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# The 1812 Constitution and the Indians of Nueva España and Perú

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## The 1812 Constitution and the Indians of Nueva España and Perú<sup>1</sup>

CLAUDIA GUARISCO

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In Spanish America, political citizenship arose from the crises in the Monarchy that took place between 1808 and 1814. During this period, the French invasion of the Iberian Peninsula created an opportunity for Liberals to replace the divine justifications for power with the concept of national sovereignty. That idea soon embodied itself in a government whose basis rested upon the Constitution of 1812, also called the *Constitución de Cádiz*. It was operative between 1812 and 1814, when Ferdinand VII got his throne back from the Bonaparte brothers. In 1820, the Ruler was obliged to put it in force again, lasting until the old monarchic possessions gained independence. The National Charter placed citizenship in the vicinity of the towns. At that time, the *vecino* or neighbor was the male adult with job and known place of residence. The document also established the legal equality and the wide participation of the society in public affairs through representatives elected by means of the vote. Nevertheless, it excluded Africans as well as women, and the electoral system involved corporative vote and representation. In spite of its roots in the past, the Constitution of Cádiz intended almost all social groups to act coordinately when interacting with power. Until then, participation had been strongly limited and parceled into watertight compartments. It is in this sense that early nineteenth-century rules of political behavior meant a step towards modernity.

Under the constitutional monarchy, participation would take place in three arenas: locally; in the *ayuntamientos constitucionales* or municipalities, on the provincial level in the *diputaciones provinciales*, and nationally in the *Cortes*. It was in the local level that Spanish American Indians encountered the constitution and the new rules of citizenship.<sup>2</sup> Municipalities were introduced as organizations of neighbors that received the task of running some public services, maintaining order and, eventually, exercising some basic judiciary functions. Scholars of colonial Latin America have developed the topic in several ways. A major thesis among them is that, with exceptions, Indians cooperated with other social groups

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<sup>1</sup> I'm grateful to the Association for Spanish and Portuguese Historical Studies for the opportunity of presenting a previous version of this text in its 2012 Conference (Tufts University, Medford, Massachusetts), and to Christopher Schmidt-Nowara for his invitation to participate in this publication.

<sup>2</sup> Peter Guardino, *The Time of Liberty: Popular Political Culture in Oaxaca, 1750/1850* (Durham: Duke University Press, 2005), 143-44.

in setting up the new local self-governing organizations. They also find that the native population was less concerned with political change than with the preservation of the customs of the *pueblos de indios* or Indian towns.<sup>3</sup> My article analyzes the impact of tradition on both the constitution's acceptance and its rejection from a comparative point of view.

The first case study reflects the situation in the Indian towns of the Intendancy of Lima that surrounded the viceregal capital of Peru. It comprised, approximately, the current *departamentos* of Lima and Ica, with their several coastal valleys and adjacent mountains. On the coast, the *hacienda* was an important unit of production. The owners were a few high-ranking Spaniards; black slaves provided the labor force. *Mestizos* and low ranking *peninsulares* as well as *pardos libres* were present all over the area too, but more so in the valleys. In general, Indians in the rural area of the Intendancy composed of a 43% of the population. The rest were *mestizos*, low ranking Europeans and *criollos*, *pardos* and slaves. However, in the highlands, around 95% of the population were Indians.<sup>4</sup> The second case treats the *pueblos de indios* of the Valley of Mexico, in the *intendencia* of the same name, and Viceroyalty of New Spain. The *hacienda* was also an important unit of production there, owned by creoles and with seasonal *mestizos* and Indian workers. In this case, the population was almost 80% Indian.<sup>5</sup>

Between 1812-14 and 1820-21, around a hundred *ayuntamientos* were established in the Valle de México. They were set up among the inhabitants of the Indian parishes, which were the outcome of the sixteenth-century reduction policies. To conform to the project of the *reducciones*, the aboriginal peoples were obliged to leave their old territories and to relocate in Spanish style towns.

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<sup>3</sup> See, for example, Michael Thomas Ducey, "Elecciones, constituciones y ayuntamientos. Participación popular en las elecciones de la tierra caliente veracruzana, 1813-1835," in *Ayuntamientos y liberalismo gaditano en México*, ed. Juan Ortiz Escamilla and José Antonio Serrano (México: El Colegio de Michoacán, 2007), 173-211; Karen D. Caplan, "The Legal Revolution in Town Politics: Oaxaca and Yucatán, 1812-1825," *Hispanic American Historical Review* 83:2 (2003), 255-93; Jaime E. Rodríguez O., "Ciudadanos de la nación española: los indígenas y las elecciones constitucionales en el Reino de Quito," in *La mirada esquiva: reflexiones históricas sobre la interacción del Estado y la ciudadanía en los Andes (Bolivia, Ecuador y Perú), siglo XIX*, ed. Marta Irurozqui Victoriano (Madrid: Consejo Superior de Investigaciones Científicas, 2005), 41-64; Víctor Peralta, "Los inicios del sistema representativo en Perú: ayuntamientos constitucionales y diputaciones provinciales, 1812-1815," *ibid.*, 65-92; and Henri Favre, "El mundo andino en tiempos de Bolívar: los Asto entre 1780 y 1830," *Revista del Museo Nacional* 47 (1983), 259-271.

