



## Shifting landscapes. Heterogeneous conceptions of land use and tenure in the Lima valley

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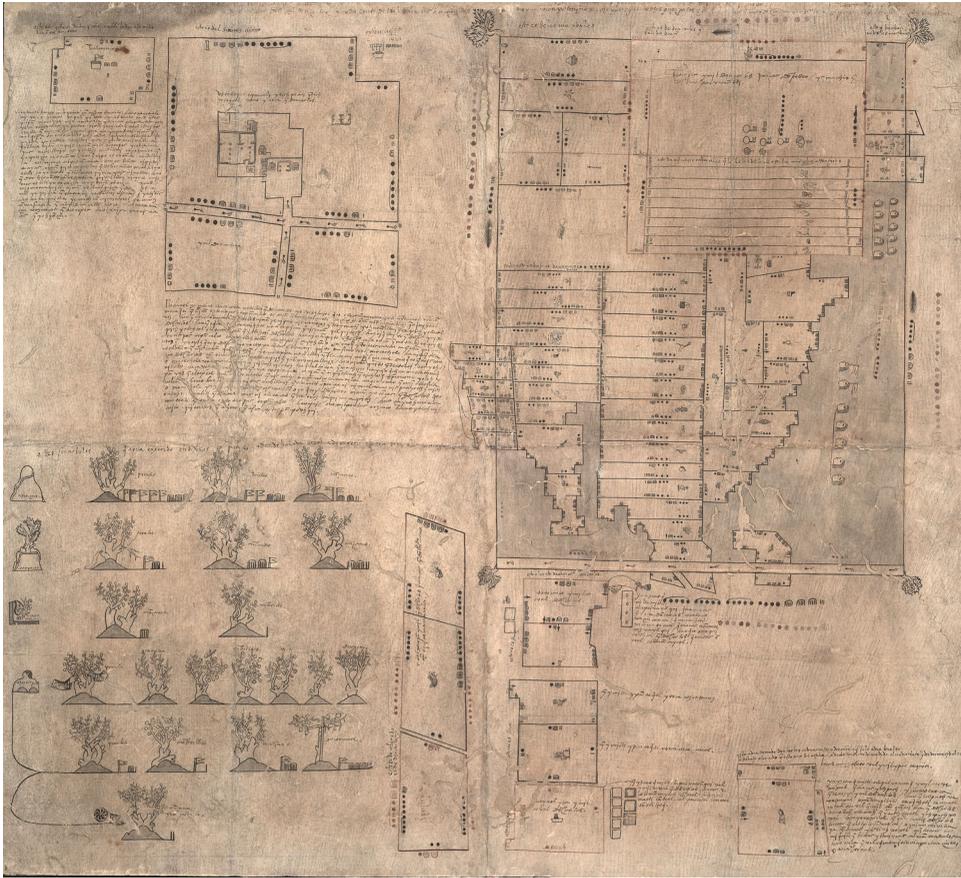
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### Introduction

One of the earliest known post-conquest indigenous-drawn maps of Mexico was produced in 1540 in order to explain how ecclesiastic officials had violated Nahua land tenure (see [Figure 1](#)). Following upon the Inquisition's 1539 arrest and execution of don Carlos Chichimecatecotl for heretical dogmatism, the court also seized what they understood to be his personal properties and sold them to a Spaniard. A Nahua party, possibly members of don Carlos's family, presented the court with a map of an estate at Oztoticpac as evidence that the Spaniards had seized lands that were not part of don Carlos's personal holdings (Lopes Don 2008). The map presents a typology of land tenures in practice at the time: private estates belonging to the elite including don Carlos (upper right quadrant); land owned by the corporate kin group (*calpollis*) but permanently allotted to individual peasants with usufruct rights (lower right); land rented to tenant farmers (middle right); and lands associated with office, to be worked collectively by subjects but not owned personally by the office holder (upper left). It was this final kind of property, palace lands, which Inquisition agents illegally seized and sold.<sup>1</sup> Notably, the authors of this cartographic defense did not argue against the Inquisition's expropriation of Nahua lands, but that it had expropriated the wrong ones, those attached to the office of the cacique rather than his personal holdings.

Like the Nahua defenders of property rights at Oztoticpac, indigenous actors around the Americas took stock of the ways that colonial settlers and officials typologized property, and especially the consequences to them for land those authorities placed in the 'wrong' category. While early colonial encounters between Europeans, Native Americans and Africans are rife with cases of the kind of ongoing misidentification of the other's practices which Lockhart (1992, 445) termed Double Mistaken Identity, colonial coexistence made it more likely that actors understood the differences between their own and the other's practices, and incorporated both into their worldview.

While Andean historians often use private property as shorthand for European ways of managing resources, and collective property to characterize indigenous ways, the actual situation was more complex. But it is difficult to recapture the spectrum of forms that land tenure and use took in the pre-conquest Andes. Contemporary authors (both European and indigenous) misrepresented, misunderstood, or generalized about practices for their own reasons. And property relations began to change almost simultaneously with the conquest. Multiple legal regimes existed both simultaneously and interactively.<sup>2</sup> Conquistadors seized land and created new legal forms. Indigenous elites redefined their property



**Figure 1.** The Oztoticpac Lands map (1540), Geography and Map Division, Library of Congress.

to protect or extend their political reach. Partnerships between Spaniards and Andeans led to the invention of hybrid forms new to both parties. Rather than the victory of private property over collective forms, colonization entailed a slow and complex entanglement of laws and arrangements. All participants drew upon a diversity of possible practices, which could be described in a variety of ways. Relationships used to allocate and categorize resources were not systemic on either side of the colonial encounter, and intense competition over human and natural resources pushed definitions into active engagement.

Historians have used a variety of paradigms to describe the changes in indigenous societies in the post-conquest period, from destructuration and displacement to accommodation, transculturation, and hybridity.<sup>3</sup> The fixation on naming the ways that indigenous and Spanish practices interacted emerges from the emphasis modern historians place upon agency, or the ability of colonized subjects to shape and transform practices. Generations of historians have searched for evidence of the extent to which individuals and communities governed themselves, rebelled against colonial rule, or borrowed from it as consumers. These terms have their applications, but they miss the heterogeneity of practices on all sides during the process within which they interacted and became entangled. Rather than name an outcome, entanglement suggests ongoing confrontations,

shifts, and revisions: a state of mutual learning and pushback which does not dissolve into a final product.

In this essay, I use the metaphor of entanglement to examine the interactions of practices around land use and tenure in the Lima valley between 1535 and 1635. While the entanglement of property regimes was a feature throughout the period, I note three key shifts. In the early decades, Andeans and Spaniards enthusiastically experimented with property forms, easily seen in documents such as wills left by indigenous elites. By the 1570s, however, viceregal authorities required the physical and political reorganization of indigenous towns, forcing them to define certain individual and collective property through measurement and titling. As part of this process, Spanish authorities seized and sold off indigenous property they considered underused, adding fuel to an increasingly competitive real estate market. These acts narrowed the variety of holdings but left significant spaces for experiment and particularity, though these are often occluded by the archive, which emphasizes titled property. By the turn of the seventeenth century, private and collective holdings were normative, but even then alternative characterizations of property can be detected, entangling legal definitions and local practice in unexpected ways.

