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# 'Republicanos' and 'la Comunidad de Peruanos': Unimagined Political Communities in Postcolonial Andean Peru\*

MARK THURNER

*Abstract.* Although unimagined and unanticipated within the Creole nationalist 'discursive frameworks' of the liberal-republican state, nineteenth-century Andean peasant communities sought mediated re-insertion in the postcolonial Peruvian Republic. Key to peasant political engagement in the Andean region of Huaylas-Ancash was the tactical deployment of 'Indian rights' of colonial origin to make moral and material claims on the postcolonial caudillo state. In Huaylas-Ancash peasant claims and political practices destabilised liberal notions of 'republic' and 'republican' citizenship, and eventually challenged the teleological historicity of Creole nation-building itself.

The [repartition] lands now belong to the *Patria*, since dominion had already been acquired by the *Comunidad de Peruanos*... In any case [the chief] should reinstate the excessive usufruct rents she still holds over various lands of the *Comunidad*... which rightfully correspond to the *Hacienda Pública*...

Manuel Barreto, *peruano*, to the Primary Claims Court Judge of Huaraz, 1823.<sup>1</sup>

We affirm our right in that which corresponds to us... as Indians who pay the State's income with the status of *originarios republicanos*... As *republicanos* [who fulfil] all... services [to the Republic], Your Excellency

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<sup>1</sup> Archivo Departamental de Ancash, Huaraz (ADA), Fondo Notarial Valerio, Legajo 3, Autos seguidos por Gregoria González contra el Peruano Manuel Jesús Barreto sobre el cobro de arrendamiento de las tierras trigueras de Marcac, 1823.

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should...uphold the present legislation of 1828 and 1829 which protects the *indios originarios*...

José María Chacpi and Manuel Aniceto, *indigenas contribuyentes* of Ecash Waranka, Carhuaz, to the Primary Claims Court Judge of Huaraz, 1846.<sup>2</sup>

It has not been the idea of communism or of racial hatred that moved the Indians to rise up in mass and combat the *iglesista* forces [in the Atusparia Uprising]; no, they have had no other desire than to see the triumph of the Constitution and...to support...General Cáceres, *EL GRAN REPUBLICANO*, as they call him.

*El Comercio* (Lima newspaper) 2 June 1886.

This article asks two relatively straightforward questions which, when addressed microhistorically, challenge received macrohistorical notions about Peru's 'republican history'. First, what was understood by '*republicanos*' in, say, 1818, 1846, or, looking ahead, in 1886? Second, how did San Martín's neological '*peruanos*' (Peruvians) ring in postcolonial Andean ears? These small questions help us begin to address a larger one that continues to haunt the shadowy historiography of the nineteenth-century Andes. Namely, what kinds of political culture took shape between the repression of an 'Inca nationalism' or of the 'aristocratic Andean utopia' in the 1780s, and the rise of a radical, but essentialising indigenism in the early 1900s?<sup>3</sup>

The intervening nineteenth century – the foundational period of Peruvian nation-building – has all the signs of an Andean dystopia, of the Creole political imagination's dis-encounter with Andean aspirations. With momentary exceptions, the national community imagined by Peruvian Creoles neatly elided the Indian majority.<sup>4</sup> This article nevertheless contends that in the dark shadows cast by the 'enlightened' discourse of the Creole national state, *unimagined*, subaltern political communities coalesced around the redeployment of colonial 'Indian rights'. In Huaylas-Ancash, the tactical re-deployment of protective colonial law and titles, combined with the political agency of Indian *republicano* authorities, the *alcaldes vara* or *varayoc*, generated a powerful, albeit suppressed critique of the post-Independence caudillo state. This

<sup>2</sup> ADA, Fondo Notarial Valerio, Civiles, Legajo 12, Expediente que le pertenece a José María Chacpi, Manuel Aniceto y María Sevastian Chacpi de los terrenos de repartición que se le ha adjudicado de orden Superior, folios 28–29, May 12–16, 1846.

<sup>3</sup> On 'Inca nationalism' see John H. Rowe, 'El movimiento nacional inca del siglo XVIII', *Revista Universitaria* (Cuzco), no. 107, (1954), pp. 17–47. On the 'aristocratic Andean utopia' see Manuel Burga, *Nacimiento de una Utopía: Muerte y Resurrección de los Incas* (Lima, 1988), and Alberto Flores Galindo, *Buscando un Inca: Utopía y Identidad en los Andes* (Lima, 1987).

<sup>4</sup> See Cecilia Méndez, 'República sin Indios: La Comunidad Imaginada del Perú', in Enrique Urbano (ed.), *Tradición y Modernidad en los Andes* (Lima, 1993), pp. 15–41.

critique raised (and raises) the possibility of an alternative 'history of indigenous rights and property' that countered the official historicity of national progress but partook of its historical rhetoric.

*A methodological caveat: imagining the unimagined*

To interrogate the 'domain of peasant politics' in the highlands of nineteenth-century Latin America, this article proposes to turn Benedict Anderson's felicitous phrase, and focus, upside down. Its aim is historically to imagine those unimagined, subaltern political communities which were largely 'incomprehensible from the standpoint of bourgeois politics'.<sup>5</sup> Methodologically, this implies descent from elite texts to the petty archives of local courts and notaries where peasant voices were registered. Yet critically to pursue and retrospectively to imagine what was once (for elites) unimaginable – to write history of what was not history – is decidedly not to be seduced by the naive pursuit of 'the native point of view'. It is rather to excavate the 'discursive framework' or 'grammar of politics' embedded in the local 'documentary record' or archive of state-peasantry relations.<sup>6</sup> In creating this archive, scribes were pre-scribed to follow formulae. Indigenous peasants, speaking in Spanish or in their native Quechua through a translator,<sup>7</sup> formulated declarations in idioms 'that the magistrate would most clearly understand and be receptive to'. In short, the local ledger of state-peasantry relations was 'a complex negotiation, perhaps actually spoken by a participant but just as likely chosen from a dictionary of official values and prejudices'.<sup>8</sup> As I read them, such sources resist claims to authenticity, but they also resist totalising caricaturisation as mere foucauldian 'capillary microphysics of power'. Nor are the 'keywords' of this scripted discourse readily reduced to mere 'negation' of elite prejudices, as Ranajit Guha has suggested in

<sup>5</sup> Partha Chatterjee, *The Nation and its Fragments: Colonial and Postcolonial Histories* (Princeton, 1993), p. 158.

<sup>6</sup> On 'discursive frameworks' and 'the grammar of politics' see William Roseberry, 'Hegemony and the Language of Contention', in Gilbert M. Joseph and Daniel Nugent (eds.), *Everyday Forms of State Formation: Revolution and the Negotiation of Rule in Modern Mexico* (Durham, 1994), pp. 355–66; and Philip Corrigan, 'State Formation', in *Ibid.*, pp. xvii–xix.

<sup>7</sup> The major shortcoming of this and other archival studies of the postcolonial Andean experience is the paucity of documentary sources written in Quechua. The official language was Spanish, and court bilinguals most probably strategised their translations to make them more intelligible and acceptable to the scribe and judge. Yet the Quechua of Huaylas was also laden with hispanisms by the nineteenth century, especially where there were no clear Quechua equivalents for Spanish juridical and political concepts. One such Spanish term without a precise Quechua equivalent appears to have been *república*.

<sup>8</sup> David Warren Sabean, *Property, Production, and Family in Neckerhausen, 1700–1870* (Cambridge, 1990), p. 79.

another context.<sup>9</sup> Instead, these local sources suggest negotiated selection of terms within shifting discursive frameworks. Ambiguity and slippage are thus made possible, and these possibilities are sometimes exploited for their political potential.

### *Shifting political keywords*

In his recent collection of essays on nationalism, Eric Hobsbawm defers to García i Sevilla's investigations in the weighty pages of the *Diccionario de la Real Academia Española* where the latter notes that only after 1884 did the Spanish notion of 'nation' (*nación*) take on the official connotation of 'the inhabitants' or 'people' (*pueblo*) under one government (*gobierno*) or 'state' (*estado*).<sup>10</sup> It was only in the 1920s that the rewritten formula of ethnicity = people = nation, when combined with the modern doctrine of the so-called 'natural desire for statehood', led to the contemporary invention of the quasi-ethnic 'nation-state'. Prior to the liberal age of the European middle-to-late nineteenth century and emerging only during the post-Enlightenment 'Age of Revolution' of the late eighteenth and early nineteenth centuries, 'nation' carried an almost exclusively political meaning. It was then that the 'modern nation' was increasingly thought of as 'the body of citizens whose collective sovereignty constituted them a state which was their political expression'.<sup>11</sup> This was nation as novelty unencumbered by history and above ethnicity, and opposed to earlier, pre-Enlightenment usages that linked 'nation' to ancestral lineage, and by instantiation to local 'ethnic' corporation. It was this novel, parahistorical concept of nation – as a body of citizens whose expression was the territorial state – that infused the imagination of those 'Creole pioneers' who founded independent republics in early nineteenth-century South America.<sup>12</sup>

<sup>9</sup> Ranajit Guha, *Elementary Aspects of Peasant Insurgency in Colonial India* (Delhi, 1983).

<sup>10</sup> E. Hobsbawm, *Nations and Nationalism since 1780: Programme, Myth, Reality*, (Cambridge, 1990), pp. 14–15.

<sup>11</sup> Hobsbawm, *Nations and Nationalism*, pp. 14, 18–19.

