perez, Los Movimientos Precursors de la Emancipación en Hispanoamérica (Madrid, 1979). Perez argued that the movements prior to 1760, were mostly led by urban popular and mestizo sectors, and that post 1760 primarily by rural indigenous movements.
agency for the base by undermining the legitimacy of caciques and, in the process, involved also other colonial authorities. In the emerging republican era, the convulsive political context remained similar. Altiplano communities continued to resist against a power structure dominated by creole elites who mostly replaced the Spanish colonial authorities.\(^{292}\)

In this chapter I examine the composition and mechanisms of the altiplano communities’ movements and their political rhetoric. Late colonial and early national altiplano communities articulated local movements and their own discourse about representation and political views. Commoners, with their former secondary figures of authority such as *segundas*, *jilacatas*, and *alcaldes de indios*, engaged directly in their contentions using a language that stressed their collective presence and growing political consciousness. Thus, I argue that the late colonial indigenous communities rather than vanquished victims, as they are often perceived, organized collective direct action and litigation. “We, the Indians of the community,” or the more frequent “en mi voz y de todo el comun,” were expressions commoners used in order to stress their collective presence. Where previously caciques had used this language as a claim to speak on behalf of the community. While the primary sources in the archives are scattered and often incomplete, the over four hundred and fifty cases I selected and

examined closely provide evidence of a dynamic process of commoners’ conscious political engagement. This was a process in which the commoners at the base gradually formed political agency and exercised it.

The Bourbon Reforms transformed the political background in the altiplano region in the mid-eighteenth century. As Serulnikov has written, the “Bourbon-enlightened absolutism that sought to regain command over the colonial empire” affected directly the everyday life of everyone in the Altiplano.293 Scholars mostly agree that these reforms enforced ruthless fiscal pressure through tribute and mita (corvee labor), legalized the corrupt repartimiento de mercancias (forced distribution of expensive and unnecessary goods), imposed Spanish supremacy over creole elites, and attempted to control church institutions.294

The reforms had the power to upset conditions of life for people at all layers of colonial society and to force extreme demands upon the commoners of the altiplano in particular. Altiplano communities have been litigating for reassessments of tribute rosters for decades in attempts to reduce their quota to account for tribute payers that had died, moved out, or fled their communities. The Bourbon Reforms increased tribute


294 For more extensive examination on economic and political effects of the Bourbon Reforms see Lynch, The Spanish American Revolutions; Jacobsen, Mirages of Transition; For Mexico see Guardino, The Time of Liberty; for Peru see O’Phelan, El Peru en el siglo XVIII; See O’Phelan, Kurakas sin Sucesiones; Thurner, From Two Republics; Walker, Smoldering Ashes; Sala I Vila, Y Se Armo el Tole Tole; Cahill, The Long Conquest. Spalding, Social Climbers; Spalding, Kurakas and Commerce; Stavig, The World of Tupac Amaru; Serulnikov, Subverting Colonial Authority.
rates and enforced sales taxes. For instance, Serulnikov documented the increases of sales tax from 2% to 4% in 1772 and to 6% in 1776.\textsuperscript{295} Along with the establishment of customhouses, commoners were affected by the imposition of taxes on key items such as aguardiente (alcohol), and coca leaves.

The most deeply resented measure, however, was the legalization of the repartimiento de mercancias (or reparto for short) system that granted corregidores an open mechanism to profit from their investments on purchasing their posts.\textsuperscript{296} Unlike in other regions, in the altiplano some corregidores enforced reparto on Indians, castas and Spaniards alike. For instance, don Miguel Portillo, Corregidor of Guancane, Vilque, Moho, Conima (in the province of Guancane), Tiquillaca (in Lampa), Capachica, and Coata (in Paucarcolla) distributed mules, paño de Quito,ropa de castilla and ropa de la tierra to almost everyone in his region, regardless of ethnic origin.\textsuperscript{297} Corregidores in most of the altiplano became preoccupied more on their reparto than, for instance, on the administration of justice and collection of tribute.

Concurrently, corregidores’ concerns over the profits of reparto also influenced a growing intervention in the appointment of caciques. Corregidores increasingly decided

\textsuperscript{295} See Serulnikov, Revolution in the Andes: 20-21. See also O’Phelan, Un siglo de rebeliones anticoloniales: 177.

\textsuperscript{296} The Spanish word reparto (short for repartimiento) often replaced the long repartimiento de mercancias name in oral declarations and legal documents. See O’Phelan, Caciques sin sucesiones: 17.

\textsuperscript{297} “Repartimiento de mercancias, en Guancane,” ARP Seccion Tributos [1764]. Portillo forced his repartimiento de mercancias system from 1760 to 1764 on every indigenous community and Spanish town of the Province of Azangaro. In the same file the ARP also included “Repartimiento de mercancias en Atuncolla and Lampa,” ARP Sección no catalogados [1768-69].
to appoint creoles, mestizos, and other castas, into the office of cacique rather than Indians of cacical lineage as the community expected. The response from the communities was immediate. Commoners initiated accusations of abusive behavior, excessive demands, and dispossession of assets, against the caciques. These contentions were often framed in ethnic terms. Commoners in their oral interventions and complaints stressed that these creole and mestizo caciques acted out of hatred of the Indians. Similarly, commoners, aware of the colonial officials behind the appointments, often accused the *corregidores* of abusive behavior and attempts to oppress the Indian race.

Scholars studying the late colonial Andes have suggested that local struggles and litigations were mainly about tribute, mita, reparto, lands, and abusive behavior. While altiplano communities mostly reflected this larger trend, they also frequently contended over communal lands. Despite the devastating effects of the late colonial insurrections, the altiplano commoners articulated a series of dramatic efforts in defense of their community lands. As we can see in Table 7 below, litigation over tribute, mita, and *reparto*, most commonly associated with the Bourbon Reforms, began to increase in 1760s when the effects of the reforms were felt in the region. Similarly, the sources reveal that the accusations of abusive behavior against caciques and often

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299 See Cahill, *From Rebellion to Independence*: 161. Cahill suggested earlier that the appointment of non-indigenous caciques generated between 1780 and 1825 an unrivaled onslaught on community lands in the southern sierra.
also against *corregidores* increased along with the effects of the Bourbon Reforms.

Placed against the backdrop of the larger late colonial and early republican context however, this data reveals that the contentions of the altiplano communities went far beyond the insurrections. The altiplano disputes for tribute, mita, abusive behavior of authorities, and more significantly over lands continued well into the mid-nineteenth century. In the subsections below I examine the mechanics and significance of these different reasons that motivated the communities’ collective participation in the late colonial litigations.
TABLE 5

MAIN REASONS OF COMMUNITY LITIGATIONS

(ARP)

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<th>Years</th>
<th>Tribute</th>
<th>Mita</th>
<th>Reparto</th>
<th>Lands</th>
<th>Abusive Behavior</th>
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<td>32</td>
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<td>3</td>
<td>91</td>
</tr>
<tr>
<td>1801-1820</td>
<td>13</td>
<td>8</td>
<td>0</td>
<td>30</td>
<td>19</td>
<td>3</td>
<td>73</td>
</tr>
<tr>
<td>1821-1850</td>
<td>4</td>
<td>3</td>
<td>0</td>
<td>11</td>
<td>14</td>
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<td>34</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>36</strong></td>
<td><strong>28</strong></td>
<td><strong>21</strong></td>
<td><strong>81</strong></td>
<td><strong>61</strong></td>
<td><strong>10</strong></td>
<td><strong>237</strong></td>
</tr>
</tbody>
</table>

Source: Selected documents from the Archivo Regional de Puno, Peru. Sections: Corregimiento, Intendencia, Eclesiales, and no catalogados between 1700 and 1850.

A similar organization of data from the Archivo y Biblioteca Nacionales de Bolivia (ABNB), a repository of the records from the court of appeals for Charcas, differs significantly from the tendency shown in the regional archive of Puno. The court of appeals received and processed significantly fewer litigations originating from the communities, and more from higher-level jurisdictions. The reasons for this are obvious: even if local tensions between communities and caciques could not be resolved at the regional level, the Andean insurrections made travel to distant appeals court much less desirable. Despite this complex context however, commoners and their advocates
managed to appear before the court, present their cases, generate investigation commissions, and receive countless decrees.

Thus, as Table 8 shows, the litigations reveal a set of problems that are not necessarily what the historiography had considered. While commoners litigated about the usual problems, the records show that they flooded the appeals court with accusations against the intermediaries of the legal system, such as inspectors, *corregidores*, and other officials of interference with the legal procedures. Similarly, it shows that the judges of the *audiencia* concentrated primarily on the accusations and counter-accusations related to the several revolts in the region and the massive insurrections. The litigations about *reparto* and abusive behavior together, accounted for 32 percent and for lands and tribute only 24 percent of all of those from the altiplano between 1760 and 1800. Still, the community struggles and litigations spread spatially and chronologically beyond the specific context of the insurrections.
TABLE 6

MAIN REASONS OF COMMUNITY LITIGATIONS

(ABNB)

<table>
<thead>
<tr>
<th>Years</th>
<th>Tribute</th>
<th>Mita</th>
<th>Reparto</th>
<th>Lands</th>
<th>Abusive behavior</th>
<th>Other</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1740-1760</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>0</td>
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<td>7</td>
</tr>
<tr>
<td>1761-1780</td>
<td>12</td>
<td>5</td>
<td>30</td>
<td>13</td>
<td>19</td>
<td>27</td>
<td>106</td>
</tr>
<tr>
<td>1781-1800</td>
<td>13</td>
<td>3</td>
<td>4</td>
<td>10</td>
<td>11</td>
<td>55</td>
<td>96</td>
</tr>
<tr>
<td>Totals</td>
<td>27</td>
<td>10</td>
<td>36</td>
<td>23</td>
<td>31</td>
<td>82</td>
<td>209</td>
</tr>
</tbody>
</table>


Commoners in the Altiplano gradually organized complex mechanisms of resistance, informed by a growing consciousness of their own political views on “popular sovereignty” as Elizabeth Penry has argued. Commoners increasingly engaged in struggles against what they considered unjust and contrary to the community interests. Large sectors of altiplano communities began to mobilize with some formerly secondary community figures to displace and undermine caciques from their previously central role, the representation of their communities. Thus,

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communities carried out local demonstrations, presented petitions, litigated at local and regional levels, led increasingly more by segundas, jilacatas, alcaldes de indios, and even some common folks. Commoners removed legitimacy from the increasingly adverse cacique figures and gradually transferred it to more plebeian figures. The rhetoric they employed to do so reveals that this was a conscious political process.

Commoners organized mobilizations and petitions, and carried out litigations in the colonial legal system. The effects of the Bourbon Reforms, the contradictions of authorities with overlapping jurisdictions, and the alienation of caciques from their role in the communities, generated a favorable conjuncture for commoners to engage in community contentions. Hence, more plebeian figures such as the segunda, the jilacata, the alcalde de indios, and some ordinary Indians began to lead the struggles of their communities in defense of their collective issues. Increasingly large groups of commoners appeared before the authorities, prepared petitions, complaints, and pressed for results. Most communities began to challenge their local authorities and rivals more openly, traveled long distances, used influential legal advocates, and appeared in large groups before higher authorities. This active process of challenges against local elites and colonial authorities constituted the fertile ground of the “age of the Andean insurrections” in the altiplano.