Entanglement has the advantage of laying out the ways that heterogeneous local Spanish and indigenous practices interacted and could be mutually attractive, without assuming that any particular set of practices ‘won out.’ It recognizes that Spanish and indigenous practices were multiple rather than unified, and that they overlapped in important ways. Its power emerges from the fact that Spanish governance recognized heterogeneity, and even acted to protect a subset of indigenous practices at the same time that it imposed its own rules of the game. Thus property rights both remained and changed, from the perspective of both Spanish settlers and indigenous communities.

I take as case study the Rimac River valley, a region first settled by Spaniards with the foundation of the city of Lima in 1535, which would become rapidly dominated by Spanish peoples and practices (see [Figure 2](#)). In the century after that settlement, though, it was the site of enormous heterogeneity and creative improvisation. There are very few documents recording these processes clearly. In particular we lack records from indigenous perspectives indicating how they understood their own property tenure systems and those they were now encountering.<sup>4</sup> In lieu of direct evidence, I use Spanish records of property transfers, most often wills and litigation, from the first century of Spanish occupation as a window into this heterogeneity. These can be problematic, as they use a precise Spanish legal vocabulary to articulate relationships that might not be perfect correlates. But with critical reading, such documents can act as a palimpsest, indicating the layers of allocation, naming, and claiming of lands that accrued over time. They demonstrate that individuals and collectives were quite aware of the variety of definitions that existed and often used them strategically. Occasionally, as well, these records indicate the process through which indigenous individuals became aware of new types of arrangements, and began to acclimate to them. As in the case of the Nahua elites in Oztotitpac, indigenous communities in the Lima valley actively entangled their relationships to land with those of their European occupiers as a strategy to maintain their power, clarify their local relationships, and extend their enterprises into what were becoming Spanish spheres.



**Figure 2.** The Rimac River Valley in the 16th century. Map courtesy of Matthew Sisk, Center for Digital Scholarship, University of Notre Dame.

Crown policy in the sixteenth century radically altered the use and tenure of lands in the Rimac Valley. Within a generation of the foundation of Lima, policies of resettlement moved indigenous peoples from their homes and fields, introduced residential property and designated lands for community cultivation. By the end of the sixteenth century, processes of titling accompanied expropriation of excess lands, and Spaniards (and particularly the Church) were on the verge of owning or renting the vast majority of agricultural properties (Charney 2001, ch. 5). These acts eventually homogenized property relations in the Rimac valley, producing nearly hegemonic categories of private, royal, and collective property by the middle of the seventeenth century. But the process of reaching that hegemony was long and experimental, and demonstrates how Spaniards and Andeans came to understand one another. Tracing these entanglements provides a concrete guide to the back-and-forth of colonization in the first century of Spanish rule.

### Heterogeneous systems of land use and tenure in Spain and the Andes

As Spanish explorers and soldiers claimed political control over some American territories, the Crown asserted dominion over land and the sole right to grant property to Spanish conquistadores.<sup>5</sup> Indigenous communities were understood, however, to retain dominion over their own lands, those used for the production of food to sustain them and their conquerors. As the jurist Francisco de Vitoria argued in 1532, ‘the barbarians undoubtedly possessed as true dominion, both public and private, as any Christians.

That is to say, they could not be robbed of their property, either as private citizens or as princes, on the grounds that they were not true masters [ueri domini].<sup>6</sup> But the recognition of Indians as having dominion over particular lands did not end Spanish claims. As was the case in most of medieval Europe, the monarch claimed the right of eminent domain over all the property of his or her kingdom, taking any lands declared unused or underused, and redistributing them or leaving them as *tierras baldías* (available for public use) (Vassberg 1984, 7–10). Indians could also be relocated, through the policy of *reducción* or *congregación*, which was intended to civilize them by concentrating their settlements into gridded towns. The viceroy Francisco de Toledo commenced a push to reorganize all of Peru's dispersed indigenous peoples into reducciones in the 1570s, freeing up much of their now-distant agricultural lands. The process of expropriation was advanced in the 1590s, when the first wave of *composiciones* or official acts of titling parcels (subject to proof of ownership) left much land designated 'excess' and appropriated by the Crown. As Herzog (2013, 309) has argued, titling rendered indigenous rights also Spanish rights, as possession had to be enshrined in colonial proof and not just indigenous memory. The legalization of indigenous rights ultimately transformed both practices and rights, but also recognized that difference was a defining characteristic of the indigenous community.

While the law generated a kind of bilingualism, neither European nor Andean custom or practice was homogeneous, static or systematic. As Vassberg (1984) notes, 'private property' does not readily describe the Spanish attitude towards land in the sixteenth century. Nor did Andeans necessarily find private, alienable property strange, although historians have often supposed they did because communities tended to work at least some land collectively.<sup>7</sup> Spaniards and Andeans were both accustomed to living within a variety of forms of use and tenure, which eased their experimentation with one another's ways.

In the Andes, the variation in land use and tenure was complicated by geography and environment. The region, unified loosely first by Inka and then more securely by Spanish imperial claims, stretches thousands of kilometres and across twenty of the world's thirty-four major life zones. It encompasses arid coastal deserts, irregularly watered by rivers fed by snowcapped cordilleras and bordered by the Pacific ocean; fertile intermontane valleys; the puna and altiplano, high-altitude plateaus suitable for camelid herds or freeze-drying foodstuffs; tropical rainforests to the east; and southern great plains (D'Altroy 2000). Pre-Hispanic Andean societies developed a variety of strategies to deal with this diversity. At the most local level, peoples were organized into kin-based units or ayllus (in Quechua, called *parcialidades* by Spanish observers), corporate groups based upon patrilineal descent from an ancestor (Salomon 2004, 57). These units were often grouped in ranked pairs or moieties, and placed within larger polities with interdependent levels of leadership (called in Quechua *kurakas* or by the Spanish, *caciques*). In the highlands, polities took advantage of climatic diversity by placing ayllu members across resource archipelagos, distributing products among the group and its various levels of leadership. This allowed ayllus to claim the products of multiple kinds of lands without necessarily claiming the land itself, and instead of markets or trade they distributed their goods using a language of reciprocity. The Inka ethnic group, which dominated its Cusco neighbors by 1300 and by 1500 claimed an empire that spanned as far north as modern Colombia and as far south as Chile, emerged from the highland redistributive model, and utilized

the language of reciprocity to mark its relationship with the kurakas of polities they conquered. On the coast, parcialidades also formed moieties but did not disperse their members, instead living in more centralized polities and taking advantage of specialized artisans and trade for their needs. These also had parallel and nested forms of political leadership, organized under paramount lords who were eventually forced into tributary relationships with the Inka.<sup>8</sup>

Incorporation into the Inka empire did not greatly change local forms of organization, although the Inka often resettled members of trusted ayllus among those of rebellious ones, as a way to manage insurgency. Because of these environmental and political factors, there was no one model of land tenancy or use that characterized all of what came to be called Peru after 1532. Depending upon location and history, land (and in a parallel sense animal herds, resources like water, and even artisan goods) could be managed individually or collectively, and the product could be designated for personal use, distributed to community members, or passed on in local or distant tribute or trade.<sup>9</sup>