<sup>12</sup> The notion of a political-territorial nation – rather than an ancestral or ethnolinguistic one – was clearly manifested in early Latin American constitutions. In the founding Peruvian Constitution of 1822, we find 'all the Provinces of Peru reunited in one body form the Peruvian Nation' (*todas las provincias del Perú reunidas en un sólo cuerpo forman la Nación Peruana*), and that 'the Nation shall be named the Peruvian Republic' (*La Nación se denominará República Peruana*). Although at first glance this rings of a Tawantinsuyo-style union of provincial social spaces, the territorial emphasis actually reflected the pressing conjunctural need to incorporate by constitutional *fiat* those provinces (Junín, Huamanga) still occupied by Loyalist forces. By the Constitution of 1827–28 the Independence Wars were over, however, and it is then that the 'Peruvian Nation' takes on its characteristic 'citizen-state' definition. Thus, in 1827–28 'the Peruvian Nation is the political association of all the citizens of Peru' (*la nación peruana es la asociación política de todos los ciudadanos del Perú*). This unmistakably political definition of nation is

But in postcolonial Peru political keywords like *república* and *nación* resisted univocal definition at the local level. Instead, they were impregnated with living histories of official and subaltern usage, and they were deployed by different people in different contexts to mean different things. For most of the colonial period quite different notions of 'nation' and 'republic' were in circulation. Official colonial usage understood 'nation' as an ethnic-ancestral entity, while 'republic' was that nation's legitimate political and juridical expression or '*causa pública*'. State discourse designated peoples of Spanish (including the 'American Spaniards' or Creoles) and Indian descent, respectively, as members of 'the Spanish Nation' (coloniser) or 'the Indian Nation' (colonised). In the legal theory which buttressed a local form of indirect rule, each nation had distinct rights and obligations to the Crown as separate 'republics'.

The colonial invention of the 'Indian Republic' had a missionising and civilisatory quality about it. In the late sixteenth and early seventeenth centuries, diverse Andean ethnic polities were 'reduced' or resettled in grid-like 'christian towns' where they would 'live in republic', thereby acquiring the virtues of christian civility and 'good government'. The communities of these towns or *Pueblos* were known as '*Repúblicas de Indios*'. Royal decrees granted these 'Indian Republics' limited self-rule and protection from encroachment by 'members of the Spanish Nation'.

Thus, the Creole nation-building project would have to invent one nation – the 'Peruvian Nation' – where formally two nations – the 'Spanish' and 'Indian' – had existed, albeit in decadent form. This redefinition would not be simple, especially since in the postcolonial period both colonial (monarchical) and postcolonial (republican) senses of 'republic' can be read in the testimonial record generated by local courts.

#### *Between dual colonial and unitary postcolonial nationhoods*

On the eve of José de San Martín's liberating invasion of the Peruvian coast, conspiring members of the *Nación Española* in Huaylas petitioned the Delegate of the Intendancy of Tarma for recognition of what they believed to be their right to establish *Alcaldes Ordinarios de Españoles*. They asked to be able to establish their own local government since the still reigning *Alcaldes Ordinarios de Indios* (inherited from Huaraz's sixteenth-

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repeated in subsequent constitutions until 1867 when a renewed, but brief, war with the Spanish Fleet off the coast of Peru occasioned the return of additional territorial language in the definition of nation. The next Peruvian constitution, composed in 1920, resumed the 1828 'citizen-state' notion. See Emilio Dancuart, *Crónicas Parlamentarias del Perú*, 13 vols. (Lima, 1906–55); also J. V. Ugarte de Pino, *Historia de las Constituciones del Perú* (Lima, 1978).

century foundation as a colonial 'Indian Republic') were, according to the petitioners, incapable of 'controlling crime, theft, disorder, and filth' in the populous *pueblos* of the Callejón de Huaylas or Huaylas Valley – *pueblos* which, by the early nineteenth century, had been transformed from colonial *Repúblicas de Indios* into largely mestizo and Spanish towns of artisans, farmers, merchants, and petty officials.<sup>13</sup> Since the late eighteenth century this group of 'Spaniards' in Huaraz – there were numerous 'American Spaniards' or Creoles among them – had repeatedly petitioned the Subdelegate of Huaylas in Huaraz for the right to elect '*alcaldes de españoles para que esté mejor gobernada su República*'. On these occasions, however, their petitions had been rejected and their persons molested 'for their pretensions'. In 1797, for example, the Subdelegate of Huaylas had this uppity 'Spanish' group of '*revoltosos*' – which sought to establish the Spanish *Alcaldía* – brought before his court. The Subdelegate declared with dismay that

It has come to my attention that a few townsmen of the Pueblo of Huaraz, acting with arrogance and unabashed impunity, have been manoeuvring and influencing their neighbours to sign a petition requesting Spanish Alcaldes... It is public knowledge that they do this despotically, and that their pretensions are none other than to fuel their rebellious and abusive tempers.<sup>14</sup>

In 1820, however, the colonial Intendant of Tarma – now on the verge of extinction – approved a resubmission of the very same petition, thereby recognising the new Spanish Alcaldes 'but with the condition that said Spanish Alcaldes do not exercise jurisdiction over the Indians, *since they are governed by those of their own Nation in those aspects addressed by the Laws of Peru*' [my emphasis].<sup>15</sup>

The 'Spaniards' of Huaraz would have precious little time in which to exercise this local self-rule under a segregated *alcalde* system of district and municipal government which disallowed direct jurisdiction over the Indian Alcaldes and 'their Nation'. For in a matter of months (in some other regions of Peru five or more years) Spanish colonialism's half-fictional political duality would be precariously bridged by the half-fictional unitary administrative apparatus of the newborn Peruvian Republic. Once postcolonial rule was established in Huaylas (1821–4), the republican *Gobernadores* with their *Tenientes* and *Jueces de Paz*, complete

<sup>13</sup> Biblioteca Nacional del Perú, Sala de Investigaciones (BNP/SI), D6183, Expediente y providencias para la creación de alcaldes [de españoles] en las Doctrinas del Partido de Huaylas, Lima, 22 June 1820.

<sup>14</sup> BNP/SI #C3493, Autos seguidos de oficio por la real justicia contra la sedición de varios individuos vecinos del pueblo de Huaraz, Caraz, 1 April 1797.

<sup>15</sup> BNP/SI #D6183, Expediente... para la creación de alcaldes en las Doctrinas del Partido de Huaylas. The words are Yrigoyen's, dated Lima, 22 June 1820.

with their *bastones* (staves) and pointed black top-hats, emblems of Republican authority,<sup>16</sup> exercised what the would-be Spanish Alcaldes of 1820 could not: direct jurisdiction over the Indian *Alcalde vara* and their now officially dissolved 'nation'. The parallel, but asymmetric, colonial political hierarchies were to be subsumed under the juridically uniform Republic. Although this shift was clinched with the demise of the intermediary colonial chiefs in the late eighteenth century, and the conditions for it had been forming since the late seventeenth century when the dual colonial nations of Indians and Spaniards began to be seriously blurred,<sup>17</sup> the postcolonial drive for juri-political uniformity as the basis for united nationhood generated profound shifts in the practice, discourse, and mediation of state-peasantry relations.

The liberal-nationalist postcolonial decrees are by now familiar to historians, but their consequences, which are often taken for granted, are not. In 1821 San Martín abolished the 'shameful exaction that, with the name of tribute, was imposed by tyranny as a sign of lordship'. But, unbeknown to the Argentine foreigner San Martín (and, it would seem, to several generations of historians), the *tributo* had been for ten years now officially renamed (for the same liberal reasons San Martín cited in his abolition) *contribución* in Peru. In his more noted decree, San Martín declared that all 'Indians' or 'Naturals' would henceforth be known as 'Peruvians'.<sup>18</sup> But in postcolonial Huaylas at least, San Martín's proclamation seems to have been taken rather more literally and exclusively than the Liberator had anticipated. In Huaylas, *peruanos* was originally only applied to commoner Indians (now dubbed '*ex-indios*'), and not to citizens at large. In 1824 Indians were declared private owners of their usufruct parcels in the colonial repartition lands (*tierras de repartición*), now rebaptised *tierras de la república* or *tierras del estado*, but actually it was the so-called 'nationalist-conservative' Congress of 1828 that passed the decisive legislation on Indian land tenure and literate propertied citizenship. Finally, in 1825, Simón Bolívar abolished 'the title and authority of the caciques' adding that henceforth 'the local authorities will exercise the functions of the extinguished caciques'.<sup>19</sup> This last decree was notable for its effects, but it was already the prevalent practice in Huaylas, since 1812, and the foundations for it were firmly laid by 1783.

<sup>16</sup> On the ceremonial attire of Republican officials in the provinces – prefects, subprefects, and governors – see Dancuart, *Anales*, vol. 5, pp. 143–48.

<sup>17</sup> For detailed discussion of colonial transformations see Mark Thurner, 'From Two Nations to One Divided: The Contradictions of Nation-Building in Andean Peru', Ph.D. Dissertation, Ann Arbor, 1993, Chapter 2.

<sup>18</sup> Delivered in Lima, 27 August 1821. For the text of San Martín's decree, see Dancuart, *Anales*, vol. 1, p. 239.

<sup>19</sup> Given in Cuzco on 4 July 1825. For the text see Dancuart, *Anales*, vol. 1, p. 272.