The late colonial indigenous communities’ resistance in the Andes have been studied mainly through the dramatic 1780-82 insurrections, while the less prominent and long term forms of resistance, such as litigations and local disputes remain little known. Scholars who study the late colonial Andes have argued for the importance of
the insurrections led by Tupac Amaru II, Tupac Katari, and Tomás Katari and the events surrounding them, while the less prominent village-level processes that were in the long term equally, if not more, significant for the commoners have received less attention.

Altiplano commoners had to confront not only the ruthless demands of the Bourbon Reforms, but also the increasing encroachment on their community lands and abusive behavior of local elites. Indigenous commoners considered their struggles against these attacks on community life beyond the logic of “moral economy.” They saw these drastic impositions in political and ethnic terms, as attempts to increase the domination of the Spanish and creole elites over the Indians. “The Spaniards and creoles want to dominate us, the miserable Indian nation,” asserted Vicente Paricagua in his complaint against his adversaries, a hacienda owner and the Corregidor of Lampa.301 Commoners in the altiplano articulated renewed notions of self-rule and attempted to advance it with direct political action that involved large sectors of the community.

The long history of litigations, increasing collective direct actions, and access to higher authorities generated among the commoners a new sense of political agency. Altiplano commoners wanted to advance their views of self-rule and political structures that at their core displaced caciques and local authorities and advocated for direct relations with the highest authorities in the viceroyalty. They consciously stressed the importance of their contribution in tribute and labor, presented themselves as humble and loyal vassals of the king and as faithful believers in god. Commoners in their

301 “Comunidad de Cabanilla contra Bartolome Calisaya,” Archivo Regional de Puno (hereafter ARP), Sección Intendencia (SI) caja 02, [1806]. Folio 1v.
struggles and litigations consistently argued for autonomy. Whenever possible, they suggested names for new authorities and, in the later years of the century, they themselves appointed their representatives. These rather slow and often seemingly contradictory village-level reforms happened in the overlapping legal and political arenas.

Commoners in the altiplano were able to transform central aspects of their political culture through litigation and local mobilizations rather than violent insurrections.302 Scholars studying indigenous and peasant politics have considered them as mostly prone to abrupt actions and as “primitive rebels” with “pre-political consciousness,” as the school of “peasant studies” had referred to them in the 1960s.303 Late colonial Latin American historiography has considered local level movements largely as failed attempts to rebel or as part of more prominent insurrection events.304 Recent studies have made important efforts in returning agency to the indigenous sectors yet, essential community level changes in the altiplano remain less studied. This

302 I am paraphrasing Scott’s famous expression: “Everyday forms of peasant resistance.” See James Scott, Weapons of the Weak, Everyday forms of Peasant Resistance. This study, however, shows how, unlike Scott’s peasants, altiplano commoners organized sophisticated forms of collective resistance, rather than just domestic and individual forms.

303 See what is collectively known as the seminal works on “peasant studies,” emphasizing the inquiry on the formation of the social and political consciousness of peasants and the working classes in contrast to the then prevalent focus on the economic factors. See specially Hobsbawm, Primitive Rebels, (primarily Italian and English context in early nineteenth century); Scott, The Moral Economy of the Peasant, (Southeast Asian peasant context) and Weapons of the Weak, (primarily focused on Southeast Asian individual and non-revolutionary peasant “tenacity of self-preservation”): 350; and E.P. Thompson, The Making of the English Working Class, (on late eighteenth century and early nineteenth century England Working classes, including peasants).

304 Walker asserted that scholars often saw local indigenous communities’ action of resistance as part of a larger “total war” of the late colonial insurrections. See Walker, The Tupac Amaru Rebellion: 10.
chapter attempts to contribute to a better understanding of the significance of this process of collective community political consciousness for the indigenous communities themselves and for the larger late colonial context. We now turn to the examination of the documents that altiplano commoners produced along with colonial administration records and secondary literature on the late colonial altiplano community politics.

4.2 Reciprocity and Cooperation on Community Movements

Communal reciprocity informed community politics. Just as most communities’ economic and religious practices were still sustained by basic forms of reciprocity and redistribution, so were community political practices. Scholars who study the economic systems of Andean communities have argued that reciprocity and redistribution were the indigenous community’s organizing principals. The majority, if not all, of agricultural, pastoral, and religious activities in the Andean communities functioned collectively, often as festive undertakings. Commoners maintained the community structure and most of its productive activities according to their agricultural and religious calendars. Usually, the first day of January, every year, the community congregated and “elected” their alcalde de indios. For instance, the subdelegate of the province of Paria in 1787 reported that all the communities congregated and in

305 See Murra, La organización económica de estado Inca: 176. Murra argued that the actual function of reciprocity and redistribution was organized at the village level and not at the Inca State level, as it was considered before. Thus, rather than a welfare state, he explained, the Inca regime maintained semi-autonomous ethnic lords and communities with their local reciprocity and redistribution practices.

306 See Abercrombie, Pathways of Memory and Power: 233
presence of the *jilacatas, principales*, and *del comun*, each community without contradiction from commoners elected their *alcalde de indios*. The subdelegate asked the recently elected *alcaldes* to take the oath of office and then directed him to participate in the solemn mass.\(^{307}\) Similarly, the subdelegate of La Paz in 1785 reported that since he personally could not be present in all the *ayuntamientos* (gatherings), he asked the priests to oversee them.\(^{308}\) While the details of how exactly alcaldes were elected in unclear, it appears certain that it was made in presence of the community en mass, the jilacatas, and principales. Most importantly yet, the community in attendance had to express their acceptance, as noted by the subdelegate when stated that there were no contradictions.

Economic activities of the community were also generally carried out collectively. Scholars showed that even the production of tribute and *mita* to the mining centers were rendered as a collective activity. As Stavig wrote, “mitayos [to Potosi] almost never went alone, wives and children accompanied their men.”\(^{309}\) After all, the group of commoners that went to fulfill the mita in Potosi was called *septimas*, the group of tributary Indians that take their turn on behalf of their community every seven years. As Thierry Saigness explained, the *septimas* organized by larger region designated as nations or provinces contributed to the *mita* by specific trait or specialty in their

\(^{307}\) “Elección de alcaldes de Paria,” ABNB, EC No. 34, [1787].

\(^{308}\) “Elección de Alcaldes en comunidades de la Provincia de La Paz,” ABNB, EC No 12 [1785].

laboring, such as providing firewood, coal, and *ichu*; carrying the ore; and working deep in the mines. These forms of organizations explain better why sometimes communities were able to use communal resources to bridge the gap when they fell short in their responsibilities when commoners died, fled, or simply failed to meet the expected contributions. Commoners very often congregated and carried out functions on behalf of *todo el comun*, functions that provided the community members a common identity.

In the complex late colonial context, the community defense of resources and views of autonomy translated into creative collective actions. The forms of resistance primarily involved direct action such as local mobilizations, litigation movements, and constant attempts to directly contact higher authorities. More and more, large groups of tributary commoners mobilized and asserted that the actions they fought against was eroding the community way of life. The former secondary community authorities such as *jilacatas*, *segundas*, *alcaldes*, and, at times, some common folks appeared leading the movements; caciques, although sometimes mentioned, were mostly absent. In a way, the power of representation returned closer to the base of the community. As Thomson argued, “The locus of community power shifted to the base of the political formation. This historical process was one along the communal, non Western Liberal, lines.” The

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311 See Sinclair Thomson, *We Alone Will Rule*: 10. Thomson states that in the second half of the eighteenth century Andes, there is a process of “democratization process along communal, not western liberal, lines.”
emergent representatives produced and signed documents and insisted on including all the names of community members participating. A constant participation of large sectors of the communities and use of community resources characterized this process.

The communities in the altiplano mobilized people and resources for their community struggles in a similar way they did for their agricultural, pastoral, and religious activities. The mobilizations before colonial authorities, the complex and long processes of litigations, and other actions of resistance involved far more people than a few community authorities, it mobilized the community at large. This was a process of organized incursions of the subaltern sectors into the political arena, more sophisticated than “pre-political” or simply rebellious mobs as colonial officials tended to call them.\textsuperscript{312} While their mobilizations and litigations addressed immediate issues such as land and excessive demands for tribute and labor, the motivation was to obtain justice and preserve collective existence. Commoners who regarded lands and certain resources also as symbolic features of their collective identity from ‘time immemorial” mobilized communal practices of reciprocity in search of redress. This was an altiplano version of subaltern political consciousness expressed in a complex process of legal activism, in and around the colonial legal system.\textsuperscript{313}

\textsuperscript{312} See E. Hobsbawn, \textit{Primitive Rebels, Studies in Archaic Forms of Social Movements in the 19\textsuperscript{th} and 20\textsuperscript{th} Centuries}, (Manchester: University Press, 1959): 6.

\textsuperscript{313} See Ranajit Guha \textit{Elementary Aspects of Peasant Resistance}: S. Gramsci and other scholars of the Subaltern School argued for an inherent subaltern political consciousness following Gramsci’s categories of subaltern and hegemony.
Commoners, seeking justice and autonomy, mobilized and litigated collectively using often communal assets. In the early colonial era, according to Murra, Andean communities maintained forms of collective resources called *sapsi* (*de comunidad*). The *sapsi* resources were central for the function of redistribution. Colonial caciques often covered tribute failures and other critical community needs with them. Most recently, de la Puente has shown that these *sapsi* “communal funds, obtained through the labor of able-bodied members of the group, provided the material basis that would make large-scale, community-wide litigation possible.” De la Puente further suggested that litigating caciques who planned and carried out litigations on behalf of the community, were also part of *sapsi*. Caciques, therefore, were endowed by community funds and legitimacy when acting on behalf of *el comun*. While social and economic conditions changed in the late colonial altiplano, communities continued to procure communal funds, however limited. Similarly, the use of these communal funds was directed most notably to litigation in defense of community lands and reduction of what they considered excessive demands from the government and the elites.

In the late colonial altiplano, however, there was a significant shift; the struggles were carried out directly, and increasingly on behalf of commoners and their emergent plebeian representatives. Caciques are largely absent from these conflicts, appearing

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occasionally as enemies of the community or as marginal figures. For instance, in 1754 the commoners of Hanasaya of Guaqui, (Pacajes), carried forward a legal case against their local priest that, interestingly enough, was initiated and soon dropped by their cacique.\footnote{316}{“Comunidad de Guaqui contra caciques” ABNB, EC Nro. 49, [1754].} The cacique, shaken down by the local priest for more revenue and labor, initially sued him on behalf of his community. However, the priest used his influence to force the cacique to drop the charges. The commoners, who observed the process, continued the legal case and accused the cacique of abandoning them, and the priest of controlling the cacique. In the process, they learned that the neighboring community of Urinsaya was also litigating against their own cacique and the same priest for similar offenses. Both communities decided to unite their efforts and communal resources in order to boost their efforts. Indeed some years later, after setbacks in the provincial court of La Paz, they appealed to the Audiencia of Charcas and received favorable results.

In similar years, Thomas Escapacuela, an \textit{indio originario} of San Miguel de Achaya (in the Quechua speaking province of Azangaro), appeared before the Audiencia in Charcas on behalf of his community. Escapacuela accused don Miguel Callapasa, his cacique, and his family of being the cause of the impoverishment and suffering of his community.\footnote{317}{Thomas Escapacuela en contra de cacique Miguel Callapasa,” ABNB, EC (3ra parte 1749-1775) Nro. 57, [1754]. “Yo y los demas Indios que oprimidos por el peso del tirano de éste cacique, su hijo, sus yernos, vivimos exprimidos de todo lo que obtienen con la sangre y sudor de su industria...”} He recounted that, despite the scarce community funds, the attempts of the cacique in order to prevent the accusation, and the enormous distance, he traveled...
to Charcas, convinced that the royal justices would remedy the suffering of his community. Both the Aymara speaking commoners of Guaqui and the Quechua speaking commoners of Azangaro reveal the mid-eighteenth century transition of commoners’ direct engagement and caciques’ gradual departure from community struggles. Concurrently, commoners, by carrying out the litigations themselves, retained the control of community funds and further undermined the legitimacy of caciques before their communities.