Land tenure in the pre-Hispanic Andes is not clearly understood. In the central highlands, ethnohistorians have largely concluded that land and resources were not permanently owned or alienable, but were considered *sapci* or resources common to all (Puente Luna 2015). Sapci lands were worked for many functions—to pay tribute owed to the Inka and sun cult; to support local authorities and ancestral rituals; for the sustenance of the kin group or family; and to support the incapacitated. These lands might not be fixed but could be rotated and reassigned depending upon fertility and need: scholars assert that fixed territorial ownership was not central to highland political culture, particularly given the abundance of land relative to population.<sup>10</sup> Inka elites, however, seem to have made more permanent claims on territory. They placed large farms near provincial centers, sometimes clearing residents from the lands and requiring permanent colonists as well as local corvée labor to cultivate them (Wachtel 1982). And the Inka developed a system of royal estates in the Cusco heartland during the imperial period, each permanently associated with a past Inka ruler and worked by provincial subjects. Living members of the royal descent groups were maintained by these estates, which also provided sustenance for religious and political ceremonies associated with the Inka (Niles 1987, 13–15). While sapci governed the use of much land and labor, even into the present, it was not the only form of tenure or use that highland Andeans knew.

In the coastal variant, however, pre-Hispanic paramount lords and kurakas owned all the land on which their polities sat, according to an argument repeated in numerous early colonial censuses as well as litigation (Rostworowski 1989, 33–35; Charney 2001, ch. 5). The declaration of ownership may well be a colonial reinvention of the cacique's general control over land allocation, but coastal documents (albeit composed and conditioned by Spanish interlocutors) insist on placing caciques in the position of owners with the ability to rent and even sell, in contrast to the highland allocation model. The cacique of Collique (central coast) declared to an inspector in 1568 that the lands he governed were his own, 'este testigo da a los dichos yndios de sus mismas tierras en que siembran lo que ellos quieren ...' (AGI Justicia 482, f. 6708r). An inspector in north-coastal Piura called the arrangement between cacique and subjects 'por manera de arrendamientos' (Spain, Ministerio de Fomenta 1885, 240), although perhaps the ambivalent language indicates that the inspector did not see 'rental' as a perfect correlate. A Spanish bureaucrat in 1605, titling and distributing the lands in the Chincha valley, called it usufruct: 'los

yndios comunes antiguamente no tenían propiedad de tierras sino el uso de las que sus caciques necesariamente les señalaban para cultivar y bibir' (BNP, B-1289). In Carabayllo (in the Rimac Valley), the cacique assigned lands to the able-bodied in exchange for a payment to him, but he also provided assistance to the elderly out of his share (AGI Justicia 482). The original 'donation' of Rimac valley lands to Pizarro for the Spanish foundation of Lima may well have been intended as a rental in exchange for tribute. In these cases, in contrast to the highlands, caciques often described themselves as the owners of agricultural land, and characterized their subjects as renters or long-term users.

The Spanish conquest challenged and redefined land ownership as a central imperial strategy. The administrators who wrote Crown policy differentiated between Inka and local rule, calling the former tyrannical but terming the latter natural lords. Lands associated with the Inka and with the sun cult could thus be expropriated by the Crown and the Catholic Church. Lands associated with ayllus and their caciques were subject to their own dominium and customary law. That law, in keeping with a theological and political narrative about native peoples who lived in a property-less 'state of nature,' was largely presumed to mean collective possession and use.<sup>11</sup> This policy of expropriation was supported by a series of histories of the Inkas written by Spanish officials and jurists in the middle of the sixteenth century, arguing that land was not held privately, but worked collectively with its product assigned to a simplified trio of functions: tribute for the Inca, tribute for Inca religious institutions, and a fund for the use of the community and its elites. Spanish officials crafted pre-Hispanic forms of possession as a means to dispossess them, leaving the actual forms of possession difficult to deduce.<sup>12</sup>

The Jesuit José de Acosta (2002, 396) noted, for example, that the Incas did not seize the land of places they conquered, but instead required tribute from it; neither did Indians 'own anything privately.' Polo de Ondegardo, a lawyer and government official who spent significant time with indigenous elites in Cuzco, stated,

yo me hallado presente a la diuisión [de tierras de la comunidad] en muchas [...] y en este quinto presupuesto pude entrar por regla general ynfalible que nynguno poseyó por merced del ynga, la qual es como está dicho; tampoco diuidian los herederos ny podian disponer della en nynguna manera; en lo qual es menester advertir para entendimiento de muchas dudas que se ofreçen en estos naturales de pleyto, e primero es que se entienda bien que esto congegil se dividia e divide entre todos, conforme a la gente que cada uno tiene para sembrar y para comer; de manera que sy tienen más de una muger, danle más tierra y conforme a la cantidad de los hijos ... (Ondegardo 1916, 70)

Spanish chroniclers and authorities commented upon this distinction between communal and individual property not so much because they found it unusual as because it had repercussions for their ability to expropriate, purchase or otherwise use the lands.<sup>13</sup> Investigators also expressed concerns that caciques—often decried as petty tyrants by sixteenth-century critics—were selling off community lands as their private property.<sup>14</sup> Inspectors of indigenous communities, seeking to assess tribute, explicitly asked about tenure. One inspector of highland Chucuito in 1567 inquired directly whether 'tiene cada uno tierras señaladas por suyas o si todas las tierras son de común y se reparten en cada un año entre los indios por sus caciques o qué orden es lo que en esto se tiene.' The response of the cacique don Martín Cusi was that

los indios tienen sus tierras y chacaras señaladas y que él tiene cargo cada año de visitarlas para que ninguno entre en la tierra del otro y que cuando acaese morir algún indio que no deja hijos y deja muger da éste que declara parte de las tierras a su mujer y las demás reparte entre los indios del ayllu donde era el indio que falleció entre los que los han menester y si el dicho difunto no deja heredero se reparten todas las tierras entre su ayllu. (Díez de San Miguel 1964, 35)

Don Martín's answer failed to make the explicit tenure distinction that the inspector wanted: whether land was 'owned' or alienable apart from kin-group inheritance. But he indicated that land tenancy could be permanent and was certainly hereditary by kin group, especially spouses and children, with caciques acting to police borders.

Clearly agricultural land tenure and use drew upon a fairly flexible vocabulary of use and proprietorship in the prehispanic Andes. Ethnohistorians, like sixteenth-century jurists, have emphasized the importance of collective ownership (*sapci*) but it is also clear that other forms of rights to property coexisted with it, including rental, permanent designation, and inheritance.

Spaniards, too, arrived in the New World with multiple concepts of property use and ownership. As Vassberg (1984, 5) has argued, individual acts regarding private property ownership were far more likely to be documented than those for communal or collective ownership, leading historians to pay excessive attention to the private. But communitarian practices were more common in early modern Castile (as in much of Europe), where monarchs theoretically had eminent domain over most of the property in their kingdoms, emanating from the prior conquest of Muslim lands. Christian rulers allowed frontier settlers in many regions the ambiguous right of *presura* or occupation of vacant lands through use; in more densely populated conquest areas, the Crown effected redistributions of lots through *repartimiento*, giving large properties to privileged elites and institutions alongside the smaller holdings (*minifundios*) of peasants. But much access to land took place through municipalities, which held common property for free use, as well as private property for its own purposes, including rental. The status of *vecino* often provided access to commons such as *ejidos* for pasturage and sometimes to periodically allotted parcels of arable land, issued for a fixed term or even for life. The Castilian *sorteo* or allotment was ritually carried out by the town council, which met in public session to divide the municipal land into parcels, and then had a child approach a jar to pick a slip of paper for each participating *vecino* (Vassberg 1984, 47–48).