<sup>4</sup> Hipólito Unanue, *Guía política, eclesiástica y militar del Virreinato del Perú para el año de 1793* (Lima, COFIDE, facsimile, 1985), 72-76.

<sup>5</sup> Charles Gibson, *Los aztecas bajo el dominio español, 1519-1810* (México, Siglo XXI, 2000), 148.

Certain number of these settlements was put under the authority of a priest whose task was to educate his parishioners in the Catholic faith, and in the Spanish culture as well. At the beginning of the nineteenth century, the Indian parish was composed of centers called *cabeceras*, and surrounded by several minor units known as *sujetos*. One of the *cabeceras* was, at the same time, the *cabecera parroquial*. These *cabeceras* were small political, economic and religious centers, interconnected by roads. They also were linked to Mexico City by ground as well as by a complex system of canals. The church and the local authorities were placed there. The weekly *tianguis* or Indian market was also held there. In addition, even though Royal Laws had forbidden it from sixteenth century onwards, it was also there that *mestizos* and low ranking Spaniards used to live, devoting themselves to commerce and crafts. A given number of parishes constituted a *partido* under the authority of the *subdelegado*. And the intendancies in charge of the *intendentes* comprised several *partidos*.

Each town of the parish had its own self-governing organization. It was called the *república* or the *cabildo de indios*. It consisted of a governor in charge of the town and as many mayors as required. For example, if the town was composed of five *sujetos* besides the *cabecera*, there were six mayors. The officials were appointed in an electoral process with no general participation. The only ones with the right to vote were the *principales*. This group was composed of past governors, *caciques* and old men, who voted annually for representatives taking into account two things: first, that they had contributed to the management of the *cofradías* or brotherhoods; second, that they had been generous, sharing their wealth with the poor and supporting worship. The tasks carried out by the officials of the *república* included the administration of justice in small matters and the organization of the public works, such as that used for repair of the church. They also had to collect the food and the wood that *indígenas* gave to the royal troops when they passed through their *pueblos*. An additional task was the collection of the *Reales tributos*, the tax that the conquered people owed to the King.

The establishment of the *ayuntamientos constitucionales* in the parishes of the Valle de México was carried out through quiet electoral processes. The elections put *mestizos* and low ranking Spaniards in the positions of mayors and Indians as councilors.<sup>6</sup> Each one of these councilors represented, at the same time,

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<sup>6</sup> *Actas electorales de Tacuba y Calpulualpa*, 1820, Archivo General de la Nación, México (AGNM), Ayuntamientos, vs. 128 y 154; *Comunicación del ayuntamiento constitucional de Tacuba*, abril 28, 1821, AGNM, Operaciones de guerra, v. 393, f. 131; *Comunicaciones del subdelegado de Tacuba*, mayo 7, 1813, julio 15, 1812 y octubre 1, 1811, AGNM, Operaciones de guerra, v. 504, f. 95v, v. 505, ff. 22, 80v; *Solicitud de Ezequiel Lizarza, sobre el cargo de subdelegado de Tacuba, ¿1816?*, AGNM, Subdelegados, v. 25, exp. 43, ff. 182-184. *Padrones*, AGNM, Padrones, 1792, v. 14, ff. 130-191.

the politically organized Indian town. Under the Constitution of Cadiz, the old *cabildos* would disappear. However, they did not. They remained while also becoming part of the new municipalities. This was possible because before the elections, *indígenas* and non-*indígenas* got a kind of collective deal. They were both willing to be part of the new political order but, at the same time, the former wanted to keep their old ways of social and political organization. Therefore, they agreed to concede the positions of mayors to Spaniards and *mestizos* while giving the councillorships to their old governors. When the new laws did not leave much room for all the *gobernadores* of the parish to be in office, the councillorships were multiplied.<sup>7</sup> On the other hand, non-Indians were discouraged from breaking that order as far as they were a minority. Besides, towns with no more than two hundred families had the chance to form a new *ayuntamiento*.<sup>8</sup> That is why mayors were willing not only to respect the deal, but justified their positions by adopting the local ideal of leader, wherein they helped the poor and supported the Church.