It is not, as was once the fashion to claim, that these dictatorial decrees and the politico-military events that accompanied them meant nothing to the Andean majorities. The problem, rather, is that they could mean several things at once, some of them rather unanticipated by their architects. In Huaylas, the Independence era decrees left clearly discernible, albeit crooked, tracks in the surviving notarial records of the period. Following these crooked tracks leads us down unexpected paths of enquiry.

*Postcolonial republicanism and the 'Comunidad de Peruanos'*

In September of 1820 Gregoria Gonzales, whose full name was Gregoria Palma Gonzales y Rimaycochachín,<sup>20</sup> heiress to the early colonial *kurakas* of *Waranka Ychoc Huaraz* (the Gonzales–Cochachín lineage), and identified as '*cacica deste pueblo de Huaras*' and '*repartidora de tierras*' in the *parcialidad* or *guaranga de ychoc*, won a civil decision against a landless *indio arrendatario* (Indian tenant farmer) by the name of Manuel Jesús Barreto.<sup>21</sup> Barreto allegedly owed the *cacica* '12 mule loads of wheat', payment of which, Doña Gregoria claimed, she would apply towards fulfilling her *waranka's* tribute obligations to the colonial state. According to the *cacica* (female chief) and the judge presiding over the case, Barreto was not a legitimate member of her *waranka* (ethnic tributary collectivity) of *originarios* (local natives), but rather a *forastero* (outsider) from 'another *parcialidad*' who merely rented 'repartition lands' from the *cacica*. It was not uncommon in late colonial Huaraz for *kurakas* to rent 'vacant' repartition lands to *forasteros* and then use the rents to meet the tribute payments of deceased or absent *originarios*.

The colonial judge ruled that Barreto was not of Gregoria's *parcialidad* or *waranka*, so he had 'no right to the *topo* that the King concedes to those of his class', and thus his 'contract' with the *cacica* was entirely 'voluntary'. In short, he had no basis for claiming that he had been charged excessive usufruct rents, and was ordered to pay up. When Barreto could not pay he was promptly thrown in debtor's prison – in this case the textile sweatshop known as the Obraje Santo Toribio, the routine destination of local Indian convicts since the late sixteenth century. But on 31 October 1820 Barreto returned to protest his incarceration by citing the *publicada y jurada Constitución Política de la Monarquía Española* of 1812 that

<sup>20</sup> For Gregoria's full name and lineage, see ADA, Fondo Notarial Valerio, Civiles, Legajo 5, Testamento de Gregoria Palma Gonzáles y Rimaycochachin, 27 March 1830.

<sup>21</sup> ADA, Fondo Notarial Valerio, Legajo 3, Autos seguidos por Gregoria Gonzáles contra el Peruano Manuel Jesús Barreto sobre el cobro de arrendamiento de las tierras tribuceras de Marcac, 1823.

expressly protected him from being jailed for petty indebtedness.<sup>22</sup> Barreto was released on the condition that he pay his debts and promise not to reoccupy the chiefly repartition lands of Marcac.

In December 1821 the official paper trail continued, only now with the block letters 'PERÚ INDEPENDIENTE' and the new national emblem boldly stamped over the Royal Seal of Ferdinand VII which still decorated the legal paper, or *papel sellado*, of the strapped Republic. Doña Gregoria now appeared as 'citizen of this Pueblo...there having corresponded to my ancestors and relatives, by reason of chiefship (*cacicazgo*), some lands named Marcac', demanding that the *peruano* Barreto, who with his mother had reoccupied the repartition lands of Marcac, be made to pay what she claimed he still owed her.

In April 1823 Doña Gregoria appeared in legal script once again, this time as 'ex-Cacica of the *Parcialidad* of Ichoc of this City of Huaraz', demanding five years of backrents for 'usurped lands' that Barreto still occupied with his mother. Once again the hapless Barretos were thrown in debtor's prison. Two months later the '*vecina*' Gregoria pressed her case when the new '*Alcalde y Gobernador Ynterino*' of Huaraz reduced Barreto's debt to twenty mule loads of wheat, or only two years of rents. According to the insistent Doña Gregoria, Barreto still had not paid what was her due. She explained to the newly constituted authority that

I filed suit with the authorities of the Spanish Government, and favourable sentence was passed; I also repaired to [Mariscal and President of Huaylas] Señor Luzurriaga<sup>23</sup> and presented the proceedings and he despatched the corresponding provisional decrees; but certain quick manoeuvrings made things difficult until said provisional sentence was hidden from me, and only with great sacrifice was I able to recover the documents, having had to pay various bribes.

The counter-testimony offered by the hapless 'Peruvians' Manuel Jesús Barreto and his widowed mother, María Francisca, nicely illustrates the deployment, or as Doña Gregoria put it, 'the certain quick manoeuvrings', of the new republican rhetoric. For their part, Barreto declared

that we were residing on a small plot of the repartition lands of this community in the Estancia of Marcac through the [authority of] previous caciques; that our rents began to rise with the cacica Gregoria Gonzales; that we had complained of the excessive rents to the previous [colonial] Government, but with the favours that [the cacica] commanded she was able to compel us to pay the said excesses; that we were released [from these obligations] when the Division of our

<sup>22</sup> The Constitution of 1812, drawn up by the liberal *Cortes de Cádiz*, was approbated in public assemblies throughout Huaylas. See Félix Alvarez-Brun, *Ancash: Una historia regional peruana* (Lima, 1970).

<sup>23</sup> Luzurriaga, who like San Martín was also from La Plata or Argentina, was the first President of the liberated Department of Huaylas, which then included most of the north-central highlands and coast, including Huanuco. See Alvarez-Brun, *Ancash*.

Liberating Army took the *plaza* [of Huaraz]; and that afterwards we presented ourselves before the *Señor Presidente* Don Toribio Luzurriaga, and he relieved us of the unjust charges of the *cacica*, ordering that henceforth we pay [our tribute to] the *Patria*, which we can verify with the attached receipts.

Barreto argued further that

the [repartition] lands now belong to the *Patria*, since dominion had already been acquired by the *Comunidad de Peruanos*, and in virtue of this, the Presidency adjudicated half of the lands to Ventura Tamasa for her service, and they say that the other half was given to said *cacica* [Doña Gregoria], but we don't know what her services [to the *Patria*] were. In any case she should first reinstate the excessive usufructs that she still holds over various lands of the community; and it is with these excessive claims that she has demanded that we be made to pay her unjust charges, which we were relieved of by your predecessor *Señor Luzurriaga*, and which today [Doña Gregoria revives... [T]he enclosed receipts and Article 61 of the Code [make it clear that] the aforementioned Gregoria has transgressed the law with respect to the fact that she wants to adjudicate for herself the usufructs that correspond to the Public Treasury (*Hacienda Pública*).<sup>24</sup>

Subsequent statements made by Barreto expanded on the liberal theme of 'cacique despotism', which was contrasted with the patriotic nature of the Peruvian's cause. For Barreto, the patriotic 'Community of Peruvians' did not include 'despotic' Indian chiefs. The republican overtones (in the anti-monarchical sense that was then gaining currency in Peru) of this imagined, yet face-to-face, Indian peasant 'Community of Peruvians' are unmistakable. Barreto's usage of 'Peruvian' and 'the Peruvian Community' is, in fact, surprisingly confirmed by other Huaylas briefs dating from the early republican period. Literally, *peruano* was used to mean common *indio* (or, more precisely, *ex-indio*) in post-Independence Huaylas. It seems that local elites had not yet included themselves in this new 'national' category (they preferred the highbrow '*ciudadano*' or '*vecino*'). Nor did Barreto's 'Community of Peruvians' have much in common with the national community imagined in the salons of Lima. Perhaps this is why Barreto's (lawyer's) politically astute claims had no bearing on the outcome of the case, which was decided, in legalistic fashion, on the merits of past decisions, especially since the only evidence Barreto could produce was, in the words of the judge, 'a few insignificant receipts'. Those past decisions had established that Barreto had not met his contractual obligations to the *cacica* as landlord, rather than in her capacity as chief. The heart of the matter was that Barreto could not prove that he was descended from colonial *tributarios originarios* (the desperate widow, perhaps trying to hit two birds with one stone, claimed that her husband – Manuel's father – had been a '*tributario contribuyente*'), which was the

<sup>24</sup> ADA, Fondo Notarial Valerio, Legajo 3, Autos seguidos por Gregoria González contra el Peruano Manuel Jesús Barreto sobre el cobro de arrendamiento de las tierras tributeras de Marcac, 1823.

indispensable prerequisite for *contribuyente originario* status (and rights) under the Peruvian Republic. The chief's version, that Barreto did not belong to her *parcialidad*, but 'voluntarily' rented her lands as a *forastero*, and that the rent she collected had helped her meet the tribute obligations of her dominion, was more persuasive to the court.<sup>25</sup>

María Francisca petitioned for the last time in December 1823, arguing that her deceased husband had indeed possessed the repartition plot or *topo* for more than eighty years. However, she lamented, the documents that could prove this had, in fact, been lost. She closed the case with this pitiful plea: 'that I, being a poor Peruvian, will have to pay this exaggerated sum all because of the carelessness of the lawyer who has lost the receipts...' Having heard enough of this, the judge closed the case, upholding past decisions against the Barretos, and ordering them once and for all to '*guardar un perpétuo silencio...*'

*The politics of Indian 'Republicanos': ¿un perpétuo silencio?*

After 1826 it was more usual for commoner Indians to represent themselves before the courts not as *peruanos*, but as *republicanos* (often in combination with the fiscal modifiers *originario* and/or *contribuyente*). In official state discourse about postcolonial ex-Indians, however, the terms *indios* and *peruanos* were superseded by the more fashionable '*indígenas*'. *Indígena* was, since Bolívar, the more 'progressive' choice of words, but the motivations for its use were then clearly nationalist (the negation of the colonial '*indio*' and the 'Nation of Indians') and, it would seem, subtly racist. The national invention of 'the indigenous' subject would soon become clear in such useful phrases as 'our indigenous race' or 'the Peruvian Indigenous Race'.<sup>26</sup> But as the Huaylas archival record clearly

<sup>25</sup> The *ex-cacica* Doña Gregoria found ways to retain considerable influence in postcolonial Huaylas. In her Last Will and Testament of 1830, she explained that she had donated 'some quantities' of pesos to the bankrupt department treasury, and 'in compensation' the authorities had, in classical colonial style, granted her continued dominion over half of the *cacicazgo* lands of Huaraz. Thus, although stripped of colonial titles, in this case the diminished post-Independence leverage of a *kuraka* was accommodated in the fiscal pressures of the early Republican moment. The *ex-cacica*'s Testament revealed that she and her mestizo husband still held considerable properties.