While many communities effectively curtailed caciques’ authority and began to replace them, the altiplano had some powerful cacique families that remained influential. Yet, while some of these powerful caciques remained in office, their access to communal funds and collective cooperation appeared restricted. In the late colonial altiplano, commoners more directly controlled and made decisions about the use of community assets. As we have seen in the previous chapter, commoners continued to generate communal funds and used them frequently for their community litigations.

Since pre-colonial times, altiplano communities were regarded as endowed with a significant source of wealth, primarily from their domesticated animal herds. According to early colonial documents altiplano communities possessed a great amount of resources, agricultural, textile, and especially large herds of alpacas and llamas. The Chucuito visita, by far the most important sixteenth century colonial inspections made in

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318 Idem. “He venido desde tan larga distancia acompañado solamente por una total necesidad y hambres que en el camino he padecido por solicitar el amparo de protección de V.S. remedio... de las crueles extorsiones de mi persona y los demás infelices de mi comunidad.”
the Aymara speaking region of Chucuito, provided solid evidence on this path. One of the most influential native lords during the 1567 inspection stated that “despite the immensity of the lands of the Lupacas, there were times when there was neither room nor grass to sustain the amount of *ganados* they had.” While Spanish *conquistadores* decimated most community possessions in the first decades of the colonial period, commoners managed to maintain and reproduce basic mechanisms of collective production in order to keep their communities functional.

During the late colonial era transition of power from cacique to the community, caciques that remained in office sought ways to access to the communal resources. Late colonial caciques often used coercion in order to obtain resources. In 1794, Pedro Cama, a tributary Indian from the Aymara community of Acora, accused his caciques of illegally extorting their limited community possessions. Cama, in a letter, recounted that doña Ysidora Catacora, a former cacica of Acora, offered exemption from the terrible mita in the mines of Potosi in exchange for 30 llamas. Catacora appeared to have reinvented an old trick that caciques had previously used to persuade *indios ricos* (rich Indians) to buy their way out of the *mita*. This time, the cacica offered the deal to everyone, knowing the existence of community funds used to assist those in need. Thus, stated Cama, since many Indians did not have that many llamas, many borrowed them from the community

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320 Idem: 40.
herd in order to make the payment.\textsuperscript{321} In a subsequent formal complaint, Cama presented a receipt signed by Catacora for 30 llamas as evidence.\textsuperscript{322} This legal case was brought about because the new cacique who replaced Catacora did not recognize the previous receipts, instead demanding 30 more llamas from the commoners who had already arranged their exemptions with Catacora. Towards the end of the eighteenth century, in a context mostly perceived as decline of community politics in the aftermath of the rebellions and the state repression, commoners in the altiplano maintained some communal assets and defended against the caciques and other authorities’ advances.

4.3 Movements for Justice and Autonomy

Altiplano commoners increasingly challenged local authorities and sought to bring their cases before the highest authorities. The \textit{jilacata}, the \textit{segunda}, the \textit{alcalde de indios}, and the community constantly attempted to report local officials and obtain favorable mandates from higher authorities. As demonstrated in the previous chapter, commoners appeared before distant higher courts, sought audience with the judges, and habitually requested the appointment of commissioners alien to their local authorities. More often than not, in their disputes and legal suits, commoners expressed their own views and even decided to take matters in their own hands. A new sense of political agency and urgency appeared from the base of the community. Assertions like

\footnotesize{\textsuperscript{321} “Indio tributario contra su cacique,” ARP, Serie Intendencia caja 01 Exp. 027. [Nov. 26, 1794]}

\footnotesize{\textsuperscript{322} Idem. “Sr. juez esta redención de mi servicio la he complementado con haber dado a mi cacica 30 carneros cargadores (llamas) de nuestro común para el avío de las cedulas del presente año, como mas claramente consta por el recibo que me tiene dado mi cacica Doña, Ysidora Catacora.”}
“we alone will rule,” that Thomson found persistent in the La Paz region, grew out of the dense context in which expressions such as “we, the indios del comun in search for justice” or similar cries before the audiencia judges were constitutive of the commoners’ actions and discourse.

The emergent secondary figures gradually gained community support and legitimacy, however, commoners were vigilant on their actions. Commoners began to use their community services as mechanisms of social climbing, gradually escalating from ordinary Indians to higher positions. In the mid-eighteenth century, Joseph Sanches, Indian from the community of Hulloma, province of Pacajes, appeared before the Royal Audiencia of Charcas and requested to be appointed as alcalde de indios.323 Sanches described himself as a successful former tribute collector and captain enterador of mita (head of the mita troop). He argued that as tribute collector he had visited commoners door-to-door and observed the “continuous abuses that mestizo and Spanish travelers inflicted” on his community.324 Furthermore, he stated that his father was also alcalde indígena and that under his watch the community lived peacefully. The Audiencia judges listened and ordered the local corregidor to carry out election of an alcalde in Hulloma. Indeed, Sanches was elected by his community as alcalde de indios in 1750. In 1752, however, a group of commoners of Hulloma appeared before the royal

323 “Joseph Sanches pide Nombramiento de Alcalde,” ABNB. EC. Audiencia de Charcas 3ra parte 1749-1775. Exp. 39 [1752].
324 Idem. Sanches further explained: “me presento y juro con la solemnidad necesaria para en parte de prueba de mi verdad, pues a pedimento y ruego de los dichos indios de mi comunidad he venido desde tan lejanas tierras a esta ciudad a presentarme.”
court, “en voz de todo el comun,” and requested the judges to remind Sanchez that the post of alcalde was for one year and that other commoners should also have the opportunity to be elected to the office. The audiencia in fact issued a decree ordering the corregidor to remove Sanchez from the post and hold elections for a new alcalde. The villagers of Hulloma were not against the function of the mayor or against Sanchez per se, they were concerned about, as they stated, “the rights to access to the office of alcalde of other community members, every first of January.” Late colonial altiplano commoners recognized the importance of the post of alcaldes in the community politics, yet, they were also conscious that the office meant social status, exception from tribute, and other privileges.

Caciques also saw their position within the community change during the period of the Bourbon Reforms and Andean rebellions. The altiplano had some powerful cacique families that accumulated wealth, power, were backed by colonial officials, and feared by their subjects. The most prominent among them were: the Chuquiguancua family in the Quechua province of Azangaro, the Cachicataris, the Mangoturpos, the Romeros, and the Calahumanas in the Aymara region of provinces of Chucuito and Pacaje.³²⁵ During the rebellion of Tupac Amaru II most of these individuals sided with the

³²⁵ These powerful cacique families, ruled their regions for generations, however, they did not lack controversy. They were challenged and even lost everything in the process, yet, for their insistence and good connections many were able to regain and even rebuild their stand before their communities. The Chuquiguancua family for instance, claimed descent from the Incas and ruled Azangaro for many generations with protection of the colonial regime. When the collapse of the colonial regime was imminent they appeared riding the wave of republicanism and were elected to the republican senate. See Walker, The Tupac Amaru Rebellion: 96. See also, Cahill, From Rebellion to Independence: 156.
royal forces. The commoners who joined the rebels ransacked the haciendas of the loyal landed elites and caciques and claimed to have recovered land and possessions they considered illegally taken from the community. In most other communities, commoners increased their challenges to caciques in office. For instance, in 1782 the commoners of Guaycho, in the province of Omasuyos, shaken by the recent Tupac Katari’s rebellion and execution, demanded before the Audiencia of Charcas the change of their cacique. The commoners of Guaycho accused their cacique of being “a drunk and abusive despot” and of being appointed illegally. They sharply stressed jurisdiction overlapping in favor of their case.

The complainants from Guaycho asserted that a temporary official from the distant viceroyalty of Lima illegally appointed the accused cacique. Commoners knew that the judges would be interested on learning about an official of the distant Audiencia of Lima acting within their territory. Indeed the judges of Charcas listened and favored the petition of the commoners. Additionally, in this well prepared case, commoners advanced their attempts at local autonomy, requesting that Melchor Caio Chipana, and indigenous mayor of a neighboring town, be appointed cacique in

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326 See for instance, Stavig and Schmidt, The Tupac Amaru and Catarista Rebellions: 71, how don Diego Chuquiguanca, in the vortex of rebellion, sent a, overnight brief letter to the Corregidor of Azangaro revealing that he received a letter from the rebel Tupac Amaru with his plans and his movements. Chuquiguanca wanted to assure that he remained loyal to the crown and urged the corregidor to organize a defense.

327 The majority of Spaniards, mestizo, and authorities fled the zone towards Arequipa, La Paz, and even Buenos Aires; they all abandoned their states. See Jacobsen, Mirages of Transition: 46.

328 “Cacicazgo de Guaycho, Omasuyos,” ABNB. SGI, 210, [1782]. The community of Guaycho had just experienced the massive uprising of Tupac Katari, his capture and execution in mid-November of 1781, in Peñas, La Paz.
replacement of the accused. The local mayor, the segunda, some principales, and “all the Indians of the community” mobilized in order to back the petition. Not too long after, the audiencia dismissed the accused cacique and appointed Caio Chipana in his place. The escribano (the royal scribe) reported that the entire community attended the public ceremony when Caio CHIPANA took office, which was all performed in the Aymara language, including the reading of the royal decree, in order for all the Indians to be “fully aware of the appointment and its context.”329 The commoners of Guaycho were conscious that this was a result of their collective intervention and exercise of their local autonomy.

Communities in the altiplano intensified their struggles in defense of their interests, and caciques appeared frequently on the opposite side. Commoners accused caciques of selling off community possessions for most of the colonial period, but the late colonial altiplano seemed to be having a revolution against caciques. As Cahill has suggested, caciques could not continue to please both the community and the colonial regime, thus they ended up pressing colonial demands and their personal interest upon their subjects.330 Commoners recognized that direct mobilization and collective pressure along with litigation had the potential to produce positive results. The Aymara villagers of Hanasaya and Urinsaya in Guaqui, with their segundas and their indigenous mayors,

329 Idem. “Le hice saber en alta voz el decreto antecedente de principio a fin y dando a entender su contexto en la lengua aymara quedaron cerciorados.”

330 See Cahill, “The Long Conquest:” 85; Also, Karen Graubart, With our Labor and Sweat: 167.
organized and sued their two caciques and their local priest.\textsuperscript{331} They accused the local priest of controlling and using both of their caciques to over exploit their communities. The segundas and alcaldes carried out the process “on behalf of themselves and the entire community” (\textit{en nuestro nombre y de todo el comun}). Locally they mobilized and brought their case to the court of La Paz and later appealed to the Audiencia of Charcas. Similarly, in 1771 the Quechua villagers of Azangaro, angered by the excesses of the \textit{repartimiento de mercancias}, mobilized and demanded that their cacica, doña Polonia Fernandez, defend the community.\textsuperscript{332} Fernandez, in order to avoid direct confrontation with the corregidor, suggested that the community and their segunda should go to the Royal Audiencia of Charcas. Thus, the segunda and the commoners issued a power of attorney to a lawyer in Charcas in order to represent the community in a complaint against don Fernando Inclán y Valdez, Corregidor of Azangaro and implicated the cacica for failing to do her duties.