The reorganization of local power in the way just described made it possible for *indios* to keep and expand their territorial control. From the sixteenth century onward, the towns of the Valley had received certain amounts of land from the Crown. They were of two types: *tierras de comunidad*, or communal lands; and *tierras de repartimiento* or lands for distribution. The first ones were rented to outsiders or worked collectively. When necessary, the money obtained was used to help with the payment of the taxes owed to the King. It was also used to feed the Indians when they repaired the buildings or bridges inside the parish, as a part of the public services they used to give. Finally, the money obtained from those lands was also used to pay the local teacher. On the other hand, the *tierras de repartimiento* consisted in parcels each *indio* received to feed his family.

Scholarship on colonial Latin American has stressed the fact that during the last decades of the eighteenth century, the Bourbons tried to gain control over the lands of the towns.<sup>9</sup> It is assumed that during Habsburg rule, Indians were left alone to use the lands as they saw fit. However, the eighteenth-century project was not completely achieved, because certain amounts of land were successfully kept away from the oversight of the royal administrators. It is not known exactly how much it was. Resistance was achieved not through violent means, but

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<sup>7</sup> *Expediente sobre la formación del ayuntamiento constitucional de San Juan Teotihuacán*, 1813, AGNM, Ayuntamientos, vol. 141, exp. 4.

<sup>8</sup> Decreto CLXIII, de veintitrés de mayo de 1812, in *Colección de decretos y órdenes que han expedido las Cortes generales y extraordinarias desde 24 de septiembre de 1811 hasta 24 de mayo de 1812* (Cádiz: Imprenta Nacional, 1813), 2:231-33.

<sup>9</sup> Dorothy Tanck de Estrada, *Pueblos de indios y educación en el México colonial, 1750-1821* (México: El Colegio de México, 1999), 17.

peaceful ones, such as the *Espiritualización de los bienes de comunidad*. In a time when rules of property and possession were not clearly established, and local archives were not very comprehensive, it was not too difficult for the *indios* to be in possession of territories whose origins were known only to them. And when questioned on the matter by the administrators, they answered that most of them were not communal lands but *tierras de cofradía* or brotherhoods. Theoretically, the control of these lands should have been the responsibility of the Church. Nevertheless, it was not because most of these *cofradías* were spontaneous associations set up independently from religious authority. Their only goal was to pay for the worship and celebrations devoted to the saints of the towns. And leading the process of *Espiritualización* were the governors.<sup>10</sup> Once the constitutional monarchy was established, municipalities were in charge of the lands of the towns but under the supervision of the *diputaciones provinciales* that replaced the *intendancies*. The *diputación provincial* in México, nevertheless, was not strong enough to enforce the law. In this context, whether Indians were willing to pay the new tax called *canon* for the *repartimiento* lands to the local self-governing organizations, they refused to lose control over the *tierras de cofradía*. Councilors actively defended this old custom.<sup>11</sup>

The experience of the indigenous people in the *Intendencia de Lima* regarding the installation of liberal self-governing organizations was different from their counterparts in New Spain. They refused to participate in the process. In the Viceroyalty of Perú, the *indios* also lived in towns and parishes. Differently from Colonial Mexico, each Indian parish had just one *cabildo* and not several. Furthermore, the system of selection for office was not the vote of the *principales*, but the *sistema de turno* or turn system. It meant that each year one adult Indian male of the parish had an obligation to hold the position of mayor or councilor.<sup>12</sup> As in Mexico, the Indians of Lima lived not alone in their *parroquias*, but with a few *mestizos* and low ranking Spaniards, who were established, typically, in the

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<sup>10</sup> *Los naturales del pueblo de San Bartolomé Naucalpan sobre que la Cofradía del Divinísimo de su iglesia sea administrada precisamente por indios...*, 1775, AGNM, Bienes Nacionales, leg. 230, exp. 5.

<sup>11</sup> *La Diputación provincial de Nueva España. Actas de sesiones, 1820-1821*, prólogo, estudio introductorio y sumario de Carlos Herrejón Peredo (México: Instituto de investigaciones Dr. José María Luis Mora, 2007), 1:63, 83; *Expediente hecho a pedimento del caballero teniente coronel don Francisco Leguizamo como tesorero actual de las cofradías erectas en la iglesia parroquial del pueblo de Tultitlán...*, 1820, AGNM, Bienes Nacionales, leg. 225, exp. 3; *Expediente formado a pedimento de don Tomás de Santiago, actual mayordomo de la cofradía del Divinísimo Señor Sacramentado, de la iglesia parroquial del pueblo de Ayapango...*, 1822, AGNM, Bienes nacionales, leg. 1991, exp. 9.