<sup>26</sup> The term *indígenas* remains the contemporary emblem of progressive consciousness about 'native americans' (yet another historical oxymoron). Its origins, however, lie in the Creole nationalist distaste for terms colonial. But in many ways *indio* or Indian was more generous, since it recognised cultural origins and national identity distinct from Europe and prior to the newly invented nation-state. As the Peruvian congressman and political economist Redro de Rojas y Briones (1828) observed in his peculiarly nationalist way: 'To change their title from Indian to Peruvian, and after that to Indigene, seems like a great injury to so heroic a nation; do they think it honourable to change the proper title of one's origin, when he who is born in Spain, France, or England considers it an honour to be called Spanish, French, or English?' The unequal exchange of 'Indian' nationhood for dubious 'native' or 'indigene' status at the

documents, *republicano*, unlike *indígena*, was a multiplicitous colonial identity, albeit one with significant postcolonial resonance. This resonance can be attributed to the wide-reaching and ambivalent semantic domain of the term, and to its ability to articulate local politics, both discursively and in practice, with national politics, be they colonial or postcolonial.

Colonial Spanish state parlance recognised the active, tribute-paying members of the colonised *Repúblicas de Indios* as *republicanos* (as well as by the more well-known fiscal label of *originarios* or 'native-born'). I have suggested elsewhere that it was in the colonised 'Indian Republics' that the notion of *indios republicanos* began to take on local meaning.<sup>27</sup> But why Indian *republicanos* in 1846? The short answer is that the postcolonial reinvention of the late colonial 'indigenous contribution' or tributary head-tax (1826–54) elicited this *de jure* identity to resolve disputed claims to usufruct parcels ceded to 'contributors' by the Republican State. But to answer the question in the local ways in which it was deployed, we have to sample the bulky record of rather petty civil lawsuits (most of them inter-Indian) that were generated in Huaylas as a result of the compromised privatisation law passed by the Constitutional Congress of 1828.

In Carhuaz in 1846–48 the Chacpis (heirs to an Indian tributary whose name was Tomás Aquino) challenged the mestizo Villanueva, who was married to an Indian woman who had inherited repartition lands from her family (the Motas).<sup>28</sup> The Chacpis, citing an *escritura imperfecta* (an unauthorised, locally manufactured document) argued that the Motas 'had ceased being the possessors of said repartition land in 1818'. The Chacpis submitted documents that proved that in 1818 their forebear, the Indian Tomás Aquino, had in fact been a duly documented *originario* and *tributario*, and, just as importantly, an active *republicano* of the *Guaranga de Ecas* (Ecash Waranka). In the late colonial period Aquino had faithfully 'served the Republic', e.g., his local moiety or tributary *waranka*,<sup>29</sup> as well

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bottom of the national racial hierarchy only marked the distance over which any Indian had to travel to reach the apex occupied by the Creole elite.

<sup>27</sup> See Thurner, 'From Two Nations', Chapter 2.

<sup>28</sup> ADA, Fondo Notarial Valerio, Civiles, Legajo 12, Expediente que le pertenece a José María Chacpi, Manuel Aniceto y María Sevastián Chacpi de los terrenos de repartición que se le ha adjudicado de orden Superior, 12–16 May 1846.

<sup>29</sup> In late colonial Huaylas, the *waranka* (Quechua = thousand) was not an Inca censal 'thousand', but rather a multi-community (communities or peasant hamlets were grouped in *pacharas*, which were also not 'hundreds' in the same way that *warankas* were not 'thousands') moiety which was a functioning political and tributary unit under a chief and, increasingly after 1812, under *alcalde vara* authorities. In the postcolonial period *warankas* are officially renamed and reconstituted as *distritos* under non-Indian officials called *gobernadores*.

as 'Our Lord of Souls and Our Lady the Virgin of Rosario' (local Patron Saints) and that in virtue of this, and because he paid his tribute, and because the 'judges and justices of His Majesty' protected him as a tributary, he had dutifully earned the *republicano's* right to a *topo* or usufruct plot in the repartition lands assigned to his local *pachaca* or *ayllu* tributary unit within the encompassing *waranka*.

Similarly, on 12 and 16 May 1846, José María Chacpi and Manuel Aniceto, identified as *indígenas contribuyentes* by the court, declared before the Judge

that at the repartition land indigenous rate we affirm our right in that which corresponds to us... as Indians who pay the State's income with the status of *originarios republicanos*... As *republicanos* [who fulfil] all... services [to the Republic], Your Excellency should... uphold the present legislation of 1828 and 1829 that protects [us] the *indios originarios*...

This and similar Indian testimony provide clues to the transfiguration of colonial *republicano* notions of identity and legitimacy in the postcolonial context. The 'right' here was the right of possession, and 'that which corresponds to us' was precisely the usufruct parcel granted under colonial law in the repartition lands, and under early republican law in 'the lands of the Republic'. As the documentation on Tomás Aquino makes clear, in colonial Huaylas to be a good Indian *republicano* meant to serve the local *república*, which meant the *ayllu* or *pachaca*, the home *waranka*, and the *pueblo* (usually reduced *warankas* or *pichkapachacas*) of which these formed part, to serve the local patron saints of the *pueblo* and *waranka*, and to pay the Royal Tribute to the King. In postcolonial republican Peru, to be an *originario republicano* implied, among other things, dutiful fulfilment of one's *tasa* or 'contribution' to the *Patria*, assumption of community posts, and service in both community *minka* and stipulated public works projects, both of which could conveniently be called '*la república*' in Huaylas.<sup>30</sup>

It is significant to note that this case was decided in favour of the Chacpis. Such *republicano* arguments could work and were recognised in the legal forum. Further cases initiated by Indians as a consequence of the Law of 1828 illustrate the transformed republican conditions under which colonial Indian land rights were redeployed by postcolonial peasant villagers.

The language of the Estéban Ramírez case of 1851–3 in Caraz is perhaps

<sup>30</sup> Twentieth-century ethnographies indicate that *la república* had the dual meaning of both community labour (*minka*) and *corvée* labour service. Paul Doughty notes, however, that usage of *republicano* was more widespread in the district of Atun Huaylas than elsewhere in the Callejón when he did fieldwork there in the 1960s (personal communication). See Paul Doughty, *Huaylas: An Andean District in Search of Progress* (Ithaca, 1968), and William Stein, *Hualcan: Life in the Highlands of Peru* (Ithaca, 1961).

the most striking of the petty litigations pursuant to the Law of 1828. The Ramírez case betrays the common problem of too many heirs for too little *República* land. Such disputes – which often followed gender lines drawn between sons and daughters staking rival claims of private dominion to the precarious inheritance left by their *originario tributario* fathers – revealed both the promise and the plague of the contradictory postcolonial ‘land-for-contribution’ compact.

Don Estéban, identified as yet another *indigena contribuyente*, this time of the *Parcialidad de Llactas* in Caraz, argued

that... my possession... was given me by my legitimate father... in the days of Spanish Government... and [I] have been peacefully making my contributions to the Treasury, and suffering... in the Services of the Republic... as is public knowledge... [But] the greediness of my sisters in wanting to divide in partible inheritance a precarious possession that was at that time a Royal right granted to every Indian – having been transmitted to me by my [father] under the Expired Government, and on these grounds I also passed the [said lands] to one of my sons who is now a contributor – have caused me great harm.<sup>31</sup>

Don Estéban argued that the Justice of the Peace had made an infraction against the literacy clause of the Law of 1828 when he allowed one of his sister’s husbands to alienate one of his plots

when they could not read or write, but principally were not even republicans, and secondly because both have other lands in another *Parcialidad* of their husbands, one in Allauca and the other in the Estancia of Guaya... And it has been many years since they left the dominion of our common father.

Don Estéban also stated that it was he that had taken care of his father until his death, and not his sisters, and that therefore he had more right to his lands. (This last argument followed from the Andean custom of ultimogeniture, that is, the last sibling, whose duty it is to care for the elderly parents, inherits the house and houseplots as reward.) Finally, Don Estéban declared that they had no right to intervene in his lands because he had contributing sons, and because the rights to repartition lands were precarious, and were passed on directly to the sons.