Castile had both a long tradition of community property and a long history of contestation over its privatization. There were a variety of laws (at both the level of the town and of the Crown) regarding the use of community property, which often contradicted one another. The tendency of peasants to use the same community lands over time, often investing in its improvement, led many to believe that their occupation was permanent. And the nobility likewise had incentives to enlarge their own estates by encroaching on public property (Vassberg 1984, 64–76). These dynamics would repeat in the New World. Thus, while a Spanish heritage indicated a level of comfort with limited real estate markets, it also suggested a familiarity with a variety of types of collective and common property.

In the New World, the monarch kept closer control over lands than had been done during the conquest from the Muslims, mainly to keep conquistadors from becoming a powerful landed aristocracy. For this reason *encomienda* was the favored reward for

conquest, as it assigned labor but not land to the conquistador (though it put the *encomendero* into an excellent position to take or purchase land from the community assigned to him or her). Land grants or *mercedes* were also made to individuals and corporate entities, such as religious orders. When cities were founded, their *cabildos* usually received the right to distribute *solares* or plots for building homes to vecinos, as well as control over municipal ejidos and other common spaces. Unassigned land could be used as needed, a process that turned much indigenous brushland into fenced Spanish estates (Ramírez 1996, 61–66).

The land assigned to *pueblos de indios* was presumed to remain under their control. But there was enormous Spanish pressure to expropriate land from indigenous owners and users, and the Crown found ways to undermine its own position, instituting compositions or processes of titling property which often led to the sale of anything designated vacant. Thus not only did all of these definitions of land co-exist, both in indigenous and Spanish communities, but they also interacted. The history of land use and tenure in the first century after conquest is best understood as a tangle of practices and beliefs, some of which were outright misunderstandings (or swindles) but many of which were literally systems invented or combined on the spot. These transformations gave way to more hegemonic definitions, but the sixteenth century sheds light on this process of invention and negotiation.

### Early entanglements: changing land practices in the first generations after conquest

The land conflicts that came to characterize Spanish settlement came quickly and dramatically to the Rimac River valley after Lima's establishment. Lima was not simply a rapidly expanding urban center, but was designated in 1542 a *cabecera* or head city with the region's central market and royal tribunal, exerting added pressure on its hinterlands.<sup>15</sup> The site's original indigenous inhabitants were moved to the reducciones of Chuntay and then Magdalena, and the valley's nineteen or so communities were placed in *encomienda*, becoming the *pueblos* of Surco, Late, Carabayllo, Lurigancho and Pachacamac. The valley's *pueblos* provided tribute to their *encomenderos* as well as agricultural products, *mita* and wage labor, maintenance of the area's water system, and other benefits for the city's residents, but they also suffered severe demographic losses from epidemic disease, the warfare of the 1540s, and migration. Communities were often hard-pressed to produce enough food and labor to serve the city's needs.<sup>16</sup>

The Crown and Lima's municipal *cabildo* both expressed great if conflicting concerns about indigenous agricultural lands in the valley. Spanish urban residents, most of whom had not received *encomiendas* or other grants of income, sought lands on which to set up agriculture and pasturage enterprises. Lima's *cabildo* in particular supported Spanish attempts to gain land as a means of placating its unhappy membership as well as guaranteeing the city access to food as it expanded.<sup>17</sup> Viceroy's worried that indigenous communities would be defrauded and stripped of their ability to pay tribute. Despite concerns (and protections finally put into place in 1592) much of the valley's land ended up in Spanish hands in the seventeenth century.<sup>18</sup>

But the transfer of lands began with the city's founding in 1535 and for at least a century involved a messy, contested, and heterogeneous set of relationships around use and tenure.

An excellent early case study comes from the 1562 will of the cacique of Lima, don Gonzalo Taulichusco (Lohmann Villena 1984). Don Gonzalo was a son of Taulichusco, the ruler of Lima at the time of Pizarro's arrival. In 1535 Taulichusco had transferred certain lands to Pizarro, but subsequently either regretted his offer or felt that the transaction, perhaps intended as a rental, had been misunderstood. In the 1550s, don Gonzalo, now himself cacique, went to court to request mercedes in acknowledgement of his and subjects' acts on behalf of the Crown, and as compensation for the loss of extensive lands to the city (Rostworowski 1983). Taulichusco's subjects had been dislodged to a series of reducciones, ending with their placement in Magdalena, outside the city, alongside another indigenous *cacicazgo*.

According to many witnesses presented by his lawyers, Taulichusco, *qua* kuraka, had owned much, if not all, of the lands in the Lima valley.<sup>19</sup> Don Gonzalo had entered into various partnerships with Spaniards, often utilizing those lands. His will, mediated through a Quechua translator, reveals a diverse framework for understanding land ownership as well as use, and demonstrates either some confusions between himself and his partners, or possibly certain strategic redefinitions.

Don Gonzalo identified personal lands, 'inherited from his father Taulichusco,' which he had used in partnerships with at least three Spanish men. In two cases, he contracted with the Spaniards to grow wheat, providing the land and the labor of his subjects. The will does not clarify the Spaniards' contributions (as wheat was a new crop to the region, they may have provided seed, expertise, and marketing) but asks that, once harvested, they be 'paid for their labor, whatever might be merited.' The rest of the crop and land went, in one case, to don Gonzalo's subjects, 'to pay their tributes, as they have labored in it,' and in the other, to pay for fashioning an image of the virgin for the community's church in Magdalena. A third partnership involved building a house on the other side of the Rimac river, on the outskirts of Lima. Don Gonzalo declared that his half of the company was vested in the building, which he left 'para todos los yndios a él sujetos pa que puedan pagar sus tributos de tal manera que se convierta todo ello en su prouecho' (Lohmann Villena 1984, 271–72).

These three arrangements reflect an eclectic approach to property. Don Gonzalo insisted that the lands were his, inherited from his late father, and that his subjects labored on them for him, consistent with what we have seen of pre-Hispanic coastal practices. But he entered into partnership with Spaniards, who brought new technologies and new trade practices. The partnerships, either by his design or theirs, did not give the Spaniards permanent access to the lands. At the end of his life, don Gonzalo seemed to worry that the Spaniards might claim ownership over the properties or that they might otherwise be seized: his territorial control had already been threatened by the expansion of Spanish Lima. In a defensive act, he turned the property directly over to the community as an endowment to meet their new tributary debts. If *sapci* was not already a feature of resource use in the Rimac valley, don Gonzalo was now creating it and articulating it through a Spanish legal instrument.

Don Gonzalo also turned other seemingly private effects into *sapci*. His herds of cattle, horses, and pigs—all new arrivals to the Andes and presumably obtained by him personally—were collectivized as community property. His three African slaves were to be auctioned and the proceeds invested for the community's benefit. But he distributed some items permanently to individuals: a mare to his personal servant; a piece of land that

the Crown had issued to him as a merced was left to his wife doña Juana Gualla; lands his late brother had left in his care for his niece were to be turned over directly to her.