Rural commoners in a way reflected what was already going on in urban areas. Urban subaltern residents, indigenous, persons of mixed ancestry, and others interacted frequently with the local elites and colonial administration. While these relations were sustained in a delicate balance of social hierarchy, subordination, and social control, in the eighteenth century resistance from below intensified. The organized popular sectors, neighborhoods, artisan guilds, and \textit{cofradias} (religious brotherhoods) that had

\textsuperscript{331} “Comunidad de Guaqui contra cacique y Cura,” ABNB. EC. 3ra parte 1749-1775, Exp. 49, [1754].
\textsuperscript{332} “Comunidad de Azangaro contra Corregidor, por Exceso de Repartos,” ABNB. EC. 3ra parte 1749-1775, Exp. 113, [1771].
provided its members social legitimacy increased their political agency. As Herzog demonstrated in her study of late colonial Quito, urban townspeople often participated in the administration of justice, assisting officials and policing of the city, as volunteers or in temporary basis. This process of active participation strengthened the popular sector’s beliefs in their own abilities and autonomy. Thus, when disagreements with the elite and authorities escalated, massive mobilizations of popular sectors claiming alliance to the king advanced their aspiration to self-rule. Late colonial rural communities interacted regularly with the urban sectors, and may have adapted some mechanisms of resistance and discourse from their urban counterparts.

It is in this context that the remarkable efforts of the Quechua community of Cabanilla in order to meet the Viceroy of Peru face-to-face, examined in chapter three, show the importance of collective engagement. The community of Cabanilla en masse (including women and children) organized and waited on the road for don Fernando de Abascal, the newly appointed Viceroy of Peru. The commoners wanted to plead with the viceroy to stop a Spanish hacienda owner and an Indian elite from evicting them from their community lands. The villagers of Cabanilla carried out this action below the radar of the local authorities who otherwise would have prevented them from doing it. The

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333 See Herzog, Upholding Justice: 176. Herzog argued that “experience demonstrated that justice could be administered in it without having recourse to a disciplinary force and that the combination of officials and volunteers, judges, and inhabitants, was sufficient to guarantee the local peace.”

334 “Cabanilla contra Bartolome Calisaya,” ARP, SI, Caja 02, folio 64 [1806]. The commoners of Cabanilla stated “Hemos ocurrido a esperarlo a medio camino del tránsito a la ciudad de Arequipa.” Indeed Abascal in that approximate date was traveling from Buenos Aires to Lima through the Camino Real that crosses the altiplano near Cabanilla. See Victor Peralta Ruiz’ En defensa de la Autoridad. Also, John Fisher, Bourbon Peru, 1750-1824: 147.
neighboring community of Tiquillaca, most likely in cooperation with Cabanilla, also organized their community and waited for the Viceroy.\textsuperscript{335} Once before the Viceroy, the commoners of Tiquillaca presented their most critical issue of concern: they requested the dismissal of their cacica doña Margarita Tinajero for unbearable despotic behavior.

After some months of waiting for the viceroy’s written response to their demands, they asserted that, “having received no response [from the viceroy], the community decided to send a commission to Lima before your Excellency.”\textsuperscript{336} They wanted to remind the Viceroy that “in presence of the whole community” he had promised to attend to their request of removing Tinajero.\textsuperscript{337} While commoners managed to communicate directly with the viceroy, this long legal case revealed the well-known colonial practice, “I obey but do not execute.” The viceroy and the Audiencia in Lima issued orders cautioning local authorities from causing harm to the commoners, but as in many remote places, royal orders that favored the ordinary Indians were far from local elites’ priorities.

\footnotesize{\textsuperscript{335} “Eugenio Quispe y Pedro Hilari contra cacica de Tiquillaca, Puno.” AGN. Real Audiencia, Legajo 29, Cuaderno 574 [1802].

\textsuperscript{336} Idem. “Determino la comunidad enviar a los recurrentes para que personalmente hiciesen presente a VE.”

\textsuperscript{337} “Eugenio Quispe y Pedro Hilari contra cacica de Tiquillaca, Puno,” AGN. Real Audiencia, Legajo 29, Cuaderno 574 (1802). “Cuando tuvimos la felicidad que Vuestra Excelencia pasare por aquellos lugares para tomar el mando de éste virreyynato, \textbf{le hicimos presente en consorcio de toda la comunidad} los grandes prejuicios que se sufrian de doña Margarita Tinajero” (my emphasis).}
4.4 Information from Inside and Below

The *segunda*, the *jilacata*, and the *alcalde de indios*, because of their experience, were vital in leading community struggles. Many of these secondary figures were *indios ladinos*, they had knowledge of the Castilian language and legal proceedings. They were often long-term assistants to the caciques, priests, some colonial authorities, or had interacted with colonial authorities on behalf of the community, and had valuable information and contacts. For instance, Vicente Paricahua, the *segunda* of Cabanilla who with his entire community managed to talk with the Viceroy of Peru on the *camino real*, wrote a petition himself.\(^{338}\) In the brief and direct document, he spelled his name in a form closer to the Quechua pronunciation: Besente Paricava. In the one-page document he introduced in the file, stated, in an anxious tone, that he and lamented that they requested a copy of their court proceedings and that after many months had received nothing. In the busy and expensive legal system, having a representative who could read and write Castilian saved communities the time and cost of waiting for the use of the legal experts assigned to the region.

The *alcalde de indios* in the altiplano were not subordinate to the caciques, yet they frequently operated in their shadows. *Alcaldes* were elected annually on the first day of January. The specifics of the elections varied from place to place; however, it appears that the electors were the incumbent *alcalde*, the *alcalde de Segundo voto*, and two * alguaciles* (constables). At times the local priest oversaw the elections if the

\(^{338}\) “Comunidad de Cabanilla contra Bartolome Calisaya,” ARP. Sección Intendencia (SI) caja 02, f. 25, [1806].
corregidor could not make the trip from the city.\textsuperscript{339} Like the segundas, Jilacatas, and other more plebeian community authorities, the gradual emergence of the alcalde de Indios as alternative community authority figures is part of the transformation of community politics from below.\textsuperscript{340}

Indigenous mayors knew the elemental workings of the colonial legal system. They administered justice at the village level, primarily in oral form, and regularly reported their actions to the local corregidor, and the sub-delegate later in the century. Segundas, jilacatas, some principales (indigenous elites), and many commoners were often chosen by the cacique or the community in order to perform specific activities that often involved travels to the colonial centers and interactions with urban contacts, legal experts, and colonial authorities. As mentioned above, the segundas and alcalde de indios of the Aymara communities of Guaqui in 1754 redirected and carried further a case against the local priest, the corregidor, and ultimately against their own caciques. They recounted how the case was initiated by their cacique and that they traveled to the distant city of La Paz. In the city the cacique introduced them to his contacts who

\textsuperscript{339} “Elección de Alcaldes de Indios,” ABNB, EC, Documento Nro. 112, [1785]. The subdelegate in La Paz also recommended to prevent local priests and indios principales to maintain the practice of electing indios naturales and not mestizos or Españoles who live in these towns and want to intrude in these offices. The election for alcalde de Españoles was somewhat similar. They all gathered at the town council building when the church bell rung on January first and the incumbent alcalde de primer voto led the process, the local priests also participated as observers and in some places they were appointed as peace keepers, as happened in Oruro in 1788. See also “Elección de Alcalde y Cabildo de Oruro,” ABNB. EC. Documento Nro. 53, [1788].

\textsuperscript{340} These early-colonial Indigenous authorities called Alcalde de Indios or simply Varayoc in a hybrid Spanish-Quechua word, have remained secondary throughout the colonial time and regained importance in late-colonial era as observed by, O’Phelan, Kurakas sin sucesiones; Sala I Vila, Se Armo la Tole Tole; Cahill, The Long Conquest; Thurner, From Two republics. For the early colonial creation of alcaldes de indios and their jurisdiction, see, Karen Graubart, “Learning from the Qadi: The Jurisdiction of Local Rule in the Early Colonial Andes,” in Hispanic American Historical Review, 95:2(2015): 213.
provided hospitality, some legal aid, and had familiarity with the lawyers and colonial authorities in town. Soon, however, the commoners of Guaqui asserted that their caciques had deserted them and had begun to work for the priest instead. Thus, the villagers decided to carry out the case themselves. The commoners with their segundas and alcaldes returned to La Paz, to the same person that the cacique had introduced them. There, they learned that the neighboring community of Urinsaya had also been fighting against the same priest and their own cacique. Soon, the segundas and alcaldes of both communities presented a joint complaint against the priest and their two caciques. According to their assertions, they even received more attention because they traveled with a larger group and the authorities could see the actual Indians who suffered the power of their local authorities.

Almost organically, the former secondary authorities began to play more direct roles for their communities. Many of these individuals gained their role because of some personal attributes such as knowledge of Spanish language, experience in handling legal documents or a history of interactions with colonial authorities. However, their knowledge of inside information and mechanisms of operation of their local authorities were the most important factor for their effectiveness. In a typical case, in 1754, Thomas Escapacuela, an ordinary Indian of San Miguel de Achaya, in the province of Azangaro, organized his community and brought a case before the Royal Audiencia of
Charcas on behalf of his community.\textsuperscript{341} Escapacuela recounted that don Miguel Callapasa, their cacique, appointed him as his assistant in the collection of tribute. In his post as assistant he gained the inside view of the role of the cacique and denounced that the cacique Callapasa, his son, and sons-in-law formed a group of abusive tyrants against the community. Furthermore, he explained that because he attempted to reduce the pressure on tribute and labor that their cacique forced upon the commoners, Callapasa had accused him of owing him tribute money.\textsuperscript{342}

Similarly, the majority of these emergent leaders had participated in the process of the mita labor in Potosi. As scholars have shown, beyond the mandatory condition of the labor draft to be performed in the massive mountain of Cerro Rico in Potosi, communities had gradually transformed it also into a mechanism of social climbing.\textsuperscript{343} Therefore, the commoners after completing the mita service in Potosi were often elected to village positions such as segundas, jilacatas, indigenous mayor, capitan de mita (leaders of the mita team) and the like. As the internal conflicts with the caciques evolved, the commoners used the knowledge of the cacique’s assistants and collaborators as evidence for their accusations. For instance, in 1754 three caciques of San Agustin de Toledo, in the province of Paria, were accused with wrongdoing on

\textsuperscript{341} “Comunidad de San Miguel de Achaya contra Cacique don Miguel Callapasa,” ABNB. EC. 3ra parte 1749-1775, Exp. 57 [1754].
\textsuperscript{342} Idem. f.3. “Me hizo su jilacata de todas sus cobranzas …de reales tributos, y habiéndole satisfecho los de mi cargo íntegramente pretende y yo le pague injustamente la cantidad de 100ps.”

handling the mita to Potosi.\textsuperscript{344} The segundas, on behalf of the three communities, explained how the caciques had offered to exempt from the mita anyone who could pay them 52 pesos; yet, even after the payment caciques forced some of them to still go to Potosi. As evidence the segundas included a detailed list with the full names, the amount of pesos they paid, and how those who paid were kept out of the tribute roster. The segundas of San Agustin de Toledo had assisted the caciques in the tribute collection and included their tribute rosters in order to further demonstrate that the commoners who paid the exemption fee to the caciques were not in the community tribute rosters. The compelling evidence and the large group of commoners before the Royal court in Charcas pressed the judges to immediately issue an investigation commission and an order of detention of one of the caciques who happened to be in the city.