What did Estéban Ramírez mean when he said his sisters and their spouses were ‘principally not even republicans’? He meant that they now belonged to a distinct *parcialidad* or *ayllu*, that is, following patrilocal residence rules, the sisters now belonged to the ‘Republic of the Ayllu’ (his words) of their husbands’ fathers. On the other hand, Don Estéban detailed his dutiful fulfilment of obligations to his ‘republic’ or local descent community, all of which was presented to support his claim to the

<sup>31</sup> This and following passages are all taken from ADA, Fondo Notarial Valerio, Civiles, Legajo 15, Estéban Ramírez con María Santos y otros sobre las tierras de Cuyuc-Rumi en la estancia de Llactas, 1850–51.

status (*gremio*) of *republicano originario* of the *Parcialidad de Llactas*. Estéban had 'served the Republic' without the least repugnance for the 'impositions of my status' as *originario*. He had held the post of tribute collector for four years, and later *mayordomo* of the patron saint, and then Captain (deputy sheriff); he had been *alcalde mayor de campo* or *varayoc* authority of the Pueblo of Caraz, standard-bearer in processions of the saint, and census-taker and scribe for five years, as well as chapel crier, and he had fulfilled other minor offices and services as well.

The then current *recaudador de contribuciones* (local tax collector) for the *Parcialidad de Llactas*, Manuel Blas, supported Don Estéban's declarations. Blas confirmed that 'Estéban Ramírez and his son Marcelo Ramírez are contributors to the State treasury and republicans disposed to fulfilling all Services'. He explained that the sisters resided in a distinct *parcialidad* outside of his, and that 'they had no rights in this *pachaca* to the parcels of the Republic, nor did they serve in the days of their parents'. (In the latter instance Blas's use of 'Republic' meant not the local 'Republic of the Ayllu' but rather the '*tierras de la república*', that is, the former '*tierras de repartición*' which were now state lands.)

Finally, Don Estéban made it very clear to the Prefect what he thought his rights and prerogatives in the case were:

The repartition lands correspond to the State; and we are their possessors by virtue of paying the departmental treasury, which is a branch of the *Hacienda Pública* [Federal Treasury]; that all indigenous contributors assigned lands pay our semester rates; and for these reasons I have not alienated my lands even though I know how to read and write and even though the Law of the Sovereign Congress [of 1828] has granted me that right, considering that I have a large family and a son who is now a contributor, and who has [inherited] his respective repartition plot.

Taken together with other peasant litigation from the early republican period, the arguments presented by Estéban Ramírez and the Chacpis open up the political worlds of taxpaying nineteenth-century '*indígenas*'. To be a good *republicano* had a local meaning that included the fulfilment of civic, religious and economic obligations to the local ethnic polity or community. But the semantic and political reach of this nineteenth-century 'Indian republicanism' did not end there. The local republic was articulated with the national Republic via the 'contribution' to the *Hacienda Pública* (Federal Treasury) of the *Patria*, and via the 'services of *la república*', public works labour. Thus, to be a good republican of the village community meant to take on with dignity all the obligations of local civic and religious service without remuneration (indeed, usually at a loss). To be a good republican in the broader, national sense of taxpaying republican *indígena*, meant to pay the contribution to the state



treasury (and not to the chief – *cacica/cacique* or *curaca* – as in the colonial period). In return for this state contribution, Indians expected some protection of their precarious access to a usufruct right inherited from their colonial forebears.

The notion here was distinct from the colonial land-for-tribute ‘pact of reciprocity’ noted by Tristan Platt for highland Bolivia.<sup>32</sup> Colonial access to repartition lands was mediated by the *curacas, principales*, and colonial magistrates, and it ultimately rested with the sovereign authority of the King of Spain. The postcolonial compact was mediated by local collectors – agents of the *alcaldes vara* and the *alcaldes* themselves – and, significantly, by a series of petty *misti* (non-Indian) officials who subordinated the local Indian authorities to themselves in what was, at least in theory, a two-tiered but unitary hierarchy. Another decisive difference in this Republican hand, as we have seen, was the divisive card played by the so-called ‘Law of 1828’.

The Law of 1828 was actually enacted in part as a response to reports of rapid and exploitative alienation of Indian lands following the liberal Bolivarian decrees.<sup>33</sup> Although in theory it privatised Indian and mestizo holdings in the colonial repartition lands, it forbade alienation in cases where the new owner was not proven to be literate in Spanish. This clause effectively excluded the vast majority of Indians from the chance to sell their parcel. It also excluded them from full claim to the responsibilities that, in liberal republican ideology, were deemed to follow from propertied citizenship. The slippage generated a subaltern form of Indian citizenship wrapped up in the notion of *republicano*.

Indeed, as we saw in the Estéban Ramírez case, literate Indian *originarios* had good reason not to sell their parcels, since they endangered the livelihoods of their extended families by doing so. The result was that privatisation and alienation of the Indian repartition lands was only incipient, and readily negotiated, in early republican Huaylas.

However, following the abolition of the indigenous contribution by the liberal caudillo Ramón Castilla in 1854–55 the postcolonial Indian *republicano* politics that emerged in the ambiguous transition of the early Republic was ‘dislocated’ or disarticulated from the central state’s fiscal regime.<sup>34</sup> Liberal abolition of the postcolonial ‘indigenous contribution’ was paid for by lucrative *guano* revenues and it opened a wider gap between the indigenous population of the highlands and the central state

<sup>32</sup> Tristan Platt, *Estado Boliviano y Ayllu Andino: Tierra y Tributo en el Norte de Potosí* (Lima, 1982).

<sup>33</sup> Jean Piel, ‘The Place of the Peasantry in the National Life of Peru in the Nineteenth Century’, *Past and Present*, vol. 46 (1970), pp. 108–33.

<sup>34</sup> On the tangled history of Indian taxation in nineteenth-century Peru, see Thurner, ‘From Two Nations’, Chapters 3–5.

anchored in coastal Lima. This new opening meant relief from certain fiscal obligations to the state, but the vacuum was quickly filled by local extra-legal 'taxes' levied by aggressive landlords whose power was no longer brokered by state fiscal interests. The diminished presence of the liberal guano-age state in the highlands allowed social conflict to mount until it finally became acute, during the disastrous Pacific and Civil Wars of 1879–85, when state authority dissolved into factional fighting. This festering, late nineteenth-century crisis can be understood through an examination of the mediating roles of the Indian *alcalde vara* authorities who stood between peasants and landlords and the state.

*The uneven mediation of alcalde vara authorities*

The Republican Tax Registers (*Matrículas*) suggest an increasingly direct, albeit clientelist, penetration of Andean peasant society by non-Indian petty state officials in the 1830s and 1840s.<sup>35</sup> In displacing the colonial *kurakas*, declared defunct by Bolívar, these petty state officials developed webs of clientage and modes of coercion that may have reached deep into postcolonial Indian societies.<sup>36</sup> During the Independence Wars (1820–4), both secular contributions and ecclesial tithes were apparently collected by military-political officers and their assistants, some of whom were militant clergy, and most of the proceeds were directed to the war effort. However, later documentation suggests that webs of petty clientage increasingly relied on the Indian *alcaldes vara* or *varayoc* on the district and subdistrict levels for collection of the contribution, to purvey public works or *la república* labour, and to carry out policing functions (as indeed they had under the late colonial Intendancy Regime). The dependency of post-Independence *varayoc* on local officials and judges is suggested in the 1832 petition for official confirmation presented by the *alcaldes pedáneos* of the *Parcialidad de Allauca* of the newly christened *Pueblo Libre de Huacra* (between Caraz and Yungay). In this petition the Indian Alcaldes present themselves as local officials with only a highly precarious authority over 'their' recalcitrant *indígenas*. Their roles included purveying collective labour and aiding in contribution collection. In many ways they look like a species of community police.

<sup>35</sup> See George Kubler, *The Indian Caste of Peru, 1795–1940* (Washington, D.C., 1952); and Carlos Contreras, 'estado republicano y tributo indígena en la sierra central en la post-independencia', *HISTORICA*, vol. XIII, no. 1 (1989), pp. 9–44.

<sup>36</sup> For one such case see ADA, Fondo Notarial Valerio, Juicios Civiles Republicanos, Legajo 6, Autos criminales seguidos contra Don Gabriel Gomero sobre estorsiones que hizo en Jangas en el año de 1836. On the general trend see Heraclio Bonilla, 'Continuidad y cambio en la organización política del estado en el Perú Independiente', in Alberto Flores Galindo (ed.), *Independencia y revolución, 1780–1840* (Lima, 1987), pp. 269–94.

Nevertheless, this subordinate function, linked as it was to Indian notions of *republicano* obligations, was probably critical for the efficient extraction of the indigenous contribution. Indeed, by 1850 the Prefect of Ancash openly admitted the axial roles of the *vara* authorities, and he timidly suggested to his superiors in Lima that they be granted official recognition as tax collectors in the Indian hamlets.<sup>37</sup> This request, like Prefect Saldías's half a century later (discussed below), was firmly rejected by Lima as unconstitutional and anti-liberal: to admit the pivotal role of Indian authorities of colonial origin in the everyday apparatus of the Republican State was heresy.