Don Gonzalo had also been busy selling off lands to Spaniards, and in the will he laid out a series of confusions, cheats, and errors. In one clause he noted that he had no rights to the lands he had sold to the Contador Mayor, but they belonged half to don Pedro, cacique of an ayllu subordinate to him, and half to don Pedro's Indians. He also noted that the Contador had paid a price far below market value, which he characterized as an *engaño* or swindle. Don Gonzalo requested that his executors return the price to the Contador, and half of the lands to don Pedro. The other half he designated for the cacique's office, 'para la persona que subcediere in el cacicazgo y sea para sus descendientes e que no la puedan vender ni enagenar en tiempo alguno.' He had rented another piece of land to a Spaniard, but the will clarified that 'he could not give it, because it belongs to the Indians.' At least four more lots belonging to his Indians had been sold to Spaniards; in these cases, rather than invalidate the sales, he asked his executors to distribute the compensation he had received among his subjects (Lohmann Villena 1984, 272).

These deathbed confessions can be read in a number of ways. They could refer to mistaken transactions between the cacique and the Spaniards, wherein he believed he was selling use rights but legally contracted to alienate the land to the other party. But they likely refer to a shift in the cacique's thinking. Before the conquest and its land rush, he controlled extensive lands, distributing them to his subjects and certain foreigners for their use in exchange for rents. With the emergence of a very predatory real estate market in the Rimac valley, don Gonzalo came to understand his ownership as enabling alienation as well as distribution. He engaged in a series of experimental acts, including partnerships, rentals, and sales, which played into the rush for land and threatened his subjects' long-term viability. By the time of his will, he recognized the imminent danger to his subjects and the increasing weakness of any cacique to protect them. Thus rather than leave cacicazgo lands to his successor, he collectivized much of the property, at least temporarily, as a *sapci fund*. The fund would be overseen by a Franciscan friar and the cacique of Surco, with the option of liquidating it all and distributing cash to don Gonzalo's subjects rather than holding the land in common. Ironically, Spanish administrators were actively attempting to protect community lands from such depredations, as the colonial recognition of *pueblos de indios* rendered their communal holdings inalienable.

Don Gonzalo's will, then, presents multiple kinds of land tenures and uses: some are personal, to be utilized as the testator pleases; others belong to the office of cacique and cannot be sold; others still belong to his subjects, for their benefit (which might include sales in order to meet economic needs). He also spoke of land that he and his siblings had inherited, separately, from their father and land he was leaving to his wife, demonstrating how rapidly the large elite estates were being parcelized and individuated (Lohmann Villena 1984, 273). While don Gonzalo may have suffered from a temporary case of double mistaken identity, in the long run he was actively assessing his and his community's options from an enlarged framework of possibilities. His experimentations, and particularly the move to collectivize what he had previously considered his own, were strategies to deal with his new reality rather than articulate tradition.

## Reducciones and the formalization of urban property

In the wake of the land grabs, demographic collapse and general chaos of mid-century, the Crown stepped in with new policies. Reducciones or concentrated settlements were carried out mid-century, forcing ayllus to move into designated spaces as pueblos de indios. They would live in centralized locations, and, as republics, elect new political leaders to challenge the power of caciques. In the highlands, where ayllu members could be dispersed over huge distances, this policy generated conflict and refusal. On the coasts, already more consolidated and with falling populations, ayllus were combined, requiring the navigation of hierarchies and relationships. In the 1570s, all of the coastal polities were resettled into five pueblos de indios.

The relocation of indigenous polities and their reformulation as pueblos de indios introduced urbanization, previously absent from much of the Andean world. Reducción policy required that communities concentrate their residences around public and ritual spaces. The distribution of residential lots or solares was directly linked with the establishment of government in Peru; the act of foundation of Lima in 1535 was partially performed by Pizarro's mapping of the *traza* and his division of solares among the men he installed as its ruling class (Concejo Provincial de Lima 1935, 1:14). These acts of foundation of the city joined three powerful issues: the naming of the vecinos (those eligible to serve on the cabildo), the division of the physical space into a grid centered on a ceremonial plaza, and the mapping of vecinos and functions onto that gridded space.

Scholars have noted that Hispanic city planning was largely played out in the New World rather than the Old (Escobar 2013; Kagan 2013), and while planners drew upon Spanish theories of how urbanization was tied to *policía* or civilized order, they also appropriated, accommodated and engaged local issues of power and indigenous visual vocabularies (Fraser 1990; Webster 2011; Morgado 2007). Spanish colonial cities articulated social order through the arrangement of sites around the plaza: the church, governmental offices, the imposing homes of the city's leaders. The placing of the rest of the recognized citizenry into solares containing populated houses visually communicated their role in the life of the city, and shaped their behavior going forward (Jackson 1985).

Around 1570, the valleys' indigenous populations were relocated. As noted, smaller units were also combined: the pueblo of Surco included four previously independent ayllus; the pueblo of Late combined the cacicazgos of Late and Guancho Guaylas. New political structures evolved from these combined entities, and they were physically instantiated in the architecture of the new setting. In line with official dicta, a church and official buildings would be placed around a public plaza, and solares would be identified such that all families could build homes in close proximity. This mapping, too, would have social and political repercussions.

As Fraser (1990, 78–79) notes, the conceptual model that settlers intended to impose upon indigenous communities drew upon the Spanish urban model, at least in its barest bones of the plaza, church, and cabildo offices.<sup>20</sup> One of the few extant instructions for organizing pueblos de indios contained the prescription that 'habeis de repartir los solares del lugar para hacer las casas y estos han de ser repartidos según las calidades de las personas y sean de comienzo dados por orden' (Castillero Calvo 1972, 60). But in the Rimac valley, the distribution of solares fell to indigenous officials, who did not necessarily embrace Spanish spatial logic. There are no descriptions of these foundations,

but later litigation and wills reveal aspects of that process, demonstrating that local concerns drove allocation, even if they were articulated through rules legible to Spanish courts.

In 1603, Domingo Yucana and Ynes Nacay, both residents of Surco, went to court over a solar and some houses in the town center (AGN DI legajo 4 cuad. 47). Both claimed to have inherited the same lot from a common relative who died with no direct heirs. Yucana's lawyer and Nacay's husband (acting as her attorney) brought in a number of elderly men to give testimony in the case, often via interpreters. They all told a similar story: under Viceroy Toledo, the people subject to the cacique of Surco had been reduced, its four or five ayllu centralized in what became the pueblo of Santiago de Surco. Don Diego Taule, governor of Surco at that time, distributed lots to each ayllu, 'para que ficiesen casas en el d[ic]ho pueblo,' such that members of each ayllu lived together under their particular cacique. The testimony revealed that while both Yucana and Nacay were originally of the same ayllu, Nacay married outside it. Yucana argued that Nacay was attempting, by taking the solar, to shift her labor and tribute obligations back to her original cacique, denying them to her husband's authorities: 'no quiere acudir a su cassique con la tassa ni otros serbisios' (4v).