The community movements in the altiplano gained a great deal of their political strength from their knowledge of internal operations and the weaknesses of the local authorities. When they accused their authorities of making excessive demands for tribute and labor, commoners showed copies of tribute rosters and detailed the mechanisms of their accused authorities. As with most small towns, commoners were well aware of the caciques’ use of funds, their mechanisms of coercion, and even their social relations. Indeed, two communities of Llaulli (Azangaro), for instance, in 1791 united and challenged their caciques, the powerful brothers don Thomas Mangoturpo

\textsuperscript{344} “Comunidades de San Agustin de Tholedo (sic), Provincia de Paria contra sus Caciques,” ABNB. EC. 3ra parte 1749-1775, Exp. 137 [1754].
and don Domingo Mangoturpo. Blas Condori, the segunda of the community of Anansaya of Llaulli, spearheaded the movement and was soon joined by the community of Urinsaya.\footnote{“Segunda y comunidad de Llaulli contra hermanos Mango Turpo,” ARC. Fondo Real Audiencia, Exp.105 (04), [1791]: f. 83.} They accused the Mangoturpo brothers of illegal appointment, abusive behavior, and mismanagement of the royal tribute. Condori, who was a tribute collector for don Thomas Mangoturpo, built the community’s accusations using his knowledge of the cacique and the tribute records. The commoners of both communities in mass presented the provincial intendent with a 7-page tribute collection roster with names and the amount that every community member paid for tribute in the last third of the year, totaling 1,330 pesos. They testified that this amount corresponded only to the regular tribute paying \textit{naturales} from the upper half community and that the cacique also collected from \textit{forasteros, sobrinos} (temporary residents), and children that had not been reported to the royal treasury. They asserted that the lower community contributed also a similar amount and both tribute reports should be compared with the actual remittances the caciques made for the period.

Also, forty-five men, including \textit{principales} and common folks, gave oral testimonies and stated that they acted \textit{en voz de toda la comunidad}. The commoners, one after the other, declared that the Mangoturpos had illegally forced tribute from children younger than 18 years old. Furthermore, some of the commoners, such as Guillermo Zapana, confessed that they were appointed by the caciques as assistants to the tribute collectors and forced to request tribute for the minors, and that if they
refused they were publically punished with lashes.\textsuperscript{346} Likewise, they asserted that they were also ordered to collect tribute from the \textit{rezervados}, elite community members who were legally exempted from tribute.\textsuperscript{347}

In a clever move the commoners attempted to exploit the changing political context. As a result of the massive Andean insurrections, around 1784 the colonial government had eliminated the office of the \textit{corregidores} and created the \textit{intendant} system in its place. Thus, the commoners of Llalli argued that the Mangoturpos, who were appointed by a \textit{corregidor} as interim caciques, must be replaced by legitimate individuals appointed by the new \textit{intendant}.\textsuperscript{348} Finally, most commoners in their oral testimonies added that the Mangoturpos mistreated commoners because they had no fear of god. The commoners in Azangaro used their collective actions and their own interpretations of the context in support of their cases in the legal system.

Similarly, in the Aymara region southeast of the Lake Titicaca, the communities of the upper and lower halves of Guaqui united and resisted their local authorities. In a quarter-century contestation, between 1749 and 1775, don Sebastian Calisaia, don Geronimo Quispe Caguana, don Francisco Quispe Caguana, don Esteban Poma, Bernardo Zarate, and don Lope Quispe Caguana, “en su voz y de todos los indios del comun” accused \textit{licenciado} don Pedro Marquez, priest of Guaqui, his assistant don

\textsuperscript{346} Idem. f.11. \textsuperscript{347} Idem. f.8. \textsuperscript{348} Idem. f.16.
Vicente Montez de Oca, the Corregidor Marquis de Santa Maria, and their two caciques, don Athanasio Cachicatari and don Pedro Limachi, of a rosary of abuses against their communities.\textsuperscript{349} This group of representatives presented their complaint before the Royal Audience of Charcas and requested a judge commissioner foreign to the influence of the local group.

In this fashion, one after the other, the diverse communities of the altiplano began to participate directly in the issues that affected them the most. As we have seen in the cases above, caciques gradually withdrew from acting on behalf of their communities’ interests in the mid-eighteenth century. Commoners grew anxious about the mounting demands and often violent mechanisms of the \textit{reparto}. They deeply resented the accumulation of demands for more tribute, \textit{mita}, as well as the growing disputes for land. Commoners and former secondary community figures saw that caciques, rather than providing support for the communities, mostly sided with the colonial authorities.

Thus, altiplano commoners along with their \textit{alcaldes}, \textit{segundas}, and \textit{jilacatas}, replaced the space vacated by the caciques with their collective direct actions. They together began to challenge and accuse the caciques and the colonial authorities they perceived as responsible for the problems they faced. Concurrently, the increasing anxiety of creole sectors, marginalized by the Bourbon Reforms that favored Spanish-born officials, directed their demands towards community labor and possessions. Creole

\textsuperscript{349} “Comunidad de Guaqui contra Caciques” ABNB, EC Nro. 49, [1754].
individuals increasingly pushed their way into the community lands and even obtained employment as caciques. They constituted a big part of what O’Phelan has called *caciques intrusos*, who further generated disputes with the commoners. The dramatic increase of land contentions in the altiplano was in great part a result of this complex conjuncture further facilitated by the repressive measures against the indigenous communities in the aftermath of the massive insurrections of 1780. The community polity however, was not eliminated: on the contrary, it was transformed. Altiplano commoners with their diverse emergent representatives continued to struggle against intra- and extra- community forces beyond the late colonial insurrections and well into the first half-century of the republican period.

4.5 We the Commoners: The Mechanics of *el Comun*

While the majority of late colonial altiplano communities’ disputes initiated before local authorities such as the Corregidor, many moved to the court of appeal or Real Audiencia. *Corregidores* were the primary officers that commoners approached with disputes that could not be resolved internally, although occasionally they also complained to the *alcalde de españoles* (the mayor of the Spanish towns). Commoners in the altiplano, as most other in the Andes, sought the advice of the local Defensor de Naturales in order to better organize and strategize their litigations. At these local jurisdictions, initial procedures tended to be conducted summarily in oral form and only brief written summaries were kept. It was mostly when commoners brought written complaints and their adversaries demanded titles, written evidence, or when they
appealed to higher courts that the cases produced lengthy files, to which the subsequent generations continued to add.\footnote{See Burns. \textit{Into the Archive}: 10. Burns, explains that one of the reasons why there is almost no archival documents in native languages in the archives in the Andes, as opposed to the archives in New Spain, is because indigenous communities’ records “before a Spanish jueces de naturales was conducted in [Spanish] orally and only a brief written summary of the proceedings was kept by the notary.”}

Community documentation, and its memory of litigation, could be substantial and powerful. In the Aymara town of Ilave, in September of 1793, doña Barbara Choque accused a group of commoners of invading lands that, she claimed, belonged to her late husband.\footnote{“Doña Barbara Choque contra Comunidad de Ilave por tierras,” ARP. Sección intendencia, Exp. Nro 013. Caja 01, [1793].} Choque had the local Defensor de Naturales and many mestizo and vecinos notables testify in her favor. However, Bentura Mamani, Lorenzo Mamani, and a group of 35 commoners and their families, counter accused Choque of dispossessing el comun from their community lands. The commoners of Ilave produced evidence of litigation documents from 1715 and 1747 in order to show how the local elites’ “attempted to eliminate the Indians and appropriate the lands that belonged to el comun from “time immemorial.”\footnote{Idem, f. 14, 26. The documents they provided showed that in 1715 a hacienda owner named Leon Castillo attempted to annex the community lands to his hacienda but the commoners with their cacique Alfonso Ilquita resisted and won the process. The documents from 1747 are partial proceedings of a dispute over borders with the caciques of the neighboring community of Acora that included oral testimonies of Manuel Mamani, cacique of Ilave and a group of 5 commoners describing their possession of these lands.} The community kept these documents and when a new dispute broke out they mobilized and articulated a legal discourse that stressed the long history of abusive behavior of their local elites against the “miserable Indians.” Indeed, the judge subdelegate of the province decided that based on documentos de antigua memoria,
testimonies of *indios ancianos*, their houses and animals established on these lands, the *comun* of Ilave had demonstrated the possession of these lands and should not be disturbed.

Late colonial altiplano commoners gained political visibility with their organized movements and their collective discourse. The caciques, regarded as the aristocratic Andean authorities, had acted and litigated on behalf of the community for most of the colonial period. These community authorities with their legal aides focused on the use of the colonial legal system and mostly failed to recognize the commoners as a political force. Colonial officials and most urban elites tended to view large congregations of indigenous commoners as unruly and violent masses. Beyond these images of rebellious mass the collective presence of commoners appeared mostly politically invisible. Late colonial emerging community leaders, on the other hand, took note of the community’s collective force on their litigation and movements. They learned to use the theatrics and especially the discourse of the larger social drama of their litigations as a political force. Thus, documents produced by commoners’ oral depositions and written records reveal more political engagement than has previously been considered. For instance, the majority of documents generated by commoners included criticisms towards the colonial regime of what they considered lack of protection of community life.

Furthermore, the insistence on using expressions such as *en mi voz y de todo el comun*

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353 Idem. f. 6v
and similar ones in most legal documents stressed a collective discourse that revealed more political visibility.

As altiplano commoners became more active in their movements and community politics, their collective contestations against the increasing encroachments on community possessions and excessive demands seemed to intensify. They mobilized and accused local authorities and their associates of abusive behavior, corruption, and for acting against the king’s mandates. The majority of these actions produced documents such as petitions, letters, complaints, and a series of investigation reports. These documents recorded oral declarations and written interventions stressing that these actions of resistance, large and small, involved large sectors of the community. Authorities at local and regional levels received a constant stream of groups of commoners and their documents, demanding attention and more local autonomy. The claims and rhetoric in these documents were empowered by the presence of the mass and were expected to have a similar impact on its audience. The series of these organized community actions of resistance, challenges to authorities, mobilizations, litigation movements, and some of their achievements, revealed a complex political consciousness that had mostly remained obscure.

Commoners in the altiplano used formulaic colonial legal language in order to stress the actual presence of large sectors of their communities. The use of phrases such as en mi voz y de todo el comun (literally, on behalf of myself and the entire community), “we expect the justice of the king” and similar were central to the rhetoric of the late colonial indigenous movements for justice. For instance, the complaint of the
community of Cabanilla in 1806 reads: “Vicente Paricagua, segunda persona... a voz y a nombre (literally, in voice and name) of thirty four tributary Indians originarios and reservados.\textsuperscript{354} Then, he stressed that todo el comun mobilized backing this complaint and included a roster with the names of 36 heads of families present. Similarly, Pedro Ceballos, Juan Ariviri, Agustin Cevallos, Julian Camiri, Justo Caniri, Manuel Canivi, Diego Arviri, Bernardo Choque, Jose Condori, Toribio Ariviri, Juan Guayna, --indios originarios of Santa Barbara of Culita in the Province of Paria--accused their authorities of collecting excessive tribute.\textsuperscript{355}

In March of 1783 a large group of representatives of the community of Anansaya marched to the town of Acora, province of Chucuito, in order to denounce the abuses of a Spaniard “intruder” in their community. The group of forty Indians, among them principales and ordinary tributary community members, identified themselves by name and asserted that “en voz de todo el comun” they wanted to denounce don Marcelino Buytron, an abusive Spaniard intruder in their community.\textsuperscript{356} The group, which identified itself as segundas, principales, and ordinary Indians, appeared before the house of don

\textsuperscript{354} “Comunidad de Cabanilla contra Bartolome Calisaya,” ARP, (SI) caja 02, [1806].