But nineteenth-century *varas* (local shorthand for the Indian *alcaldes*) were more than mere lackeys and tax collectors. Indian *vara* authorities in Huaylas, for example, continually took recourse to the literacy clause of the Law of 1828 to defend Indian parcels from passing into non-Indian hands. They also defended Indian *forastero* access to alpine commons, and when the preferred avenue of petition was foreclosed, they would find themselves leading tactical revolts against transgressive and, in their eyes, 'unpatriotic' state authorities. The petition presented to the Subprefect of Huaraz by the *alcalde de campo* (local *vara* authority) of the Estancia of Marián, Manuel Ysidro, on 4 January 1846 poignantly revealed the *vara* role in blocking the nineteenth-century drive by landlords to 'close' and 'lock the gates' to high Andean common pastures in Huaylas. In question was the creeping enclosure of the *quebradas*, or wooded alpine ravines, that led up from the valley towns to the high puna grasslands or *jalka* of the Cordillera Blanca to the east. The enclosure of the ravines violated a tense understanding between landless *forasteros*, or *contribuyentes sin tierras*, as they were officially known, and Departmental Government in Huaraz. This understanding revolved around previous state protection of public access to the native *quenua* or *quishuar* (polylepis) trees which grew only in the *quebradas*, and which were freely cut and hauled by Indians, and then sold and consumed as firewood in the valley towns.<sup>38</sup>

<sup>37</sup> AGN O.L. 357-66. Prefecto Joaquín González al Señor Ministro de Estado en el Despacho de Gobierno, Huaraz, 18 February 1850. González wrote that the *Alcaldes de campo* were named by the *Gobernadores* to collect tribute in the hamlets or *estancias*, and that they did this 'by custom, without pay'. When in 1849 a law was passed making such unpaid service illegal, the Prefect saw that without the *Alcaldes* it might be very difficult to find 'volunteers' who could collect the tribute for a *premio* of a mere two percent. The solution was to name the *Alcaldes* as collectors when a paid 'volunteer' could not be found.

<sup>38</sup> Polylepis was the major source of cooking fuel until the eucalyptus tree was imported and propagated in sufficient numbers, which appears not to have occurred in Huaylas until the twentieth century. Eucalyptus, however, is a lower elevation, planted tree which is usually privately owned.

In 1842 the *apoderado fiscal* or Treasurer of the Department of Ancash outlined the official justification of this 'resources-for-contribution' compact between Indians and the state:

The contribution that the indigenes satisfy is not excessive and besides it is necessary. It is not excessive because they are granted certain prerogatives in the payment of parish fees, tithes, etc., and because they have free access to the quebradas or forests for the extraction of wood for the market; to this one must add that the pension [contribution] of the *originarios* is lightened because of the assistance they obtain with the repartition lands they possess. It is necessary, because in the instances when they have stopped contributing by virtue of a pardon, we experience a scarcity of workhands, since the indigenes only need one piece of rough clothing per year; and their fields, although small, provide them with their simple foods, being the only thing that they like [to eat], and they desire nothing else. They do not strive to abandon their idleness which is characteristic of them except at the time when the contribution is collected.<sup>39</sup>

In the Departmental Treasurer's view, the Indian head-tax was a necessary measure which ensured a cheap supply of seasonal labour at tax collection time, given the Indian's 'characteristic idleness' and his utter lack of interest in luxury consumption.<sup>40</sup> The reason for protecting Indian access to the natural woodstands of the alpine ravines was similarly self-interested. The Indians were the sole suppliers of fuelwood to the kitchens of townsmen, including those of petty officialdom. When landlords moved to fence or otherwise enclose and restrict Indian access to this resource, townsmen would object if the result was to cut off, or make more costly, their cheap supply of cooking fuel. Potentially therefore the conflict over access to firewood could pit the interests of landlords against those of local officials, townsmen and Indians.

The Indian *forastero* view, as rendered in the language of legal petition – if we may interpret the petition of the Alcalde of Marián to represent this – was as follows:

We find ourselves oppressed by the payment of tribute as unhappy *forastero* Indians without lands or recompense of any kind; that since the time of our ancestors all the Cordilleras were open for getting firewood and bringing it into town and with the money earned thereby we pay our tribute, tithes, and first fruits [*primicias*]. But today the gates to the Cordilleras are closed under lock and key, especially in [the *Quebradas* of] Llaca and Cojup, which have belonged to us since time immemorial, and none of the former landlords had placed any obstacles before us. But now the Señores Don Miguel Mosquera and Don Gregorio Cobo have ordered that they close the gates, and we find ourselves oppressed by an unjust sacrifice. In virtue of this we repair to the integrity of this court, so that

<sup>39</sup> Archivo General de la Nación (AGN) H-4-1832, Sección Contribuciones, Matrícula de Yndígenas de la Provincia de Huaylas, Tomo II, Observaciones generales, 1842.

<sup>40</sup> Of course, identical arguments were made by colonial officials in defence of the *reparto de mercancías* and other tributary obligations.

taking pity on our sad orphancy, and finding ourselves reduced to extreme poverty, order by virtue of your recognised authority that they give us room to work and contribute religiously to the State.

In his routine response to the Alcalde of Marián's petition, the Subprefect of Huaraz requested a report from the non-Indian Governor of the District of *La Independencia* (formerly Ychoc Waranka), who was then the mestizo Don Manuel Jurado, since the Estancia of Marián and its Indian Alcaldes fell under his jurisdiction. Don Manuel's brief reports to the Subprefect and the Prefecture, respectively, confirmed the customary access granted by the colonial state and upheld by previous republican authorities in Huaylas. In his report to the Subprefect the District Governor noted

that one of the principal sources which the Indians make use of to pay their contributions is the firewood that they gather in the *quebradas*, and whose woodstands are recognised as common property. Proof of this is the fact that the first landlords were never able to impede woodgathering there, and when they tried the authorities curbed such abuse. For example, the deceased ex-Prefect Don Juan Mejía ordered [in the 1820s] that the *quebradas* be opened to public extraction of wood. In another [eighteenth-century] case on the same point, the deceased Don N. Carbajal, landlord of Aco and owner of the Quebrada of Rurec, lost a decision in the Supreme Court against the miner Don N. García in virtue of the fact that landlords are considered owners of the topsoil [*casco*] and the pasture, but not the natural woodstands that grow wildly and are not planted. Thus, if this abuse is not curbed the first consequence will be that the Indians will be cut off from the only resource they have for paying their contributions; and second and most importantly, the town will be without one of the primary necessities of life.

Furthermore, the Governor pointed out that there were 'indestructible bases' for common property rights in Law 14, Title 17, Book 4, of the Recompilation of the Laws of the Indies. In 1559, he noted, King Philip II had issued a Royal Decree stipulating 'that the Indians may freely cut wood in the forests [*montes*] for their use, and that no impediments be placed on them except that they were not cut [the trees] in such a manner that [they] cannot grow and increase'.

As in many other such cases, Don Manuel cited colonial laws to establish the time-tested legality of Indian access to the natural woodstands of the Cordillera. In this and later cases (see below), the contention that the Laws of the Indies were still in force was reviewed and debated by both Departmental and Ministerial authorities. The authorities would conclude that the Laws of the Indies were indeed still in force as long as specific articles were not derogated by the Constitution or by subsequent republican legislation. Departmental notary archives demonstrated that in the colonial Land Recomposition of 1712, which was based on the first Composition of 1594, all the vacant lands above those assigned to the

dual *warankas* of Huaraz and *el común del Pueblo*, and reaching up to the Cordillera Blanca, were declared *ejidos* or commons. Yet the petition of the *encomendero* Garci Barba in 1621, and the *Visita Pastoral* of the Archbishop Mogrovejo in 1593, also showed that vast *encomendero* herds of sheep, numbering in the tens of thousands, were driven and pastured in these same common lands. The Recomposition of 1712, however, also recognised the individual claims of Spaniards and Creoles who had 'purchased' Indian lands from cash-strapped Indian chiefs, or who had been otherwise granted lands in the area for having 'served His Majesty'.<sup>41</sup> The result was considerable tenure confusion. Notwithstanding, the colonial Recomposition titles were not blank-cheque private property under Royal Spanish Law. Property was always subject to 'the Will of the King', and the 'natural fruits' of the land could not be 'owned' as such. What was 'natural' was the wealth of the King, and as such access was within the powers of his grace.

By the 1840s and 1850s, however, more exclusive notions of private property had entered Peruvian legislation, and especially into landlord consciousness. Bounded dominions were increasingly claimed by landlords in their efforts to extend and consolidate their vaguely-defined estates. Such efforts fully to privatise estate dominions occurred in the late eighteenth century but, as Karen Spalding correctly argued,<sup>42</sup> the designs of late colonial *hacendados* were quite readily deflected by protective colonial legislation. As the *alcaldes vara* of Huaraz put it in their petition of 1887, colonial landlords abstained 'out of fear that the Councils, Justices, and Ministers would apply the fines stipulated in the Law [of the Indies]'

After the liberal abolition of the 'indigenous contribution' in 1854-55 fewer legal bottlenecks impeded liberal property rights, and in any case the opulent, Lima-based 'Guano State' was generally uninterested in collecting petty fines in the provinces. Thus, as in the cases involving access to *quebrada* commons, colonial composition titles were wilfully misinterpreted to be equivalent to liberal private property, that is, to an exclusive form of property that implied a sacrosanct right to restrict access. For, as Don Manuel noted, 'no-one was ignorant' of the fact that colonial property titles recognised common property within its borders.