<sup>12</sup> *Autos seguidos por don Isidro Vilca, procurador de naturales, en nombre de la comunidad de San Juan de Ica ...*, 1799-1800, Archivo General de la Nación, Lima (AGNL), Superior gobierno 1, leg. 51, cua. 861, f. 5v.

*cabeceras parroquiales*, and in the nearby *haciendas*. They were small traders, artisans and agriculture laborers.

The few surviving sources on the topic indicate that when the new rules about local politics made their appearance, Indians decided to keep the old structure of their *cabildos*, and renamed them as *ayuntamientos constitucionales*. For example, in 1814, when Ferdinand VII abolished the Constitution, the mayor of Matucana, Juan de Carlos Mata, ceased to be the “alcalde constitucional de la banda de arriba,” and began to be referred as the “alcalde de la banda de arriba por Su Majestad.”<sup>13</sup> On a higher level, the *Diputación provincial* was never well established in Lima, while the old *subdelegados* lost almost all their authority. The situation was recognized very soon by the *indios*, who almost immediately began a process of territorial expansion. They not only distributed the King’s lands, which were available around the parishes, but administrated the *tierras de comunidad* and *cofradía* freely.<sup>14</sup>

After having introduced the general trends of the process regarding the different responses that Indians displayed in relation to the new rules of political participation on the local level, the question that arises as to why were they so different. As has been mentioned before, colonial Latin American historiography has stressed the fact that when Indians were willing to accept or to reject the new rules of political behavior, their reason for doing so was to maintain an identity rooted in land. Nevertheless, the ethnic explanation fails to answer the question why the collective self was in some cases preserved through cooperation, while in others it was not. The nature of the indigenous political tradition may help to solve the problem.

Recent developments in the theory of culture emphasize the cognitive aspects that precede collective action. According to authors like J.M. Balkin, the common thinking that people use in their everyday life is part of their culture.<sup>15</sup>

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<sup>13</sup> *Expediente sobre el remate en arrendamiento del tambo del pueblo de Matucana...*, 1814-1815, AGNL, Juzgado de la caja general de censos, leg. 76, ff. 1-4.

<sup>14</sup> *Expediente sobre los bienes de comunidad del Partido de Cañete*, 1810-1816, AGNL, Juzgado de la caja general de censos, leg. 74, f. 5. Indians’ lack of enthusiasm about paying the *Reales tributos* in 1813 despite the control they exerted over the *tierras del pueblo*, calls into question Tristan Platt’s reciprocity thesis. Platt defends the existence of an Andean *ethos* according to which the *indios* were willing to pay taxes as far as their access to land was guaranteed by the Government. Platt, Tristan, *Estado boliviano y ayllu andino: tierra y tributo en el norte de Potosí* (Lima, Instituto de Estudios Peruanos, 1982). For the consultation made by the viceregal authorities on paying the *Tributo* after it was abolished see, *El Sr. Pomacagua, presidente interino del Cusco, acusando recibo de lo resuelto en la Junta de Tribunales...*, 1813, AGNL, Juzgado de la caja general de censos, leg. 75, cua. 2

<sup>15</sup> J. M. Balkin, *Cultural Software: A Theory of Ideology* (New Haven: Yale University Press, 1998).

From this perspective, the culture consists in not only a collection of values, beliefs and representations (symbols, images), but also consists in the mental tools that produce and modify them. Culture creates social action, and it does so because of the sense of community that emerges from sharing some values, visions of the world and ways of thinking. Among other things, that sense of community makes possible the collective construction of unified responses towards political innovation. That is why culture is powerful. Even though the nature of cultural power is different from economic, military or technological power, it is important as well because it is from the strength of comprehending the world in the same way that people get the will to cooperate in the pursuit of a goal. Social structures, before pushing human beings to act in some direction, must be switched into meanings for action. And that transformation takes place in the realm of culture.

On the other hand, an important source for cultural change is the past of culture. That is, the adoption of new beliefs and ways of acting need the pre-existence of somehow similar entities. The mechanism through which adoptions are achieved is, basically, analogy. In the case of New Spain, there were several elements that helped the partial appropriation of the new political institutions on the local level. In contrast, in the case of the Viceroyalty of Peru there was nothing in the cultural past of the Indians that could help them to understand the new ways of participation in the government. In the Valley, *indios* not only knew about but participated in local elections as well. Governors and mayors of the *cabildos* were elected in ways that resembled the constitution's indirect electoral system. More important is the fact that they shared a tradition of participation in local public affairs with their non-Indian neighbors. When facing the establishment of the *ayuntamientos* they used those referents to adopt the new rules of political behavior.