\textsuperscript{355} “Indios de Culta contra su cacique y subdelegado, “ABNB, EC, Libro No. 25, [1797].

\textsuperscript{356} “Indios de Acora contra Español Marcelino Buytron y contra governador de Chucuito,” ABNB-Sucre CE. Expediente No.45 [1783]. The list included: Don Andres Pari, don Martin Arucutipa, don Diego Pari, don Ascencio Guanca, don Miguel Guanca, don Juan Aruguanca, don Valeriano Guanca, don Tomas Chalco, don Gaspar Peñasco, don Sebastian flores, don Josep Cutipa, don Juan Laqui, don Blas Paxsi, don Juan Cruz, don Antonio Laqui, don Juan Maita, don Juan Aruiri, don Pedro Mendoza, don Martin Guanca, don Blas Catacora, don Felipe Samo, don Melchor Mamani, don Martin Ylacopa, don Martin Catacora, don Tomas Coapasa, Sebastian Chino, Agustin Corimaygua, Alfonso Silva, Diego Quispe, Santos Cutipa, Pedro Gualpara, Bernardo Flores, Ascencio Mamani, Pedro Condori, Sebastian Oñi, Jacinto Roque, Pedro Felipe, Manuel Clemente, Juan Inquilla, and Dionicio Flores.
Andres Cruz, the alcalde de Indios of Acora, to recount their tribulations under Buytron. They indicated that Buytron had won the favors of don Ramon de Moya y Villereal, governor of Chucuito, and illegally acted as the sole ruler of the community. Cruz and the community representatives decided to present their case before the Royal Court of Charcas. Therefore, they agreed to give power of attorney to don Gregorio Nuñez, procurador de los del numero (advocate for the indigenous communities) in the court of Charcas in order to present a complaint on their behalf.

The commoners and their representatives, however, were aware of the political context. In the formal complaint, Cruz declared that he knew all the complainants well. He asserted that the complainants, along with the entire community, accused Buytron of intrusion, attempts to control labor, lands, and the circulation of goods in the community. As a dramatic example of the abusive behavior of Buytron, they recounted that in 1782, in the aftermath of the insurrections, he accused, captured, and tortured a rich widow to death and appropriated all her possessions. On top of everything the commoners added that, using his connections with the governor, Buytron managed to be appointed alcalde de españoles in the town of Acora and intended to extend his control over other communities.

While these accusations are not particularly unique from many others of the time, the geography, the context, and the procedure make the case significant. The massive rebellions of Tupac Amaru and Tupac Katari in 1780-81 overlapped in the area

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357 Idem. Folio 09. The commoners explained that because of Buytron’s connections with the provincial governor, everybody feared him.
of Acora and for many months it became part of a territory “liberated” from colonial control until the capture and execution of the leaders of the insurrections. Thus, the march of a large group of commoners into the town, just over a year after the insurrections, in the midst of the repressive measures of the government, was not a light matter; the cause must have been serious for them to take the risk. The procedure was also instructive: it was the segundas, principales, and many ordinary Indians who initiated the march and requested the intervention of the alcalde de Indios. The alcalde assembled the complaint and directed it to advocates and the judges in the Audiencia of Charcas, in order to avoid the interventions of their local adversaries including the governor of the province. Furthermore, in the complaint the commoners lamented that under the power of Buytron, who was protected by the governor of the province, they found themselves destitute, miserable Indians, with no one to help them.

Similarly, the commoners of Guayllapata, in the Quechua province of Azangaro, sought the help of don Martin Manuel de Rivarola, the Protector de Naturales, in order to draft a complaint. The complainants wanted to accuse the priest of San Taraco of dispossessing them from their community lands called Pucarani. In 1792, de Rivarola received a large group of commoners that “brought with them” their cacique don Alejandro Lipa. The defensor formed a special commission to investigate and collect

358 “Protector de Naturales a nombre de índios y cacique de Guayllapata,” ARP. Sección Intendencia, Caja No. 01, Exp. 008. [25 de Enero de 1792]. This litigation initiated in 1792, however during the process commoners included some other documents of much earlier origin. One of the oldest documents was from 1693, when they received confirmation of their possession via litigation against a local Spanish hacienda owner.
oral testimonies from the commoners in order to prepare the complaint. In the process, the commoners also included litigation documents from 1693 as evidence of their possession from “time immemorial.” Rivarola collected all the information and drafted a complaint that was presented before the governor intendant of the city of Puno. The commoners, with the assistance of the defensor, had their supporting documents organized and had rehearsed their oral declarations. Moreover, when the judge commissioned arrived in Guayllapata to investigate, the commoners walked alongside him during the entire procedure, and responded to the counter-accusations of the priest and his lawyers.359 Finally, the Marquez of Casa Hermosa, the governor intendant, confirmed that the community of Guayllapata proved that their possession was a posesion antiguada (an ancient possession). Like many other communities in the late colonial altiplano, the commoners of Guayllapata learned to constitute the body of el comun, mobilized in mass, and actively sought the assistance of advocates in order to organize their litigations. While not all commoners’ struggles achieved the results they envisioned, at the very least they stood together and challenged their local adversaries; most importantly they maintained their polities functional when most expected them destroyed.

359 Idem. Also, when the commoners were about to be dismissed, accused of acting several years after the disputed lands was being used by the priest, they argued that the community could not dispute the priest Licenciado don Tomas Lazaro Clavijo because he was “an eclesiastico patricio, well connected and with influence.” However, they added, since Clavijo was deceased, they could now defend their lands from the new priest and his lawyers.
4.6 Conclusions

The long and sometimes seemingly contradictory struggles of altiplano commoners were much more significant than has often been perceived by scholars. While most of the village-level disputes are fragmentary and scattered, they also remained at the margins of scholarly examination. Recently, legal historians have begun to reveal the extent of their significance. For instance, most scholars who study the late colonial Andes have suggested that the late colonial indigenous struggles and insurrections ended in a devastating defeat, with the capture and gruesome execution of the most prominent leaders, their family, and closest allies.\textsuperscript{360} Moreover, other scholars have asserted that the state repression that followed created a power vacuum in indigenous communities that decapitated community politics.\textsuperscript{361}

While most leaders of the insurrections were indeed captured and executed, or otherwise punished, it is also true that many caciques and indigenous elites received rewards and kept their posts for their loyalty to the regime. For instance, the powerful don Diego Chuquiquuanca, a royalist cacique of Azangaro, who opposed Tupac Amaru II’s requests to rebel, received the title of \textit{Capitan general de los indios y cacique principal} of Azangaro. What was different with these late colonial caciques, however, was that their legitimacy derived almost completely from the government, and commoners considered them as such. Commoners gradually learned and produced a collective entity that

\textsuperscript{360} See for instance, Stern, \textit{Resistance, Rebellion, and Consciousness}: 35. Also O’Phelan \textit{La gran rebelion en los andes}: 210.

\textsuperscript{361} For example, Cahill, \textit{From Rebellion to Independence}: 164.
constituted the *el comun*. Commoners along with their segundas, Jilacatas, alcaldes, and some ordinary commoners, continued or initiated new actions and litigations. This collective force continued to struggle and challenged their local adversaries and eventually replaced caciques. Hence, community politics, rather than nearly destroyed, were reinvented from below.

The issues that community movements of the late colonial altiplano struggled for were more comprehensive than those raised by the leaders of the insurrections. Tupac Amaru II, as well as the Kataris in Potosi and La Paz, have been credited with proclaiming the elimination of the *repartimiento de mercancías*, the mita, and the alcabala (sales tax), yet, they remained ambiguous about tribute, and were mostly silent about lands. While the insurrections generated temporary disruptions on these colonial demands, tribute, for instance, was not actually erased until the republican governments found alternative sources of revenues. The community protests, on the other hand, demanded just treatment and were unrelenting about community lands and possessions. This long history of contestations before different authorities and circumstances, gradually transformed community politics from below and endowed it with conscious agency. Plebeian figures such as segundas, *alcaldes de indios*, *jilacatas* and many commoners themselves emerged as leaders, leading the collective actions and litigation movements. Community cooperation and the use of community resources were foundational to the success of these actions.

While community disputes were primarily about lands, tribute, labor, and the abusive behavior of their authorities, commoners argued that ultimately their demands
derived from their search for justice and autonomy. Commoners accused caciques of abandoning their practices of protecting and defending community life and choosing instead self-interest and Spanish lifestyles. As the commoners of Guaqui put it, “The cacique who was supposed to protect us poor indios, had become our own executioner.” Similarly, community movements challenged local colonial authorities and elites and increasingly accused them of failing to recognize what they considered community rights from “time immemorial.” Commoners traveled long distances back and forth in order to bring their cases before the higher authorities that would listen the “Indians, humble and loyal vassals of the king.” Likewise, commoners often included in their accusations that their adversaries acted against the mandates of the king and with lack of “fear of god.” Commoners in the altiplano stressed in their litigation and other struggles that most of local colonial officials as well as the caciques manipulated the legal system and prevented the royal mandates from being implemented. Commoners and their more plebeian representatives advocated and sought to demonstrate that only they in direct relation with the audiencia and the viceroy could generate better governance.

These late colonial indigenous struggles revealed that the former secondary representatives had vital information and experiences. Segundas, jilacatas, and others had been assistants to caciques and local civil and religious officials. Similarly,

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362 “Indios de Guaqui contra su cacique,” ABNB-Sucre, Expedientes Coloniales. EC Nro. 49, [1754].

363 “Indios de Culta contra su cacique y subdelegado,” ABNB, EC, Libro No. 25, [1797].
indigenous alcaldes had interacted with local and regional authorities and had knowledge of legal procedures. Their condition of indios ladinos, fluent in the Castilian language and familiar with the intricacies of the legal system, proved essential for litigations. Furthermore, many of these secondary figures understood well how the authorities and their adversaries operated. All these attributes facilitated that these emergent community representatives gained influence and legitimacy in the community movements. Communities were certainly different from place to place, and their disputes had different historical contexts. Yet as they converged in the courts, they shared information and strategies. As Penry writes, the “political discourse spread through the mail.”