Royal officials—both the *corregidor* and the Real Audiencia on appeal—accepted the original form of property distribution as foundational, and confirmed Yucana's position that the organization of sites by ayllu trumped any claims of heritability. This ruling is important for a number of reasons. First, while the organization of physical space in Surco was linked to Toledo's *reducción* program and thus to the Spanish concepts of solar and casa, those meanings were entangled with a decision to distribute the property according to an indigenous logic. Spanish law in this case respected local governance and customary law, leaving local officials to decide how to carry out the order of *reducción*. Second, the rulings of 1603 do not take that past allocation solely as a point of origin, after which Spanish notions of direct inheritance would be applied (as Ynes Nacay argued) but as a living jurisdiction, through which indigenous leaders would continue to apply their own logic. Spanish officials ultimately ruled that they deferred their judgment to that of the compound polity. In this way, the property regime itself was complex: the solares and casas of the pueblo of Surco were not fully alienable private property nor fully community property.

The litigation of 1603 was not a unique case. While there is no further direct testimony about the practice of limited inheritance rights, wills written by Surco residents in this period give some support to this thesis. In 1596, Costança Ticlla (AGN TI leg. 1) wrote a will noting that she had inherited her houses from her first husband, and left them to her grandson, but she also carefully noted her ayllu to the notary, perhaps out of concern that the grandson's rights might be challenged. Surco residents were unique in the Lima valley in naming their ayllu in their wills in this period.<sup>21</sup>

By the middle of the seventeenth century, though, houses built on these solares were treated as purely heritable goods, with title retained even when the owners were apparently permanently absent. In 1632 María Sacha Chumbi, a native of Surco by birth, testated from her new home in the Cercado of Lima (AGN TI leg. 1). With her second husband, she rented lands in the nearby valley of Pachacamac from a Spanish *hacendado*. She maintained agricultural lands and a house in Surco, all of which she bequeathed to her small daughter, who was also resident in the Cercado. While Sacha Chumbi died as a resident of Lima, her heir continued to have a connection to Surco's own center.

Thus the creation of urban centers in these rural pueblos was an act that could be seen through multiple cultural understandings of property. While *reducciones* were a function of viceregal demands, they were carried out by indigenous officials, according to their own internally intelligible rules. Over time, because of internal factors like intermarriage and migration, as well as external pressures on land, locals came to reconceptualize those practices. Seventeenth-century documentation tends to fuse those multiple meanings into the singular notion of urban land and house as alienable commodities, but beneath that market notion, more local meanings of space and community continued to have force, at least for a while.

### Shifting descriptions of agricultural spaces in the late sixteenth century

The creation of *reducciones* prompted a revisiting of territorial needs, and in 1591 royal authorities conducted *composiciones de tierras* or inspections for the sake of land titling, as a way to remove what they considered excess lands from shrinking indigenous communities (Spalding 1984, 181–83). The pueblos of the Rimac River valley were a keen target for this removal because they had precipitously falling populations and Lima's Spanish residents were desperate to acquire cultivable farms and estates (Cushner 1980, ch. 2; Charney 2001, ch. 2). This period, the end of the generation who experienced conquest, marked the acceptance of commodified property and wage labor in many settings. Yet even then, collective spaces continued to exist, wherein pueblos de indios made decisions about their use and allocation of land and resources.

Land titling offered a (paid) formalization of what was already in practice: Costança Ticlla of Surco noted in her 1596 will (AGN TI 1) that the lands she inherited from her father were 'confirmed for me by the *visitador de tierras*' and thus could be left to a friend without question. But the process also redefined large swathes of rural land as private property with standardized boundaries and clear ownership, some allocated to indigenous occupants and others to Spanish claimants. As Tamar Herzog (2013, 304) has argued, 'respect for native rights, paradoxically, brought about a major reorganization.' A *composición de tierras* was intrinsically the creation of new property boundaries that had to be managed and defended within the community, sometimes by the very elites who were being expropriated.

The act of titling could demonstrate provenance and legal ownership, even as it occluded the reason for holding land and obscured other forms of land tenure and use. Language of provenance and titling became central in seventeenth-century indigenous wills, a legal form making legible formerly customary practices. Wills reified lands passed from parent to child, titled in *composición*, and acquired more ambiguously; all of these were generally treated as personal property by the testator and disposed of to other individuals or institutions. This heterogeneity reflects the tensions of the late sixteenth century: indigenous residents utilized new names and legal forms to protect both lands that they felt they held claim to on customary grounds as well as those acquired in order to make a living. Sometimes new names reconfirmed old forms, at other times they created new rights.

This transformation of land into property can be transparent in wills, as when Miguel Panay of Huaura in 1617 asserted of his wheat *chácara* in that valley that

la ube y herede de Martin Payco mi abuelo quien primero la ubo y poseyo baruechando y quitando los arboles y montes y cienegas que tenia la d[ic]ha chacara y ansi hasta agora la e tenido y poseydo quieta y pacificamente las dose fanegas y media sin contradicion de persona alguna lo mismo la tenga y poseya el d[ic]ho Pedro Payco mi hijo por que esta es mi boluntad. (AGN TI 1)<sup>22</sup>

Panay's statement referred to an earlier moment when unimproved lands were distributed, his grandfather's claim to their discrete ownership through the acts of clearing and planting, and their subsequent transfer to Panay through filial inheritance. Panay defended the failure to title the lands with the absence of contradiction and the peaceful occupation over time, both incumbent on a legal claim to ownership.

Panay's claim also causes us to consider that first moment of (re)distribution, when some authority encouraged his grandfather to rescue fertile land from swamp. The formal adjudications of *composiciones de tierras* of the 1590s were overseen by community leaders and representatives of the Crown, the latter collecting the requisite fees from those receiving title. Costança Ticlla (AGN TI 1) of Surco stated unequivocally that she had inherited lands from her father and subsequently purchased title from an inspector. What logic directed that distribution? In 1617 Magdalena Cue (AGN TI 1A) of Late tied it to tribute payments, explaining that her third husband, Juan Chilca, was given six *fanegadas* of land in that valley by the corregidor, 'because he was born in the said town of Lati [*sic*] and there paid tribute and served the mitas.'<sup>23</sup> Late sixteenth- and early seventeenth-century corregidores adjudicated and processed these titles, although decisions about what land was available and to whom in particular it would be distributed would be in the hands of the more knowledgeable local indigenous leaders. But Cue's will makes clear that the tribute registries served as at least one source of legitimacy for titling, and that the so-titled lands turned into heritable properties, as she disposed of her husband's and brother's lands by leaving them to her son by her first marriage.

This parcelization, coupled with the equal partible inheritance structures inherent in Spanish law (and thus enforced to some degree by Spanish-trained notaries), created fragmentation.<sup>24</sup> In the above case, Magdalena Cue left two non-contiguous rural plots to her son Sebastian Chuncalla. Alonso Masachumbi, also of Late, in 1603 owned three small non-contiguous pieces of land, some of which he had rented out on occasion. He left all to his pregnant wife Juana Achin, who likely found herself having to rent or sell some of it to maintain herself as a widow (AGN TI 1A). If preconquest land tenure used flexibility to deal with shifting family needs, the postconquest turn towards titling meant that individuals might end up with too little or too poor or too dispersed land. These were recipe for a Spanish land invasion, as underused land could easily be rented or sold.