In the past, Mexican Indians had developed the custom to participate alongside *mestizos* and humble Spaniards in the *junta de comerciantes*. It was a kind of assembly organized in the *cabecera parroquial*, which was linked to the *tianguis* or weekly market that took place there. During the *tianguis*, small traders of all estates and castes had to pay a tax to the *subdelegado*. The tax was called *derecho de piso*, and was paid in exchange for permission to set up tables, baskets and awnings when selling fruits, grain and crafts. It is not clear how this tax was used by the royal administrator. What is clear from the sources is that sometimes the traders did not agree with the amounts of money demanded. Therefore, they joined the *juntas*, choosing a representative and giving him the task to negotiate with his superior what they considered the right amount of *derechos*.<sup>16</sup> One

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<sup>16</sup> *Pedimento de los comerciantes de Chalco...*, 1786, AGNM, General de parte, vol. 67, exp. 77, ff. 29-30; *Documento sobre el oficio de síndico personero de la ciudad de Texcoco*, 1774, AGNM,

important trait of the *juntas* was that Indians did not participate in them directly, but through their governors. On the other hand, *mestizos* and Spaniards took part in them as individuals. And it was precisely this institution that would allow the coexistence of the *cabildo* and the *ayuntamiento* in the Valley during the constitutional monarchy. In contrast, there was nothing similar in the Viceroyalty of Peru. There were no institutions like the *juntas* that joined Indians and other social groups. And that absence can be explained from the local markets. Even though the *indios* from the *Intendencia de Lima* attended from time to time the places of exchange located in the capital or in mining centers like Cerro de Pasco, it seems it was not very often. Besides, locally, the tendency was to keep exchange among the social group.

At the end of the eighteenth century, the Indians of the Valley lived from the lands given to them by the Crown. However, it did not mean that they were autarchic. A part of their harvests was for feeding the peasant family. Another part was reserved for exchange, with some chickens, pigs, turkeys and fish as well. They also sold *pulque*, salt, wood, stone and some crafts. They used to carry all this stuff to the markets of Mexico City, arriving there on foot or by boat, using the canals that joined the countryside to the capital of the Viceroyalty. But more important, the Indians of the parishes took part in the intense trade of the *cabeceras parroquiales*. So important was the presence of Indians in trade that during the last decades of the eighteenth century, the rulers contemplated the possibility of canceling the Indians' exemption in the payment of the *alcabalas*, or exchange tax. Under the constitutional monarchy, that possibility turned into reality. Then, the *Reales tributos* were abolished and in its place, the *indios* were asked to pay the *alcabalas*.<sup>17</sup>

It was in the context of the *tianguis* that Indians, *mestizos* and Spaniards of the Valley of Mexico developed a sense of local community, which in turn allowed them to construct institutions like the *junta de comerciantes*. Without those periodic and strong interactions, indigenous political culture would have remained isolated. The commercial experience among the eighteenth-century Indians of the *Intendencia de Lima* was very different from the Mexican one. Instead of *tianguis*, they had *tambos*. The *tambos* were marketplaces located in the *cabeceras parroquiales*, where not only native people but also passers-by and members of the royal army could get things like bread, cheese, meat, wine and

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General de parte, vol. 48, exp. 409, ff. 283-283v, 292v-293; *Nombramiento de síndico personero en el pueblo de Ixtlahuaca*, 1795, AGNM, Ayuntamientos, vol. 141, exp. 3.

<sup>17</sup> *Superior oficio y ejemplar del bando acerca de una contribución temporal...*, 1812, AGNM, Real casa de moneda, vol. 439, exp. 22; *Expediente sobre el establecimiento del cobro de la alcabala...*, 1817, AGNM, Alcabalas, vol. 70; *Memoria de lo recaudado de derecho de alcabala permanente y eventual en las plazas del pueblo de Papalotla...*, 1817, AGNM, Archivo histórico de hacienda, caja 2159.

cheap brandy. They were usually built by Indians on communal lands. Those who ran the *tambos* were called *tamberos*, and the job was obtained through auctions. The *tambero* was obliged to pay a rent, which was divided in the following way. Certain amounts were given to the local priest for worship. Another portion was given to the *subdelegado*, who used it to support Indians with the payment of the *Reales tributos*. The rest was sent to the *Caja general de censos*, which was the central office in charge of the administration of Indian lands and money. According to the Law, there should be only one *tambo* in each parish, and nobody but the *tambero* had the right to have an oven or to take bread from the city. Those who violated the rule could have their goods taken away.