Late colonial communities, despite the complex and violent times, maintained their polities and reinvented the collective body of what was regarded as el comun. In contrast to most earlier litigation documents, in which primarily caciques claimed to act on behalf of their communities, late colonial communities generated a direct participation of collective force. Commoners along with their emergent representatives often marched into the office of their alcaldes and advocates seeking assistance in the process of crafting and directing their litigation documents and procedures. The rhetoric they used stressed the presence of their large groups. Altiplano commoners in their oral and written interventions, used phrases such as “en mi voz y de toda la comunidad,” and “we, the indios del comun” that mostly reflected the collective presence of what was

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considered *el común*. Overall, these communities with their collective mobilizations and systematic litigations demonstrated a political presence that challenged the elites’ views of Indians as violent masses.
CHAPTER 5:
THE LONG AND ARDUOUS PATH, COMMUNITIES ON THE MOVE

“Riot is usually a rational response, and it takes place, not among helpless or hopeless people but among those groups who sense that they have a little power to help themselves, as prices soar, employment fail, and they can see their staple food supply being exported from the district.” E.P. Thompson*

5.1 On the Move

On May 10th 2011 the Aymara communities on the southwest shores of Lake Titicaca mobilized and shut down the nearly 150 kilometers-long international highway between the city of Puno and the Bolivian border. This was a dramatic escalation of the campesinos’ opposition to mining operations that, according to them, destroyed their pasture and agricultural lands, freshwater sources, and ultimately the sacred pachamama.365 Furthermore, through local radio stations the Aymara campesinos stated

* E.P. Thompson, Customs in Common: 265.
that neither the state nor their community authorities, who had allegedly acted on their behalf, represented them. 366 Regardless of the many months of legal challenges of the Aymara community of Huacullani and neighboring communities in the province of Chucuito, the Santa Ana mining company subsidiary of the Canadian Bear Creek Mining Co. obtained the approval of the Peruvian government for its operations. Through local and national media outlets, campesinos learned about secret meetings and payments made to the community authorities in order to expedite the approval process. 367 While accusations of corruption were made against some community authorities and their associates, neighboring communities found out that most of their lands were also under concession for more mining operations. Campesinos across the region said that neither the community authorities nor the national authorities represented them. They organized and carried out a massive mobilization, named el Aymarazo calling “Viva la nación Aymara!” 368

Twelve days after their first political strike and receiving no solution from the national government, more than 20,000 Aymara campesinos, from as far as one


368 idem.
hundred miles away, marched into the city of Puno to lay siege. Puno, the capital city of the region with its 150,000 inhabitants, was shut down completely during the following days. Well-organized Aymara patrols controlled the streets making sure that no public transportation or businesses functioned. Puno residents kept their children at home, tourists and travelers were stranded. At this point the national government sent a high commission to explain to the Aymara protesters that the mineral deposits in their communities were national resources to be administered by the national government, and to remind them that communities must respect the legal order.

The Aymara protesters on the other hand, demanded that all mining operations in the region must stop, their environmental effects should be reviewed, and most importantly, that indigenous communities be consulted following International Labor Organization Convention (ILO) 169.\textsuperscript{369} After days of unsuccessful negotiations, each side claimed that the other side in the dispute refused to compromise. A key factor behind the failure of the dialogues, however, was that the members of the state’s high commission had no authority to make concessions or sign documents, without the approval of the President of the Republic. Similarly, Aymara leaders in the dialogue needed to consult with their larger community camped out on the streets, before making any decision. Furthermore, since the government official limited the number of community representatives admitted to the meetings, Aymara leaders took turns

attending the meetings, arguing that every community in the conflict needed their representatives to participate.

Even the most prominent leader of the movement was constantly reminded by the other community leaders that he only represented his own community and not the entire protest movement.\(^370\) Thus, in this long and sophisticated political movement, a constellation of individuals acted as leaders: men and women from the committee that oversee water use, community catechists, schoolteachers, some alcaldes indígenas, and some young activists. Meanwhile most of the community council members, normally the official representatives of the modern comunidad campesina, were largely absent.

On the evening of May 26\(^{th}\) sixteen days after the protest started, groups of protesters stoned, ransacked, and burned key private and public buildings throughout the city of Puno.\(^371\) The protesters shouted that the dialogue with the government was a waste of time and that neither local nor national leaders would listen to or understand the indigenous peoples’ arguments against the effects of large mining operations in their lands. At dawn next day the city of Puno looked like the battlefield of the side that lost the war, desolated and with fires still burning. The Aymaras returned to their communities and vowed to continue their protests and even sacrifice their own lives in defense of their lands.


\(^371\) See “Turba quema y saquea local de Aduanas” in Radio Programas del Perú. rpp.com.pe. 05/27/2011; Also “Queman y saquean toda la Noche Aduanas Puno” in Radio Onda Azul, radioondaazul.com. 05/27/2011; Also “Aymaras quemaron locales públicos en Puno” Diario Correo, Diariocorreo.pe. 5/27/2011.
These recent protests of the Aymara communities in the altiplano resemble in many ways those in late colonial and early republican era examined throughout this work. Native Aymara and Quechua indigenous communities around the Lake Titicaca region that straddles the present day countries of Peru and Bolivia constantly contested colonial government authorities that high-handedly attempted to implement government policies. Altiplano communities contested the damaging effects of the Bourbon Reforms and the ramifications of its effects such as increasing encroachment on their lands and elite’s abusive behavior. The colonial caciques, local state and church officials, and creole and mestizo elites were most frequently accused of being enemies of the communities.

One of the central endeavors of this work has been to examine the extent to which the indigenous communities influenced social transformations during late colonial and early republican altiplano. The escalation of community struggles and litigation movements in mid eighteenth century generated a process of political consciousness that transformed their interventions. The indigenous communities in the altiplano engaged collectively against the increasing attacks on their material conditions such as excessive demands of tribute, labor, reparto, lands, as well as, what they loosely termed, abusive behavior of the authorities that were supposed to protect them. More than the material conditions, however, in most of their oral and written interventions


373 The late-colonial altiplano records refer to America born individuals that traced their ancestry to Spain as creoles or criollos, and as mestizos to those of mixed ancestry.
these Quechua and Aymara peasants insisted that their efforts derived primarily from their collective notions of justice. Thus, commoners accused more frequently the caciques, local elites and authorities of enforcing the new drastic government demands and attempting to advance their individual interests at the expense of the community. Intra-community disputes as well as with other communities continued and led to confrontations that were often complicated by “conflicting claims backed by conflicting colonial titles,” as Abercrombie wrote.\footnote{See Abercrombie, Pathways of Memory: 286.} But, the land disputes against the elite’s were fundamentally attempts to uphold community collective possessions against individual claims of their adversaries, considered also as challenges to local autonomy and custom. The Bourbon Reforms, as most scholars have asserted, were a main factor for the drastic changes of the era, yet several other regional and local factors created a complex late colonial conjuncture.\footnote{See Fisher, Bourbon Peru, 1750-1824, (Liverpool: Liverpool University Press, 2003); O’Phelan, *Un siglo de rebeliones anticoloniales, Perú y Bolivia 1700-1783* (Cuzco, Perú: Centro de Estudios Rurales Andinos Bartolome de las Casas, 1985); and Brading, “Bourbon Spain and Its American Empire:” 389-439.} The altiplano region began to feel the effects of the Bourbon Reforms in mid eighteenth century, particularly after the legalization of the *reparto de mercancias* in 1756 on top of the drastic increases in demand for tribute and labor. However, successive government policies such as the creation of the Viceroyalty of Rio de la Plata in 1776, the opening of *comercio libre* in 1778, increasing of sales tax, and creation of customhouses also affected relations between the indigenous communities and the colonial officials. The several manifestations of these complex
conjuncture facilitated a growing social division between the rural Indigenous and the Spanish sectors in which other different sectors positioned themselves also mostly in opposition to the ordinary indigenous community members.

The findings of this research demonstrate that the effects of these late colonial government policies, the *reparto* system, and the conflicts over lands took radical dimensions in the altiplano. Most of the historiography had suggested that the primary reasons of contentions in the Andes were *reparto*, *mita*, and tribute.\(^\text{376}\) While the altiplano communities struggled against them, the most frequent and lengthy of their disputes were about lands, drastic enforcement of *reparto*, and the highly resented corrupt behavior of their adversaries.

The *corregidores* in the altiplano expanded the *reparto* beyond the indigenous communities under their control, including *mestizos*, criollos, and even Spaniards in their jurisdictions. *Corregidores* anxious about their investments and their limited time in office often allied with local elites and formed what Steve Stern called “power groups.” The *corregidores* in the altiplano, just like others in the larger Andes, indebted to merchants and landed elites used the *reparto* as a mechanism that, as Jacobsen asserted, forced indebted peasants into labor for the haciendas and *obrajes* (textile mills); a full circle of an emerging distorted market economy.\(^\text{377}\) Thus, individuals with


\(^{377}\) See Jacobsen, *Mirages of transition*: 84, see also O’Phelan, *Un siglo de rebeliones anticoloniales*: 117.
authority often turned into local despots, facilitated by the distance of altiplano communities from the colonial centers and the limited presence of the colonial government.

Furthermore, contentions over land were for the altiplano commoners perhaps the most dramatic of all. Jacobsen has shown that Spanish, creole elites, and caciques who had claimed lands in the northern altiplano in 1689, grew into a powerful Spanish/creole group by 1825/30. The tendency suggested was that Spanish, creoles, mestizo, and ecclesiastic elite sectors expanded their landholdings by forcing the peasants to flee their communities or become tenants. Indeed, decades earlier than suggested by Cahill and other scholars, altiplano communities experienced an acceleration of attacks on their community land holdings. While many communities had lost, or were forced to relinquish parts of their collective lands and many families did flee or turn into tenants, significant sectors maintained their polity and defended their remaining collective possessions. This movement of people in and out their social unit legally referred to as the indigenous community also shows the constant changes that this institution experienced in the complex late colonial era.

As shown in Table 7, sixty percent of the late colonial community struggles in courts were about land and the abusive behavior of communities’ enemies. The series

378 See Jacobsen, Mirages of Transition: 80.

379 See Cahill, “The Long Conquest:” 114. Where he argues that from 1780 to 1825 the communities “bore witness to an onslaught on community lands unrivalled in intensity since the sixteenth century.”
of confrontations and litigations over collective lands set communities against each other, but also increasingly against their elite adversaries. Time and again community complaints and oral declarations accused indigenous and non-indigenous elites of attempting to dispossess them from their lands, claiming that these elite sectors acted in alliance and manipulated legal procedures. These community struggles signaled a growing social divide between the subaltern sectors and the local elites including criollo, mestizo, and Spaniards, as well as caciques and principales. Commoners contested their enemies about their material possessions but they assembled their defense in political terms. They presented their enemies’ actions as intrusions on indigenous community custom of use and organization of resources, and against what they considered an unwritten pact between the king and its subjects.380

This evidence complicates previous prevalent assertions about what motivated the late colonial indigenous insurrections. As I have shown, scholars suggest that the main factors behind the community mobilization were the Bourbon Reforms, translated mainly into drastic increases of tribute, mita, reparto, alcabala (sales tax), establishment of customhouses, and the abusive behavior of the officials in charge.381 Thus, they also assert that the leaders of the revolts and the massive insurrections raised these issues in their manifestos. However, the most prominent late colonial insurrections were mostly silent about the ongoing struggles of communities about lands. Thus, this examination