State disinterest in the post-1854 period invited landlord aggression. Indeed, for the evicted Indian José Mendosa, this renewed aggression was, in his words, worse than what the Spanish 'Conquistadors of America could have done to the descendants of Manco Capac, aided as

<sup>41</sup> Thurner, 'From Two Nations', Chapter 2.

<sup>42</sup> Karen Spalding, 'Hacienda-Village Relations in Andean Society to 1830', *Latin American Perspectives*, vol. 4 (1975), pp. 107-21.

[this landlord is] by his intimate relations of friendship with the local Judge'.<sup>43</sup>

*The meaning of the Atusparia Rebellion*

In 1885 – thirty years after the abolition of the indigenous contribution – the Indian *republicanos* of the Huaylas region, who were now better known to the press and the army as the *indiada* or 'indian rabble', mobilised over 40,000 combatants under the local command of *alcaldes vara* like Pedro Pablo Atusparia of Marián. With the assistance of their patriotic civil war allies, the local *cacerista* or *colorado* nationalists, the Indians of Huaylas destroyed the Prefectural regime of the traitorous *iglesistas* or *azules* (the latter were allies of the Chilean occupation forces which invaded Huaylas in 1883 during the War of the Pacific). The indigenous peasantry and its local leadership joined forces with 'red' nationalists who supported the resistance of Andrés Avelino Cáceres, thereby gaining control of most of the region between March and May 1885. The Indian mobilisation responded not only to patriotic notions, but also more concretely to an illegitimate and hurried poll-tax imposition by the *iglesista* Prefect Noriega. This wartime poll-tax was not resisted out of some 'anti-fiscal' or 'anti-state' instinct of the peasantry, as Kapsoli and Stein have implied,<sup>44</sup> but rather because this tax did not guarantee state protection of Indian access to usufruct and commons lands, as the 'indigenous contribution' had in the pre-liberal past, and because it was levied on top of landlord fees, and thus appeared to be a species of 'double-tax'.

Led by Pedro Pablo Atusparia, Pedro Guillén, Simón Bambaren, Pedro 'Uchcu' Cochachin, and a host of other active and former *varayoc* authorities, the Huaylas peasantry firmly demonstrated its nationalist political and military potential, but it also protested against the flaccid posture of caudillo regimes which failed to protect 'Indian rights'. For reasons of class, race, and political opportunism, however, the patriotic exploits of the Indians of Huaylas were subsequently interpreted by paranoid elites as the unreflective, barbaric vengeance of 'the savage horde'. What followed was bloody repression (untold thousands died) at the hands of well-armed counter-insurgency forces sent by the Iglesias regime in Lima. Meanwhile, the supposed allies of the Indian peasantry, the *cacerista* and *pugista* 'reds', were nowhere to be found. This bitter

<sup>43</sup> ADA, Fondo Notarial Valerio, Civiles, Legajo 20, Benito Vincenti vecino de Huaraz y hacendado de Lucma, contra indígenas de la estancia de Pampa Huahin, ff. 19–19v, 1855–56.

<sup>44</sup> See Wilfredo Kapsoli, *Los Movimientos Campesinos en el Perú* (Lima, 1977), and William Stein, *El Levantamiento de Atusparia* (Lima, 1988).

experience would lead subsequent Indian leaders in Huaylas to adopt wary and defensive postures *vis-à-vis* the postwar state, even though it was 'their side' that had won.<sup>45</sup>

Following the compromised victory of the 'red' side, which led to the Presidency of Andrés Cáceres in 1886, Atusparia and other surviving *alcaldes vara* travelled down to Lima to declare allegiance to their General, whom they hailed not as the 'Inca' of indigenist lore but, more meaningfully for them, as the '*Gran Republicano*'. One reporter who observed the Lima meeting wrote:

It has not been the idea of communism or of racial hatred that moved the Indians to rise up in mass and combat the *iglesista* forces [in the Atusparia Uprising]; no, they have had no other desire than to see the triumph of the Constitution and... to support... General Cáceres, *EL GRAN REPUBLICANO*, as they call him.<sup>46</sup>

At this unusual meeting of 'the Indian chief' and 'the General' of the nationalist resistance – which transpired in Quechua – Cáceres promised schools, poll-tax relief, and state guarantees of community lands to Atusparia and 'his race'. But in his strained efforts to rebuild a devastated Peru, Cáceres would soon take a different course. He subsequently reinstated the blood-stained poll-tax and sought to abolish the communities; both of these measures, however, were successfully resisted by recalcitrant *vara* authorities and their remembering followers. Ten years later the beleaguered Cáceres was ousted by the self-proclaimed 'Protector of the Indigenous Race', Nicolás de Piérola, who in effect abolished the 'paper' poll-tax (paper because it only existed on paper, not in state coffers) that he himself had declared in 1879.<sup>47</sup>

By 1904 Prefect Anselmo Huapaya found it necessary to enact a repeat performance of Bolívar's 1825 decree, which had abolished the 'caciques' in favour of petty state officials. Huapaya justified his abolition of the *alcalde vara* posts by misrepresenting them as 'despotic *caciques*' who were 'the worst exploiters of their kind'. In doing so he revived the hallowed rhetorical tools of colonialism. In moments of colonial crisis such as the 1560s and 1780s, rebellious Andean leaders had been attacked as ruthless '*caciques*', thereby justifying their convenient removal. Echoing Bolívar, Prefect Huapaya declared that 'the *indigenas*' must obey 'only those authorities recognised by the Constitution'. He further warned the Interior Ministry in Lima that 'they and their Indians formed an independent state' within his Department, and as such posed a direct challenge to the national authorities.<sup>48</sup>

<sup>45</sup> For more detailed discussion of the Atusparia Rebellion and its legacy, see Thurner, 'From Two Nations', Chapters 4–6. <sup>46</sup> *El Comercio*, 2 June 1886.

<sup>47</sup> See Thurner, 'From Two Nations', Chapter 5.

<sup>48</sup> AGN, Archivo del Ministerio del Interior, Legajo 95, Mesa de Partes No. 73.



But Huapaya's word was not the last. His immediate successor, Prefect Saldías, defied Lima's Ministry of Government and reversed his predecessor's prefectural order, arguing that the *varas* were actually 'a venerated custom' that kept the otherwise wary Indians 'within reach of the authorities'.<sup>49</sup> In short, by the early twentieth century it was clear that the *alcaldes vara* had become the indispensable instruments of a republican indirect rule in the Andean provinces of Ancash.

But Prefects Huapaya and Saldías were both wrong (or, more charitably, both right). The Indian *republicanos* and their authorities the *alcaldes vara* did not constitute an independent state, but neither were they mere lackeys of provincial officialdom. Their shifting postcolonial predicament was to be near but distant, integrated but separate. They would emerge and recede, mobilise and demobilise, as local conditions, often set by the state, fluctuated.

*Colonial 'Indian rights', alcalde vara mediation, and history*

The words of the *alcalde de campo* of Marián in 1846 (Ysidro) and the actions of the *alcalde ordinario* of Huaraz from Marián in 1885 (Atusparia) culminated in the eloquent petition signed by Atusparia's and Guillén's successors (the *vara* posts rotated each year), and addressed to the new Peruvian President Andrés Cáceres. Written and submitted two years after the bloodshed of the Atusparia Rebellion, this *varayoc* petition amounts to an historical critique of the post-Independence state from the perspective of the erosion of colonial 'Indian rights'. It is that rare historical document of subaltern slant, and it is for this reason that it will be quoted at some length:

We are aware of our sacred duty as the true citizens to contribute to the sustenance of the Nation. But today the circumstances of extreme poverty in which we find ourselves as a consequence of the recent political convulsions that the country and especially this Department has suffered...[lead us to] beseech... you... to decree that Laws 5 and subsequent of the 17th title of the 4th book of the Recompilation of the Indies, and also those relative to the personal service contained in the 12th title of the 6th book of the same Recompilation, be strictly adhered to, inasmuch as they be compatible with rights established by the current constitution and laws.

The reasons upon which we base this solicitation are the following: Under colonial rule we Indians enjoyed, as Your Excellency is very well aware, unrestricted access to the community of pastures, woodlands, and waters, as established by [the Laws of the Indies]. Thus, although we were subject to the tribute, we easily paid it by cutting firewood in the mountains and selling it in town, and by raising our little flocks of sheep in the high pastures, without paying anyone anything, not even to those who claimed ownership of the woodlands and pastures. Then came Independence, and no less than as if it had been obtained

<sup>49</sup> AGN, Ministerio del Interior, Legajo 95, Mesa de Partes No. 424.

only to benefit the Mestizos and Spaniards [e.g. Creoles], we watched with pain as they began to place obstacles in the way of the exercise of our rights, pretending that the community of pastures, wooded ravines, and waters had disappeared, or that at a minimum, to gain access to these, we now had to pay so much for every dozen bundles of firewood, or another so much each year for the pasture that our [animals] would eat. This we were supposed to pay to those same exclusive landowners who before had never risked trying to charge us any fees at all for fear that the Councillors, Justices, and Magistrates would charge them the fine specified in the cited Law 5 [of the Indies]...

That is how things remained until the year of 1855, when tribute was abolished and they made us understand that those rights or, to put it better, that the community which we had enjoyed for several centuries – in an absolute way under colonial rule and with only certain small restrictions afterwards – *had been correlative to the tribute* [original emphasis] and that it being abolished so also was [the community] abolished... It is noteworthy that since the[n]... they have imposed a new access fee on us, which is one silver real for each load of [glacial] ice, as if the Cordillera Blanca herself was private property! How much our circumstances have changed, Your Excellency!