All Indians, *mestizos*, Spaniards and even free *mulatos* could participate in the auctions for running the *tambos*. The only requirement was that they had the economic capacity to stock it with all the necessary things. Indians should be preferred in those auctions. If there were two or more Indians competing, then the one who lived in the parish should be chosen. If there were two Indians living in the parish, the one that was born there had more opportunities to be the next *tambero*. The *subdelegado* was the royal official in charge of the auctions, but when the outcome was not satisfactory, people could complain at the *Superior gobierno*, whose authorities looked into the matter and if necessary, ordered a new auction. Even though Indians had the right to hold *tambos* before non-Indians, the fact is that *tamberos* usually came from the latter group. Incomes from those sales may have been important, since when the *tambo* could not be gotten through legal ways, illegal stores were established.<sup>18</sup>

Sometimes non-Indian *tamberos* were legitimate from the point of view of the *indios* but sometimes they were not, especially when they wanted one of them to run the *tambo*, and for some reason it was not possible. On those occasions, Indians participated in secret exchanges, selling and buying bread, alcohol and other things among themselves. At the end of the eighteenth century that kind of underground commerce seems to have been a real problem for royal authorities. The sources repeatedly point to the fact that it was necessary to establish sheriffs who employed physical force to stop the practice. In contrast to what happened in the Valley, then, local commerce among the Indians of the *Intendencia de Lima*,

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<sup>18</sup> *Expediente original iniciado por la Caja general de censos de indios y Alberto Chosop, a nombre y en representación del común de indios de la Magdalena...*, 1791-1815, AGNL, Juzgado de la caja general de censos, leg. 58; *Registro de indios, Lima*, 1780-1781, AGNL, Protocolos notariales, escribanía Francisco Húmac Minoyulle, leg. 733; *Autos que promovieron José Velázquez y Mariano Pizarro, alcaldes del pueblo de Santa Cruz de Late...*, 1798, AGNL, Campesinado, derecho indígena y encomiendas, leg. 29, cua. 545; *Expediente sobre el remate en arrendamiento del tambo del pueblo de Matucana...*, 1814-1815, AGNL, Juzgado de la caja general de censos, leg. 76.

was far from being favorable to the rise of common customs or to the softening of ethnic frontiers. On the contrary, it did more to block them.

The independence movements that took place in Spanish America reinforced the political developments in the Valley and Lima, which had begun with the establishment of the constitutional monarchy. In the first case, revolution favored the appropriation of citizenship, while in the second, it did not. The very complex process of separation in New Spain began as a self-generated social movement that slowly turned into a political one. By 1815, the rebellion initiated by Father Hidalgo in the Bajío five years before had been undermined by Creoles and Spaniards loyal to Spain. Nevertheless, a resistance movement led by Vicente Guerrero went on in the South. Meanwhile, Creole elites at the *Cortes* proposed to be part of an autonomous entity, but strongly related to Spain. Nevertheless, peninsular deputies, who were larger in number than them, rejected that proposal. Spanish political lawmakers, even if liberal, still were imperialists. As a consequence, in 1821 Agustín de Iturbide, a Creole officer of the Royalist Army, gathered realists, insurgents, traders, entrepreneurs and members of the largest municipalities into one strong coalition, and announced the separation from Spain. After that, a constitutional monarchy with Iturbide as Chief of the Executive was established. When he began to impose direct taxes and forced loans among the people of the new country, Iturbide began to lose popularity. Negative sentiments among the *mexicanos* grew when the Congress was dismissed. Shortly after that, the Army officials took advantage of the situation. Assisted by the regional elites of the *diputaciones provinciales* and the urban *ayuntamientos*, they reinstated the Congress elected in 1822 and created a *Junta nacional instituyente* to call for elections. In the meantime, Iturbide was obliged to abdicate. In November 7<sup>th</sup> of 1823, a General Congress was installed and its members prepared the Constitution of 1824, by means of which Mexico emerged as an independent, representative and federal republic.

During all the events summarized above, the Indians of the Valley of Mexico were probably not loyal to the Spanish government or to Iturbide, but to the local political order they had helped to build for almost three centuries. The offensive coming from the Bajío helped to reinforce the open trait of their political culture. It was the fear of the insurgent attacks that pushed the Indians, *mestizos* and Spaniards of the parishes to adapt the old *junta de comerciantes* to the new context of war. As a result, the *junta de guerra* was formed. These *juntas* were the organizations that set the contributions that neighbors had to give in order to establish and support the *milicias cívicas*. During the eighteenth century, the Bourbons had tried to create them but were not successful. It was under the pressure of the war that the goal was achieved. As the regular Army was not enough to stop the insurgency, Viceroy Venegas ordered in 1811 the participation

of Spaniards, *mestizos* and Indians in the defense of the Kingdom. Most of the time, the *milicias* defended just the parishes. In some cases they were recruited by the *subdelegados* to give support to the Royal Army spread along the *Intendencia de México*. The militias were organizations of status in which Spaniards of various *calidades* exercised leadership. The troops were composed of *mestizos* and Indians as well.