380 For a similar argument, see Bryan Owensby, “Pacto entre rey lejano y súbditos indígenas.”

381 See Fisher, Bourbon Peru: 94; O’Phelan, La gran rebelión en los Andes: 17; 43; O’Phelan, Un siglo de rebeliones anticoloniales: 281, 286.
of the long-term struggles of altiplano communities reveals factors that have not been considered as critical before and helps to explain, for example, why most caciques in the region opposed Tupac Amaru’s call to rebel.\footnote{See David Garret, Shadows of Empire: The Indian Nobility of Cuzco, 1750-1825 (Cambridge: Cambridge University Press, 2005): 191; O’Phelan, \textit{La gran rebelión en los Andes}: 47.} As we have seen in this study most late colonial altiplano caciques --indigenous and non-indigenous--had been long accused of being enemies of their communities and of acting in association with other local elites. Indeed most of these caciques along with the Spanish, creole, and \textit{mestizo} elites fled the region in order to save their lives when the rebels moved into their area. For instance, don Diego Chuquiguanca, the powerful cacique of Azangaro who opposed the rebels and fled to the city of Arequipa, two years after the rebellions continued to lament that, “the Indians had expropriated all his possessions and had left him in absolute poverty.”\footnote{“Don Diego Chuquiguanca,” ABNB, SGI, 217, 262 [1781-84]. Also similarly “don Ambrosio Quispecavana, cacique of Lampa and Pomata,” ABNB, E.C. f. 23 [1785]. Where Quispecavana also complained that the rebels had left him in complete misery with nothing to live with.”} This also contributes to understand better why altiplano commoners following Tupac Amaru not only caused destruction by burning down buildings and \textit{obrajes}, part of their enemies’ \textit{haciendas} and Cacique houses, but also distributed livestock and lands among them. In the years following the rebellions, communities continued their litigations, yet some did it in condition of defenders, having regained the possession of their lands during the insurrections.\footnote{For instance the community of Atuncolla, defended themselves from don Feliciano Sanjines resident of La Paz, who alleged that the commoners had invaded his lands during the rebellions. “Indios de Atuncolla contra don Feliciano Sanjinés,” ARP, SI, Exp. 004, Caja 01, [1788].}
This study also suggests that the collective community struggles beginning in the mid-eighteenth century acted as a cohesive factor in the communities. Most other studies that examined the role the indigenous communities in the region implied that communities remained deeply dependant on the caciques. Thus, when the caciques began to be undermined by the colonial regime, increasingly appointed in interim basis by local *corregidores* and later by sub-delegates, it was inferred that indigenous communities were, as Cahill put it, decapitated.\(^{385}\) Hence, it has been largely considered that, with the erosion of caciques and colonial forces’ defeat of indigenous rebels, communities likewise lost their lands.\(^{386}\) Therefore, as Jacobsen asserted, indigenous peasants fled their communities and those who stayed were forced into hacienda tenants. While the attacks on communities and their possessions did indeed multiply, the resistance from the communities was much more complex than previously believed. The communities engaged on growing collective actions and litigation movements that they carried out for decades before, during, and after the massive insurrections of 1780-81. Their efforts transformed community politics from below and allowed them to effectively reduce and even deter their enemies’ advances.

An essential form of community long-term resistance continued to be the use of the legal system. The altiplano communities organized demonstrations before their local authorities and when they were not heard, many appeared before the judges in the

\(^{385}\) See Cahill, “The Long Conquest:” 118. Similarly, see O’Phelan, *Caciques sin sucesiones.*

\(^{386}\) See Cahill, “The Long Conquest:” 114.
court of appeals. They often exploited the distrust between authorities in higher and local jurisdictions. Communities accused their local authorities of abusing them and demanded higher officials to intervene. To the eyes of their adversaries altiplano communities continued the fit into the infamous early colonial label of “litigious Indians.” More than just legal procedures, however, these community movements displayed a complex social drama of litigations, part of their larger political actions. They assembled their complaints articulating Spanish notions of *buen gobierno* and what they considered their own customary views of local autonomy. In the words of Elizabeth Penry, late-colonial altiplano communities attempted to “articulate a political philosophy that not only questioned their subordination but forwarded a thesis of popular sovereignty.” While altiplano communities did not win their legal disputes, they continued to offer resistance and lasting endurance, tested over time and still recognizable in current day altiplano indigenous community contentions. Yet, late colonial community views and practices were primarily reformist rather than revolutionary, slow rather than abrupt, and enduring over time in a way that continued locally significant in the first decades after independence and the centuries that followed.

Like the Aymara-speaking communities that in 2011 paralyzed the city of Puno, their Bolivian counterparts are fully aware of the political power of their movements. The Bolivian massive *comunario* (indigenous community) organizations have proven to

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387 See Penry, “El Rey Común.”
be the political force that in alliance with miners, coca growers, and urban popular sectors are often assumed to be the driving force of Latin American’s recent turn to the left. They continue to combine litigation before national and international courts with direct collective mobilizations. The massive peasant movements in Bolivia between 2000 and 2005 had ousted national presidents and ultimately, elected the first Indigenous president in the country, Evo Morales. Indeed, Forrest Hilton and Sinclair Thompson argued that the election of Morales was the third historical transformation or pachakuti in what is now the territory of Bolivia, the first being the Tupac Katari insurrection in 1780-81 and the second the national revolution of 1852.


APPENDIX A:

SOURCES

The sources for this study are a wealth, although scattered and often incomplete, of late colonial records housed in key archives in Peru and Bolivia. The primary documents I examine are letters, petitions, complaints, civil and criminal trial records, church records, notarial records, and official reports that involved views, practice, and conflicts about indigenous authorities in the late colonial and early national altiplano. These personal and collective documents are unique windows through which to examine the struggles of contemporary altiplano indigenous society over authority and government. Similarly, the official reports such as memorias, matrículas, revisitas, royal decrees, and other official correspondence contain the views that colonial authorities and local elites had about commoners. As Ranajit Guha and the South Asian Subaltern School argue, official government documents read against the grain “have much to tell us not only about the elite mentality but also about that to which it is opposed to-namely, subaltern mentality.”

I carried out comprehensive research primarily at the Archivo Regional of Puno (ARP) located in Peru and the Archivo y Biblioteca Nacionales of Bolivia (ABNB) located in Sucre, Bolivia. I also conducted supplementary research in the Archivo Regional of

391 Ranajit Guha, Elementary Aspects: 16.
Cuzco (ARC), and the Archivo General de la Nación (AGN) in Lima, both in Peru.392 The ARP has a unique local collection with documents that have been little studied and a few not studied at all. The ABNB houses a significant concentration of the most relevant sources for my subject. At the ARP, I examined its collections for the years from 1700 to 1850, especially the sections of Corregimiento (1703-1783), Intendencia (1784-1824), and Juzgado de Primera Instancia (1825-1850), both civil and criminal records. In this long period I identified 237 cases of collective actions in the Altiplano directly concerned with problems about collective resources, authority and governance.

In this pool of sources I recognized three distinct categories of documents, according to who initiated the cases: secondary figures of authority, commoners themselves, and colonial authorities and local elites. The secondary figures of authority initiated thirty-three percent of these cases on behalf of the community, the great majority of them after the middle of the eighteenth century. Similarly, ordinary commoners initiated twenty-nine percent of legal cases that involved local disputes and litigations; other figures of authority appeared momentarily, but these were essentially collective community actions. Finally, colonial authorities and local elites, including caciques, estate holders, priests, corregidores, intendentes, subdelegados and the like initiated thirty-eight percent of cases. Overall these data indicate that more than sixty percent of these actions were initiated collectively by commoners themselves and the

392 At the AGN I examined some relevant documents in sections Tierras de Comunidades (1702-1847), Reales Cajas (Chucuito and La Paz), and Asuntos Eclesiásticos. Similarly in ARC I examined documents in sections of Corregimiento, Intendencia, and notarias for years 1750-1850.
former secondary authority figures who gradually replaced caciques. In the remaining
cases, colonial authorities and local elite sectors contested fundamentally over
supremacy, power, and possessions. Although caciques continued to be mentioned in
the conflicts, in the second half of the eighteenth century, they did so increasingly as
adversaries to the community. Thus, caciques, corregidores, landed elites, caciques, and
priests, were increasingly the targets of community complaints.
TABLE A1

INITIATORS OF LITIGATIONS AT THE LOCAL LEVEL

(ACHIVO REGIONAL DE PUNO)

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</table>

Source: Selected documents from the Archivo Regional de Puno, Peru. Sections: Corregimiento, Intendencia, Eclesiales, and no catalogados between 1700 and 1850.

The Archivo y Biblioteca Nacionales de Bolivia (ABNB) is perhaps the best organized institution with the most modern infrastructure in the region. There I performed an intensive examination of sources in two sections relevant to this study: Expedientes Coloniales, mainly in its subsection “Tierras de Indios” (1549-1825), and Sublevación General de Indios (SGI 1780-1810). In the former, I examined records from
1700 to 1825; in the latter, similar relevant records in the entire collection. The total amount of records selected from both sections at the ABNB is 208. In these records, the cases initiated by commoners and secondary figures of authority combined account for the forty-three percent of actions and litigations. Authorities and the elites sectors initiated fifty-seven percent of the cases. The more active figures in the elite sectors were caciques, corregidores, intendentes, priests, and several audiencia officials, in charge of processing the disputes and legal suits.

The significant difference on the initiative on legal actions and mobilizations in these two archives has to do mainly with the nature of each archive. The ARP contains records of local level disputes, processed by authorities in their local jurisdictions. Some of these records, however, reached the court of appeals and some even contain interventions by judges and advocates from the metropolis and were used at local level as evidence. The records at the ABNB are primarily documents received and processed, or originated in the court of appeals of the Royal Audiencia of Charcas, located for most of this study’s period in the city of La Plata (commonly called also city of Charcas), in what is now known as the city of Sucre in modern Bolivia. The records at the ABNB differ significantly from the local ARP mainly because of its jurisdiction and or its great distance from the communities studied in this dissertation. Only a few local level disputes made their way up to the court of appeals, and even when they did, the revolts in different parts of the altiplano and the eventual massive insurrections that shook the entire region rendered the routes inaccessible. I also conducted a supplementary research in the Archivo General de la Nacion in Lima (AGN), and Archivo Regional of
Cusco (ARC), both in Peru. In the AGN, I examined mostly the section titled Campesinado, and in the ARC, the Corregimiento and Intendencia sections.

### TABLE A2

**INITIATORS OF LITIGATIONS AT THE COURT OF APPEALS**

*(ARCHIVO Y BIBLIOTECA NACIONALES DE BOLIVIA)*

<table>
<thead>
<tr>
<th>Decades</th>
<th>Authorities and Elites</th>
<th>Commoners</th>
<th>Secondary Figures</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1740-1750</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>1751-1760</td>
<td>1</td>
<td>3</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>1761-1770</td>
<td>28</td>
<td>7</td>
<td>10</td>
<td>45</td>
</tr>
<tr>
<td>1771-1780</td>
<td>43</td>
<td>10</td>
<td>8</td>
<td>61</td>
</tr>
<tr>
<td>1781-1790</td>
<td>44</td>
<td>6</td>
<td>2</td>
<td>52</td>
</tr>
<tr>
<td>1791-1800</td>
<td>3</td>
<td>16</td>
<td>25</td>
<td>44</td>
</tr>
<tr>
<td>Totals</td>
<td>120</td>
<td>44</td>
<td>45</td>
<td>209</td>
</tr>
</tbody>
</table>

57% 21% 22% 100%

*Source: Archivo y Biblioteca Nacionales de Bolivia. Selected documents from sections: Expedientes Coloniales and Sublevación General de Indios, 1740-1800.*
Archival Sources of Materials

Archivo y Biblioteca Nacionales de Bolivia, Sucre, Bolivia (ABNB):
   Expedientes Coloniales (EC)
   Tiera de Indios (Trr)
   Sublevación General de Indios (SGI)

Archivo Regional de Puno, Peru (ARP):
   Corregimiento (Corr)
   Intendencia (Int)
   Juzgado de Primera Instancia (Jpi)
   Seccion no Catalogados (SnC)

Archivo Regional de Cuzco, Peru (ARC)
   Derecho Indígena (Di)
   Corregimiento (Corr)

Archivo General de la Nación, Lima, Perú (AGN)
   Derecho Indígena (Di)
   Titulos de Comunidades (Tc)

Archivo Municipal de Cochabamba, Bolivia (AMC)
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