As coastal communities experienced the economic and demographic crises of the sixteenth and early seventeenth centuries, many rented or sold excess or vacant land to eager Spanish entrepreneurs. This process was accelerated by two forms of immigration which pushed people farther from the lands they owned or were assigned: the creation of *reducciones* in the 1570s forcibly moved indigenous communities, dislocating their relationship to land; and individuals voluntarily migrated to Lima, severing or transforming their claims on natal lands. These processes left lands untended or delegated, and potentially available for other purposes. Magdalena, the *reducción* to which Lima's original inhabitants were relocated, became a checkerboard of indigenous and Spanish landholders.

When doña María Llatan, wife of Magdalena's cacique, testated in 1631, she noted that she had rented her own lands to Spaniards, and these were surrounded by lands now owned by three more Spaniards (AGN PN 1854, ff. 334–37). While valley communities continued to depend upon agriculture, they were increasingly surrounded by Spanish-owned haciendas, which bought or rented land and hired wage laborers.

Indeed, the Spanish office of *corregidor de los naturales*, instituted in 1565, had as its central obligation the oversight of rental contracts between Spaniards and indigenous residents and communities of the Lima valley. In short, it managed the liminal spaces of jurisdiction, serving as juridical authority when members of the Spanish commonwealth desired to utilize property under the authority of the indigenous *pueblo de indios*. While the archives of that office are mostly lost or dispersed, a run of its notarial documents from 1612–1613 indicates that it overwhelmingly adjudicated contracts between Spanish and indigenous parties (81 of 107 contracts) and nearly half of all contracts concerned land rentals (52 of 107).<sup>25</sup>

Indigenous parties often consented to these encroachments. Litigation over unjust distribution of land was commonplace. Don Bartolomé Guaman Chumbi, cacique of Guancho Guaylas, included a note in his will in 1577 directing his lawyer to continue his litigation with a Spaniard, noting 'it is well placed and just, I order that it be continued because the lands are mine' (AGN PN 33). But caciques, as the community leaders controlling the largest agricultural properties, also were the (voluntary or not) engines for the entrance of Spaniards into the community.<sup>26</sup> Don Juan Bartolo, a subsequent cacique of Guancho Guaylas, left a significant estate in his 1621 will (AGN TI 1). He left thirty fanegadas of land to the Catholic Church, to be rented to generate income for masses for his soul. Executors would sell seven more fanegadas to pay for further masses. His three illegitimate sons would each inherit a parcel of ten fanegadas. Thus the massive estate, inherited from his own parents and likely representing the patrimony of the office of cacique, was transformed into small private estates for his next generation, and a larger estate which the Church could either rent or sell off.

But community control was not ended by this phase of privatization. While it cannot generally be directly seen, it appears as an inherent threat to testators. Domingo Guaman, born in Huamanga, had acquired significant properties in the valley of Guancho, possibly through his marriage to Ynes Alli, with whom he lived in the Cercado of Lima (AGN TI 1). In 1617, when he testated, he rented out 24 fanegadas of land to the Spaniard Antonio Clavijo, who was amassing rented farmlands in the region. Guaman expressed anxiety in the document that some recently settled disagreement with Clavijo could result in the lands being 'taken away' from his wife. His concern seems to be that Clavijo might contest the rental, or that his wife's community might reappropriate them. In the latter case we might theorize that the lands had not been titled to Ynes Alli or to Domingo Guaman and could be absorbed by other individuals or the collective, particularly given that the couple lived apart from the community. These wills reveal how inchoate these tenure systems were in practice, even if the language used to describe them seems definitive.

Beyond private holdings and those attached to office, other forms of land tenure emerge in wills. Community property continued to exist even as residents turned to wage labor and non-agricultural production for subsistence and tribute payment. Costança Ticlla in 1596 noted that her home bordered Surco's communal pasture, suggesting that herds

too might have been held collectively (AGN TI 1). In a more unusual twist, Ysabel Chumbi Carua in 1628 noted that among her holdings in Santa Eulalia (Huarochiri) were many small groups of fruit trees that she owned in a variety of places: avocados, lúcumas, plums, membrilla. She noted not only the land that they were on, but used the particular tree as the unit of account in the will, in many cases a dozen or twenty trees within a larger orchard (AGN TI 1A). This may reflect continuity with earlier thinking about use over ownership, with the fruit trees a parallel to crops sown or structures built.

Thus the *pueblo de indios* might be linked to multiple kinds of agricultural property: those associated with tributary activity (for Crown and for *cacique*), those linked to offices, those owned by individuals, and those whose use was granted on a temporal basis but which could not necessarily be inherited or alienated. Property could also be reckoned spatially, by the harvest it could produce, or by the permanent crop planted. Spanish contact forced communities, their leaders, and individual residents to reimagine their relationships to these heterogeneous types of tenure and use, and often to express them in forms that made sense to Spanish courts. But in the everyday world, Indian *cabildos* and *caciques* managed these lands, whatever their definitions, and resolved local confrontations over land use, inheritance and resource management. Beneath the archival appearance of standardized descriptions of land tenure were a whole gamut of actual relationships to property, both in terms of tenure and use.

### Conclusion: entanglements on the landscape

When Howard Cline introduced the 1540 Oztoticpac lands map to the scholarly community in 1966 he described its contents as a ‘clash of cultures’ (1966, 77). The incommensurable cultures of Texcoco and Spain met on this field, in a bilingual representation of politics, history, and contemporary interests. But, as Cline noted and others since him have clearly laid out, the map is itself a hybrid of Spanish and Texcocan practices, as by 1539 indigenous elites were entering into partnerships with Spaniards, using the earth in ways that drew from both their local knowledge systems. Land practices were entangled as rapidly as Old World crops were transferred to the New. And land tenure systems, already multiple, accommodated new uses and legal forms.

Historians of colonial Peru have often assumed two positions, both contested here. First, they have largely asserted that Andeans did not have private property prior to the Spanish interventions of the 1530s, and that it was rapacious behavior (on the part of Spaniards but also, at times, Andean elites) that introduced private property against common holdings. Second, Andean historians have largely presented the narrative of colonial land tenure as a contest between these two kinds of holdings.<sup>27</sup> I have here argued for a more nuanced analysis by demonstrating that both Spaniards and Andeans came to colonization with heterogeneous understandings of property and use, and that the early colonial period was characterized by their active and creative entanglement.

Not all encounters between indigenous and European expectations ended well. When Spanish authorities had hegemony, indigenous systems were ignored or pushed aside. This was true, for example, in the center of Lima, home to all manner of Spanish authorities from the *cabildo* to the viceroy and archbishop. In 1574, Juan, an indigenous man originally from Casma, declared in his will that ‘Francisco Martín, a tanner, had given me a solar next to San Lázaro (church) for myself and my wife, and I possessed this solar as

my own, and built on it a house and corral for cattle, and afterwards, Francisco Martín sold it to an Indian for 150 pesos.’ He asked that his executor collect a hundred pesos of that price, leaving the other fifty to Francisco Martín as his fee (AGN PN 33 Esquivel, 1569–77). Juan clearly understood his occupation and improvement of the solar, by building a house and corral, to grant him ownership of the property. Francisco Martín not only disagreed, but was able to sell the property out from under him. These property definitions were not entangled, as they barely even came into contact.