The participation of the *vecinos* in the *juntas de guerra* was carried out according to the model provided by the old *juntas de comerciantes*. Indians participated through their governors, while non-Indians acted by themselves. At the head of the organization was the *subdelegado*. In those *juntas*, the *vecinos de la parroquia* discussed the nature of their contributions. That is, if they would give money or would serve in the militias. After making their decisions, they appointed treasurers and sent letters to Mexico City, asking for veteran members of the Royal Army to come to town and train the men who would be in charge of the defending of the parish. The *juntas* were also organizations where the *subdelegados* and the priests informed the *vecinos* about the political situation of the Viceroyalty and the rest of the Iberian realms as well.<sup>19</sup>

The sources, then, show that the struggles for independence had a positive effect in the Valley of Mexico, in terms of political knowledge. They stressed a trend already present in Indians' culture. According to this, apart of having their own values, beliefs and representations, the *indios* shared some others with *mestizos* and Spaniards of low rank. The defense against the attacks of the insurgents led them to strengthen the practice of participating in decision-making processes with non-Indians.

In the Viceroyalty of Peru, the story was very different. From 1820 to 1824, the territory of the old *Intendencia de Lima* was taken by the armies of José de San Martín and then Simón Bolívar. In 1820, just when Viceroy Joaquin de la Pezuela reestablished the Constitution of Cádiz, San Martín and his army arrived in the Viceroyalty of Peru. In contrast to Bolívar, San Martín committed himself

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<sup>19</sup> *Acta de la junta patriótica de Texcoco*, 1815, *Comunicación del subdelegado interino de Texcoco*, 1815, AGNM, Operaciones de guerra, vol. 821; *Queja de los vecinos de la parroquia de San Agustín de las Cuevas contra el comandante particular del pueblo*, 1815, AGNM, Donativos y préstamos, vol. 9, exp. 25, ff. 299-333; *Jurisdicción de la villa de Coyoacán. Estado que manifiesta el número de las familias españolas, castizas y mestizas...*, 1792, AGNM, Padrones, vol. 6/1, ff. 2-2v; *Estado que manifiesta el número de plazas, armas de fuego y blancas...*, 1813, AGNM, Operaciones de guerra, vol. 504, f. 701v; *Comunicación del capitán de realistas de la parroquia de San Agustín de las Cuevas...*, 1818, AGNM, Operaciones de guerra, vol. 818; *Comunicación del subdelegado de Tacuba*, 1812, AGNM, Operaciones de guerra, vol. 505, f. 127; *Comunicación del subdelegado de Chalco*, 1812, AGNM; Operaciones de guerra, vol. 1017, ff. 35-48; *Causa reservada contra el subdelegado don Ramón María Villalba...*, 1811, AGNM, Subdelegados, vol. 50, exp. 9, f. 364.

to the organization of the territory and to the spread of the project of independence. It was Bolívar, who a couple of years later would win the decisive battles against the royalists. In doing his job, San Martín mixed the institutions of the constitutional monarchy with those of old regime. He thought that in this way he could achieve two goals. First, minimize the sources of conflict between the people under his authority. Second, ensure a more or less constant flow of resources from the parishes to the *Ejército patriota*. The result was successful as far as there was a military force holding back the advancement of the royalist troops and discouraging parishioners from cooperating with the viceregal government. The arrival of Bolívar accentuated the repressive aspect of the wars of independence in Lima.

San Martín divided the *Intendencia* into two administrative areas: Lima and Costa, and installed a president as the highest authority in each of them. In the highlands, he decided to keep the old territorial divisions, and put governors in the districts of Yauyos, Huarochirí, and Canta. Presidents in the Coast and Lima, and governors in the highlands assumed the functions of the old *intendentes*. To execute their tasks they had the help of middle rank authorities they chose. These authorities took the name of *gobernadores* as well. The duties of these new governors were the same as the ones of the old *subdelegados*, but their power in most cases spread just over the old parish and not over the *partido* or *distrito*. Among the Indians, the governors were old *caciques* that saw in the struggles for independence a good opportunity to get back the power they had lost under the Constitutional Monarchy.<sup>20</sup> The most important task of the governors was to form groups of *cívicos*, and raising contributions in money, and gifts in kind as well. To accomplish their job, they had the help of the officials from the local self-governing organizations. Between 1820 and 1824, the old *cabildos de indios* stayed as in the past, but under the new name of *municipalidad*. However, they assumed a totally new function: recruiting Indians for the militias.<sup>21</sup> In the past, the *indios* had been exempt from military duties. The only way they participated in affairs of war was by providing donkeys, food and help to the royal troops that passed through their towns. In contrast, in the middle of the independence wars

