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Family, Land Tenure, and Regional Development in the Southern Andes
(Late Eighteenth to Early Twentieth Century)

Colonial land tenure in the Andes

When studying the land tenure systems and family practices of the indigenous populations in the Andes, one cannot ignore the impact of the Spanish conquest. In the 1580s, the Viceroy Francisco de Toledo imposed a reform in a significant part of the nowadays Bolivia and Peru, that implied the movement of around a million and a half *indios*. His goal was to concentrate the population in bigger and controllable settlements, in order to force them to pay the *tributo* (a tax) and to work periodically in the big silver mines of Potosí (according to the so called *mita* system). Many tried to avoid the *mita*, or to find other resources to pay the tax, by migration. These migrants lost the land rights in their communities but they usually maintained close contact to their people.

A century later, in a new census, the Spanish authorities included almost the entire indigenous population, considering the living places and not the community to whom the persons belonged as in the earlier censuses. The migrants were called *forasteros* (strangers, outsiders), to make a difference with the people in their original communities (*originarios*). With changing meanings, this distinction remained important up to the 19th century.

In Tucuman (nowadays Argentina) at the beginning of the colonial period, the taxes were not paid to the crown, but usually to a lord. A group of indigenous people was given to a Spanish *encomendero* who had to build a church and pay a priest to watch over their Christian education. The *indios*, on the other hand, had to pay him the *tributo* with their personal labor. Theoretically, this system referred only to this tribute, and did not transfer land rights to the *encomendero*. In the late 18th Century, a new reform was

made in order to collect more taxes. In my study area the *indios de encomienda* were called *originarios*, and the rest were *forasteros* (without land rights).

Which changes after *independencia*?

It is obvious that the independence from Spain in 1816/25 brought about many changes, but it is less obvious which ones, and when. In the last twenty-five years, there has been an intense discussion amongst Andean scholars about the continuity and change of land tenure systems, and their regional variations. In 1982, Tristan Platt analyzed the persistence of the indigenous *tributo* in Bolivia, and proposed that the acceptance of this obligation was part of an agreement with the republican state: *tributo* for land rights. That was a way to explain how an Andean kin-based institution like the *ayllu* could continue until today. Other historians discussed his thesis critically, and showed different situations along the Andes. They focused on aspects such as the weak relation between tributes and land rights, the opposition to pay tributes, etc.

A recent, excellent article by Brooke Larson (2002) allows us to put the Bolivian case into a larger context. The author compares the relationships between the elites, the state and the indigenous population in Bolivia, Peru, Ecuador and Colombia. Her work does not consider territories where the expulsion, extermination or assimilation of the indigenous population was a real political option like Argentina or Chile. According to her, the 19th century up to 1870 was a period in which the liberal reforms languished, the *tributo* was restored, and the regional markets continued to stagnate. Among the four countries, Bolivia had the highest ratio of indigenous inhabitants, and the *tributos* were collected there for the longest time.

In my paper I would like to test these ideas by including similarly structured areas in nowadays southern Bolivia and northern Argentina. Generally, the latter country had a small proportion of indigenous people, they were less organized, and its elites ignored any colonial tradition about *indios* laws and rights.

A bi-national study area

My immediate study area is situated on both sides of today's international border between Bolivia and Argentina, among the highest volcanoes of the Andes and the eastern *cordillera* (mountain range) next to the cloud forest at the lower echelons. The western part of the region, called Lipez and Puna de Jujuy, is a high plateau of over 3500 meters above sea level, crossed by several mountain ranges. Here, almost the

entire population was, and still is, indigenous, living as shepherds or small scale miners. The eastern part, mainly Chichas, lays at about the same altitude, but is crossed by some important rivers that allow agriculture. Half of the people in Chichas were indigenous, the others *mestizos*, Spaniard, and a few African descendents.

I will focus on the taxpaying indigenous population in this high-up "bi-national" region and on the changes we can find as a consequence of the republican laws on land tenure. For that goal I analyzed all the censuses and tributary registers of the whole area from the end of the 18th century through to the turn of the 20th century. In single parts the registers sum up to about a dozen during this period. Most of them are kept in the Archivo y Biblioteca Nacional de Bolivia (Sucre), the Archivo General de la Nación de Argentina (Buenos Aires), and the Archivo Histórico de la Provincia de Jujuy (Jujuy).