But in so many other cases we can read the archival material for a more self-conscious and creative manipulation of the spectrum of relationships to land use and tenure in Spanish and indigenous experiences. The majority of these were not scams or double mistaken identity, but entangled meanings that could coexist, or shift, as actors placed themselves on the political landscape of the post-conquest world. While the Spanish move to dispossess indigenous claims on resources carried with it a convenient narrative about pre-Hispanic possession that pushed aside most descriptions of how resources were actually being managed and conceptualized, it did not erase them all. Considering multiplicity rather than homogeneity as a normal state restores some of these readings.

Unequal power, in the end, moved much of the agricultural land of the Lima valley to Spanish hands, leaving indigenous meanings to occupy the few autonomous spaces, such as those where indigenous authorities still held sway. It was not definitions of property that won out, but wealthier and more powerful men. In the space before Spanish power became hegemonic in the Lima valley, heterogeneous conceptualizations of land use and tenure continued to rule.

Entanglement thus provides a provocative lens for examining property relations, where multiple laws might intersect and have valence for different actors in different sites. Recent scholarship on entangled legal regimes that has shaped this project (for example, Benton 2002, and Benton and Ross 2013, Owensby 2008) should encourage historians to investigate how multiple meanings coexisted, even when records utilize single legal paradigms to characterize them. Labor allocation, for example, suggests itself as a productive site to explore in this register: the archival dominance of wage labor certainly masks an enormous variety of labor relations in the Andes, both within Andean polities and between Andean and Spanish actors. Expecting entanglement could invite new ways to explore social relations on the ground in fields often characterized by homogeneity or conflict.

## Notes

1. The map does not necessarily illustrate pre-Hispanic practices: the lower left quadrant represents a joint venture between don Carlos and a Spaniard to grow fruit trees and vines, which were planted on lands belonging to don Carlos as well as some commoner farmers. The map itself has been examined in Cline 1996 and in Jaffary, Osowski and Porter 2009, 95–99.
2. Recent legal history has embraced the concept of multiple regimes coexisting in creative and interactive ways. See Benton 2002; Benton and Ross 2013; Owensby 2008.
3. In the Andes, ‘destruction’ was introduced by Wachtel (1976, 58) to explain how Spanish domination made use of isolated Inca institutions, but in a decontextualized way that left them incoherent. The literature on accommodation, which argues that while the Spanish conquest relied heavily upon native labor and political systems, ultimately Spanish systems became hegemonic, might best be represented by the work of Stern (1992, 1993). The Mesoamerican works of Lockhart (1992) and his students likewise fit into that model, though they

- claim hegemony was slower. The hybridity paradigm is discussed critically in Dean and Leibsohn (2010). See Ortiz (1983) on the related concept of transculturation.
4. The Andes does not have the advantage of indigenous *cabildo* records (in native languages) that may occasionally be found for sixteenth-century Mexican *pueblos de indios*. See Graubart 2015, and for the Mexican sources, Yannakakis 2013, and Lockhart et al. 1986.
  5. This claim drew upon the Castilian tradition in the conquest and resettlement of Muslim territories in Iberia, wherein ‘all property won from the enemy was at the disposition of the king, who could grant it at his will’ (Vassberg 1984, 7).
  6. Translation from Pagden and Lawrence (1991, 251). See further Brian Owensby 2013, and Pagden 1995, esp. 46–52.
  7. The idea that property was largely held collectively is standard in many histories (e.g. Stern 1992, 23–24); for a more sophisticated but still dichotomous analysis, see Ramírez (1996, 16 and 44–47), where she differentiates between Andean understandings of property as ‘use’ and Spanish notions of private property. D’Altroy (2000) is an excellent if uncritical overview of natural environments, and land and resource use strategies in the Andes.
  8. Netherly 1990.
  9. The debates over resource use are laid out in Larson, Harris and Tandeter 1995. The classic ethnography of Andean resource archipelagos is Murra (1975), modified by Rostworowski’s ethnohistories of the coast (1983, 1989). See also Rowe 1946.
  10. In addition to the works cited above, see Pease 1986; Ramírez 1996, ch. 3.
  11. The debate over whether Indians lived in the state of nature and its political and legal consequences is described in Pagden 1982.
  12. I borrow this argument from David Kazanjian, who notes that ‘modes of possession prior to dispossession are often empirically opaque to us’ (2014, 273–74).
  13. The expropriation and privatization of community lands is the subject of much of the historiography of the early colonial period. See Stern 1992, esp. 161; Larson 1998, esp. 74–77. On the Peruvian coast, see Cushner 1980, Charney 2001.
  14. For example, the *visitador* Gregorio González de Cuenca in 1566, quoted in Rostworowski 1975, 141.
  15. Lima’s metamorphosis as *ciudad* and then *cabecera* is described in Osorio 2008, ch. 1.
  16. For the history of the valley in this period, see Rostworowski 1978, Charney 2001, Graubart 2016.
  17. Municipal *cabildos* considered managing urban food scarcity, quality control, and related issues one of their central mandates. See Mangan 2005, ch. 3.
  18. The statement that most of Lima’s lands had been transferred (legally or illegally) to Spanish hands by 1592 comes from Viceroy Cañete, but there are no records of overall property ownership in the period. See Cushner 1980, 18–20; Charney 2001, 44.
  19. Don Juan, the *cacique* of Surco, another polity in the region, was alone in claiming that the lands that Lima was founded upon did not belong to Taulichusco, though he agreed that Spaniards had purchased or taken many lands from him. Don Juan’s testimony is in Rostworowski 1983, 114–16.
  20. On arguments that *reducciones* did not succeed as they were said to, see Fraser (1990, 78–79) and Mumford (2012). Webster (2011) notes that even ‘Spanish’ cities were built with an indigenous vantage point, as does Morgado (2007). For the traditional view that *pueblos de indios* took a variety of forms but largely represented the destructive imposition of Spanish will on indigenous cultures, see Gutiérrez and Esteras 1990.
  21. See for example the incomplete will of María Capan in the same year, which also identifies her *ayllu*. AGN TI Leg 1, 1596.
  22. Ramírez (1996, 48) notes that *chacara* or *sementera* generally referred to planted lands, while *tierras* describe unused land. A *fanegada* (or *fanega de sembradura*) was the amount of land that could be planted with 1.5 bushels of seed, and later measured as  $144 \times 288$  *varas* (Ramírez 1986, 279). In early colonial documents, *fanega* and *fanegada* are often used interchangeably; for clarity’s sake I use *fanegada* when translating land measurement.

23. The corregidor's accounts for that composición are missing, but in 1619 he reduced twelve provinces of Vilcashuaman, AGN Derecho Indígena, Leg 4, Cuaderno 65 (1619).
24. On equal partible inheritance, see Poska 2005, ch. 2. Indigenous actors approached either Spanish or Spanish-trained indigenous notaries, who would understand that only wills accommodating Spanish law would be enforced in Spanish courts.
25. For an analysis, see Graubart 2016. Owensby (2008) studies cases before the Mexican version of this institution, a court for Indian disputes, which left more significant records than its parallel in Lima.
26. This is, of course, the classic argument of Stern 1992.
27. There are certainly exceptions, notably Charney 2001 and Abercrombie 1998.

## Notes on contributor

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