...[A]nd if we complain they call us insolent, and if our justified anger is translated into action, then they call us rebels and savages, and they go to the extreme of razing our homes with all our possessions inside, as indeed occurred in a not-very-distant epoch. Your Excellency, we do not want those sad scenes to happen again; rather [we prefer] to exercise the right of petition that the law grants us.<sup>50</sup>

This petition, which in two or three pages said more than most contemporary historiography, made it clear that what the 'true citizens' of Huaylas desired was the peasant's civilised, or 'republican' engagement with the state, where access to the 'community of resources' or commons, and protection from abuse, were guarded by that state. How? By 'strictly adhering' to the relevant articles of the colonial 'Laws of the Indies'. But these laws had been undermined by 'recent political convulsions' and gradually eroded by liberal reforms, including the abolition of 'tribute' (the tributary *contribución indígena*) in 1854–55, and thereafter by the abusive access fees charged by landlords. When they rose up in justified anger, as in 1885, their cottages were torched and they were labelled 'rebels and savages'.

Whether in the hands of the mestizo District Governor Manuel Jurado, who defended Indian access to commons, or in the hands of the protesting *varayoc* of Huaraz, the Recompilation of the Laws of the Indies, volumes of which were deposited in *escribanías* all across the Spanish Americas, turned out to be a subversive document. The Recompilation was ordered done in the 1620s but was only published in 1681. It was intended not only as an index of the laws of the land but, as David Brading has pointed out,

<sup>50</sup> AGN O.L. 571–240, Expediente iniciado por los Alcaldes Ordinarios de los Distritos de Restauración y Independencia de Huaraz, 1 June 1887.

as a legitimation of Spanish or, more precisely, Habsburg-style colonialism.<sup>51</sup> In the more liberal late colonial and postcolonial periods, this earlier legitimation would be the text most frequently cited by Indian communities and local authorities in defence of their lands and 'rights' as Indians.

Yet another eloquent petition signed or thumb-printed by the fifty-seven greater and lesser *varayoc* authorities of Huaraz explained in no uncertain terms that, 'since Independence', state protection of Indian rights had been demolished by the rapacious exploits of rival caudillos and flaccid republican regimes, which had forced them either 'to buy their liberty' or be 'kidnapped' for 'some criminal project' (that is, be drafted in one or another caudillo's army). The casualties of these unpatriotic exploits were 'Indian liberty' and 'Indian property'. In short, 'Indian rights' had been trampled by the postcolonial flurry of warring caudillos who successively laid claim to the national state. Thus:

Every regime that has fought to sustain itself in power, and every caudillo who has worked to overthrow it, has availed themselves by decree or by force to draft free men by yanking them from their homes... to incorporate them by force under pain of death... to serve... what are almost always criminal projects[.] [N]ot having any other means of avoiding this kidnapping than the money or goods with which we have bought our liberty...

This is the history of Indian liberty in its relations with the military politics of the country, and this is the protection that the State and the regimes and rebel [*caudillos*] have dispensed... Has this ill been remedied in Peru, Your Excellency? We are not yet sure...

In respect to indigenous property rights what shall we say, Your Excellency? Since Independence the exiguous goods of our fortune, fruit of the sweat of our brow, the few animals we have raised for our subsistence and for ploughing, all have been inhumanly stripped from us by the disturbers of order and by its pseudo-defenders, without there being one single *caudillo* or one single president who has taken pity on our fate. Such is the history, traced in broad strokes, of indigenous property in its relations with regimes and the enemies of those regimes... [A]nd such has been the protection that one or the other has dispensed... For all these express reasons and for others that we omit, we implore Your Excellency to deign to accede with justice to our petition, suspending the collection of the poll-tax in this Province.<sup>52</sup>

By speaking in the liberal tongue that the state wanted to hear, this petition's anonymous editor in the employ of the *varayoc* of Huaraz subtly recast notions of 'Indian commons' and 'Indian rights' in the language of 'liberty' and 'property'. But this petition would go so far as to speak of the republican 'history of Indian liberty' and 'the history of

<sup>51</sup> David Brading, *The First America: The Spanish Monarchy, Creole Patriots, and the Liberal State, 1492-1867* (Cambridge, 1991), pp. 213-27.

<sup>52</sup> BNP/SI #D8075, Petición de los Alcaldes Ordinarios de Huaraz al Sor General Cáceres, Presidente de la República, Huaraz, 24 March 1887.

indigenous property rights'. Indian subalterns, it would seem, could also employ the skilled rhetoric of liberalism to produce a counter-hegemonic historical narrative. But the authors seemed unaware that the deeper contradiction of this 'history' was that it had refracted colonial origins, and was therefore unsavoury to nationalists and liberals. In this case no measure of liberalism could negate the historical presence of the colonial: the only land titles and 'rights' they could claim were written on colonial paper. In short, Spanish colonialism now looked better than caudillo-ridden independence.

Although Cáceres would choose to overlook the deeper claims, he did agree to the temporary reduction of the poll-tax for the Indians of Huaraz. But, like so many other such instances in postcolonial history, this 'temporary' measure turned out to be permanent. What made it permanent was the massive Indian show of force in 1885 and the sly threat that, if 'liberties' and 'property' were not respected, such terrible force might be brought to bear once again (open threats were heard in 1888 and 1904). As long as this spectre loomed in elite minds, and as long as the 'indigenous' population of Huaylas continued to grow at what for elites were alarming rates, the possibility of an alternative history could be broached.<sup>53</sup>

In another context, closer to our own political predicament, Milan Kundera wrote that 'the struggle...against power is the struggle of memory against forgetting',<sup>54</sup> but selective 'forgetting' is also very much a primary instrument of domination in the postcolonial nationalist imagination that needs to negate aspects of its ever-near colonial past.<sup>55</sup> In Peru, Creoles deemed it necessary to negate the 'Indian past' in the shadow of the 'Black Legend', since its presence raised the spectre of an alternative nation with a colonial political history. Creoles thus selectively imagined a political community that could not imagine the majorities as political agents. Sadly, the notion of 'prepolitical' subalterns has lived on

<sup>53</sup> On the 'indianisation' of Huaylas see Turner, 'From Two Nations', Chapter 5. The percentage of Huaylas's total population declared 'indigenous' on census and tax records rose from about 50% in 1820 to 66% in 1940. This trend raised the so-called 'Indian Problem' to new heights in provincial politics. Indeed, there is some inconclusive evidence that suggests that an attempt to reinvent the 'Republic of Indians' was repressed in Huaylas in the 1920s (C. A. Alba Herrera, personal communication).

<sup>54</sup> Milan Kundera, *The Book of Laughter and Forgetting*, trans. M. Henry Heim (New York, 1980), cited in Ana María Alonso, 'Gender, Power, and Historical Memory: Discourses of Serrano Resistance', in Judith Butler and Joan W. Scott (eds.), *Feminists Theorize the Political* (New York, 1992), p. 418.

<sup>55</sup> Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London and New York, 1991); and Partha Chatterjee, *Nationalist Thought and the Colonial World: A Derivative Discourse?* (London, 1986), and *The Nation and Its Fragments*.

in twentieth-century historiography. But an Indian *republicano* politics informed by the struggle to make the postcolonial state recall its colonial obligations (and heritage) was present, and it 'inverted the relationship between past and present advanced by the official logic of progress'.<sup>56</sup> At a minimum, the recovery of this struggle should urge us to rethink our tired, textbook notions of 'the colonial legacy' in light of 'the postcolonial-nationalist legacy' that recast it.

But there is another, more particularly Peruvian, legacy that needs to be rethought in light of the argument presented here. After the national débâcle of the War of the Pacific (1879–84), the ensuing Civil War between Cáceres and Iglesias, and the Atusparia Rebellion (1885), Creole ideologues begin to blame the Indians for Peru's woes, arguing that they were insufficiently integrated in the life of the nation. However, as the Junín case studied by historians Nelson Manrique and Florencia Mallon suggests,<sup>57</sup> and as the present case of Huaylas-Ancash confirms, the supposed lack of nationalist support emanating from the Andean peasantry was *not* the problem. The problem was that most of the elite (including, eventually, Cáceres himself) could not accept the challenge of patriotic, and, let it be said, *republicano* Indians. It was a question of class and race, among other things. But perhaps the most enduring legacy of the post-war Peruvian misreading was this: the negation of the historical agency of republican Indians opened an ideological space that would be filled by an early twentieth-century indigenism that ultimately essentialised Indians as pre-political beings. The uplifting of the previously 'degraded race' was championed so that the Indian might assume his rightful place in a national pantheon where he had already stood – only to be thrown out.

<sup>56</sup> Alonso, 'Gender, Power, and Historical Memory', p. 418.

<sup>57</sup> See Florencia Mallon, 'Nationalist and Anti-State Coalitions in the War of the Pacific: Junín and Cajamarca', in Steve J. Stern (ed.), *Resistance, Rebellion, and Consciousness in the Andean Peasant World, 18th to 20th Centuries* (Madison, 1987), pp. 232–79, and her *Peasant and Nation: The Making of Postcolonial Mexico and Peru* (Berkeley, 1995). Also see Nelson Manrique's pathbreaking *Campesinado y Nación: Las guerrillas indígenas en la guerra con Chile* (Lima, 1981).