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<sup>20</sup> Art. 2, sección quinta, “Estatuto provisional dado por el protector de la libertad del Perú para el mejor régimen de los departamentos libres ínterin se establece la Constitución permanente del Estado, 8 de octubre de 1821”. <<http://www.congreso.gob.pe/ntley/Imagenes/LeyesXIX/1821005.pdf>>. *Primera Sala. Cuaderno segundo corriente de los seguidos contra el gobernador de Chilca...*, 1825, Archivo de la Biblioteca Nacional, Lima (ABN), D5959, f. 38; *Comunicación del comandante general y gobernador de la provincia de Huarochirí...*, 1822, Archivo Histórico Militar, Lima (AHM), leg. 33, núm. 47.

<sup>21</sup> *Primera sala. Cuaderno segundo corriente de los seguidos contra el gobernador de Chilca...*, 1825, ABN, D5949, f. 8v.

they formed part of the *montoneras*, lead by their governors. The *montoneras* of Yauyos and Huarochirí, for example, were very famous at that time. However, they do not seem to have been spontaneous organizations. They were subjected to the authority of *caciques* such as Don Ignacio Ninavilca, who were governors under the orders of higher authorities in charge of many parishes. As has already been mentioned, these higher authorities were not called presidents, as they were on the Coast, but just governors. For example, Tadeo Tellez in Yauyos was neither an Indian nor a *cacique*, but he had a deep knowledge of the indigenous world. He selected his governors from among the native nobility, gave them guns, and went with them to the *pueblos* to talk about the project of independence. When he considered it convenient, Tellez armed the *montoneras*. Besides, he made the local priests his personal allies, giving them the task of spreading the idea of national sovereignty among the people. Priesthood was in general partial to the patriotic project. It was due, in part, to the process of *Purificación*, which began as soon as San Martín arrived in Lima. That process consisted of taking the rural priests to the City of Lima to indoctrinate them.<sup>22</sup> Even though well conceived, the *montoneras* lacked stability. They relied on the personal interests of the *caciques* and the alliances they could establish with the Indians because of their new military powers. On the other hand, the link between *caciques gobernadores* and higher authorities was also problematic due to the constant insubordination of the *caciques*, who wanted to seize the office of their superiors.<sup>23</sup>

In short, what this article has attempted to show is that the Indians of the Spanish territories in the Americas addressed in different ways the political changes brought about by the crisis of the Spanish Monarchy. The path followed in each case was, up to a certain point, determined by the past of the culture. In the Mexican case, the Indians were in general much more prone to cooperate with *mestizos* and Spaniards in the establishment of self-governing organizations. And they did so because they had in their memory some customs and values which showed compatibility with the new ways of participation on the local level. That cooperation was also possible as far as they could adapt the new rules to their tradition. Appropriation and adaptation provided the convenient space to keep safe their territorial interests and the life-style built on it over centuries. In the Peruvian case, on the contrary, Indians' culture did not have the looking glass in which new institutions could have reflected themselves, even if only in a distorted way. And more important, they did not share any sense of community in which

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<sup>22</sup> *Comunicación del gobernador político y militar de Yauyos...*, 1822, AHM, leg. 35, núm. 82; *Comunicación de José de Rojas...*, 1823, AHM, leg. 3, núm. 10; *Comunicación del gobernador del Arzobispado de Lima...*, 1821, AHM, leg. 4, núm. 10.

<sup>23</sup> *Comunicación del gobernador político y militar de Huarochirí...*, 1822, AHM, leg. 17, núm. 49.

those rules could have been rooted for the first time. In both cases legal unity failed to integrate Indian and non-Indian political behavior. However, in colonial México legal unity persisted, unlike in Peru. In the Viceroyalty of New Spain, tradition and law coexisted in the same local political space.

In the origins of the different developments experienced in Lima and the Valley of Mexico was local trade. It was in the generalized and periodic commercial interactions that people in the New Spain could create a common cultural horizon. Trade was part of Mesoamerican civilization that existed prior to the arrival of the Spaniards. After the conquest, it was adapted to colonial society. It was in the buying and selling of oranges or baskets that the *indios* became familiar with other social groups, and led them to the construction of common political institutions. In contrast, the Indians of the *Intendencia de Lima* did not have the opportunity to build a dense and fluid web of relationships with *mestizos*, *pardos* and Spaniards. Furthermore, the royal institutions with their closed markets did not help. Commerce held at the *tambos*, instead of joining different groups in a mutual interest, divided them. Without interaction, neither sense of local community nor common local institutions could emerge. The struggles for independence increased the breadth of these social gaps.