The Bolivian part

At the end of colonial period, all the tributaries in Lipez (nowadays Bolivia), and almost 70% in Chichas (Bolivia) and in the Puna de Jujuy (Argentina) were *forasteros* without land. The rest were *originarios* with land rights. Who would become land owner after all the changes and the liberal reforms in the two emerging countries?

During republican times most of the indigenous population in southern Bolivia had to pay the *tributo*, including people without land rights. It was an "ethnic tax", a tribute easy to collect because there was a long and fiscally important tradition. The Bolivian state preserved the communities and transferred them the obligation to collect the *tributos* and to hand it over to the state officials. At least the *originarios* could manage their own organization, distribute their lands, rent other lands to *forasteros* or to other people, and elect their ethnic authorities. As a result, in the 1901 census, we find that more than 70% indigenous from South Chichas and 100% from Lipez were land owners. Thus, during the 19th century these communities maintained their organization and the proportion of indigenous people with land rights grew.

Through the liberal reforms, however, the internal land tenure system changed. In the narrow fertile agricultural valleys, the Bolivian state ceded small plots of land to single owners of some taxpaying groups – a typical liberal property concept. Usually they were family heads, married men in the age between 18 and 50. Also older men, widows or relatives, who belonged to an *originario* family and who started to pay a small tax at least since 1847, received lands. A second group were the *forastero* shepherds living in the Chichas highlands. They had obtained land rights only after independence. To this

group, and to those living in the arid western plateau from Lipez, the state ceded large plots to be held by the communities. Almost all of them were shepherds scattered over the uplands where one needs more than six hectares per sheep and even more for a llama. They practiced a form of transhumance, with multiple residence and pasture sites, and some common territories for collecting wood, for water for the animals, and for hunting.

The Argentinean part

Crossing the international border into the Argentinean province of Jujuy, and its upland Puna area, the situation changes. The *indios de encomienda, originarios* with land rights, were obliged to pay tributes to their *encomendero*, the Marquis of the Tojo Valley. After the independence wars (1810-1825) the marquis' relatives argued that the *indios* were living in their lands, and they started to collect rents. In other words, even the indigenous population who had possessed rights in colonial times, lost them now. In 1877, the Supreme Court decided that the lands belonged to the provincial state, and the indigenous inhabitants had to pay rent to use them. Until 1852, they had also to pay the *tributo*.

Within the province of Jujuy, the mountain area and its population were significant factors, but not so on the level of the entire republic of Argentina. On the national level the so called "indigenous problem" did little effect. The laws were the same for all citizens. The tribute, even if it was only for people living in the Puna, had no relation with the colonial one, or with special laws concerning corporate communities. The liberal reforms could act almost from the beginning, and all indigenous internal organization were ignored. The result was juridical equality in theory and land spoliation in practice. This did not depend on the local percentage of the indigenous population, on mountain territory, regional economy, or land value. It depended on political decisions.

Conclusions

At the beginning of colonial times, the majority of the indigenous population lived in the Andean highlands. The Spanish conquerors were attracted by these relatively densely inhabited areas, because the *indios* were the most important labor force. The spatial concentration of this subject population, and the introduction of the tax, brought

about important changes, but they did not lead to private property in land. This transformation came after independence, and it came in different forms.

In Bolivia, the high percentage of the indigenous population and the political power of their communities eventually resulted in landed property belonging to the *indios*. In my immediate study area, the extent of the emerging property depended on land use intensity. In the fertile agricultural valleys, the family plots were small, in contrast to the arid pastoral area where they could be very big. In the neighboring Argentinean part of the study area – with similar environmental, ethnic, and economic characteristics – the development took a totally different turn. This Andean mountain region formed only a small part of the prevalent lowland territory of Argentina with a rapid growing European immigrant population, and was more and more marginalized. Being weak in the field of political power, most *indio* families were spoiled of their customary land rights.