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LAND TENURE IN PRE-INCA PERU
ANTONIO M. SANTA CRUZ

The purpose of the present paper is to present, as thoroughly as possible, the evidence from the early Spanish chroniclers on the system of land tenure which existed in the Andean region during the Pre-Inca period.

Since the turn of the century it has been the aim of the republican governments of Peru to improve the legal, economic, and social conditions among the Indian communities throughout the national territory. This movement on the part of the government gave rise to investigations by the academic group of Peru into the social and economic structure of the native tribes. One of the earliest of these studies was made by Beautista Saavedra. It deals with the system of the “ayllu” and touches only incidentally on land tenure. His conclusion is that the “ayllu” is of Aymara and not of Quechua origin. His sources are confined to those of the Inca period; he relies on the chroniclers, among whom are Cieza, Garcilaso, Calancha, and Cobo.

Several years later Romulo Cuneo-Vidal published a paper in which he concluded that the concept of the “ayllu” is an independent development among both the Aymara and the Quechua. Like Saavedra, Cuneo-Vidal limits himself to the chroniclers of the Inca period and touches only lightly on land tenure.

Ricardo Bustamente Cisneros’ work is merely a study of the economic conditions of the native communities as they stand today and their present legal position in the Peruvian legislation.

One of the most important studies is that of Carlos Valdez de la Torre, which deals with land tenure quite extensively, endeavoring to trace its development from the Pre-Inca, through the Inca periods, to the present day. In his chapter on the Pre-Inca period he concludes that land ownership was individual in some localities, which is in agreement with the data left by the chroniclers, Castro and Morejon, Ondegardo, and Santillan, although he does not cite them in evidence. Later writers such as Abelardo Solis and Arturo Capdevila based their works on Valdez, and add nothing to his conclusions, nor do they give additional sources of information.

1. The present writer has made a critical study of those works but, due to the scope of this paper, has not thought it proper to include it here. Only a few of the most important works will be mentioned.

5. Valdez de la Torre, Carlos. Evolucion de las comunidades de indígenas, Lima, 1921.
It is quite obvious that by doing field work today in these areas it would be difficult to gather information about the system of land tenure existing seven hundred or more years ago. The investigator would have to rely on oral traditions for his material, a source which would be very questionable because of the long period of time that has elapsed.

However, the chroniclers carrying on investigations in Peru at the time of the Conquest could rely on oral tradition, because the Incas themselves were quite late-comers to the area and did not start on their policies of expansion till shortly before the Spaniard came. During the period from about 1100 to 1230 A. D., the reign of the first four Incas, they did not attempt far-reaching military conquests such as their successors undertook, but remained at Cuzco and its vicinity without venturing in such military exploits. About the year 1230 A. D. the Inca Capac Yupanque ascended the throne and began organizing the army and extending the frontiers of the empire. In Ancient Civilizations of the Andes, P. A. Means in his well-known series of maps has given a graphic picture of the era of territorial expansion of the Incas. These maps are based on information given to us by such chroniclers as Garcilaso, Calancha, Cieza, Cobo, Montesinos, Morua, and others. There is a remarkable agreement among these chroniclers as to the dates presented in the maps.

Therefore our only reliable source of first-hand information on the Pre-Inca land tenure is to be found among the writings of the early Spanish chroniclers. Most of these writers were either missionaries or government officials who came in close contact with the natives and, through older native informants, tried to investigate conditions, especially that of land tenure. Since at that time the codification of the laws concerning the natives was being undertaken (Nuevas Leyes, 1542), land tenure was one of the most important problems under consideration. Only four of these chroniclers, Castro and Morejon, Ondegardo, and Santillan, gave special attention to the culture of the Pre-Inca period. The information given by these four writers is far from complete—they at times fail to tell us who their informants were or the locality from which they gathered the data—but such information as is available will be here given.

An important factor to be considered in dealing with the early writers of Peru is the difference that existed in their point of view. One group was decidedly Pro-Hispanic; that is to say, they thought the Spanish legislation regarding the natives was justified. In order to defend their attitude toward the Spanish regime they pictured the Incas as cruel and despotic, maintaining that they (the Incas) had destroyed the Pre-Inca democratic institutions. This bias may have led to an exaggeration of the individualism of the Pre-Inca period.

The second, or Pro-Inca, group was composed of those who believed the Spanish rule to be unjust. They held that the Incas were to be respected because they had delivered the natives from their "savage"

state and had civilized them. Garcilaso and Las Casas were exponents of this school. This division among the chroniclers is well established and recognized by all modern historians of the area.

It is quite possible that Ondegardo, since he held high government positions, may have belonged to the first or Pro-Hispanic group. Regarding the other three informants it is not clear to what group they may have belonged since not enough is known of their lives or activities to draw a definite conclusion. We know that Castro was a missionary in the valley of Chincha, but from his only known published writing, a letter, no clear inference regarding his point of view can be drawn. Santillan was a government official and as such may have belonged to the Pro-Hispanic group.

The present writer has gone through all the material left by the chroniclers of the Andean region that was accessible to him. Some of this material yielded evidence, but most of it was fruitless as far as data for Pre-Incaic land tenure are concerned. Of all these early chroniclers only the four mentioned above—Castro, Morejon, Ondegardo, and Santillan—have any such information on the system of land ownership.

In presenting the evidence we shall follow the chronological order as closely as possible. The procedure is, however, a little difficult because of the overlapping of periods of observation of each chronicler, or at times because of the lack of certain dates.

Cristobal de Castro and Diego de Ortega y Morejon appear as co-signers of a letter dated February, 1558, but not published until 1867. To the present writer's best knowledge, no other document has been published bearing the signatures of these chroniclers either jointly or separately. The letter was addressed to the government of Lima but to no person in particular, and was written from the valley of Chincha. We know that the information in this letter concerns the natives of this valley because the authors clearly state: "los nativos de este valle de Chinca . . ."9

Although no information could be gathered on Ortega y Morejon beyond the fact that he was co-signer of the above-mentioned letter, a little more is known concerning Cristobal de Castro. With the exception of the date on the letter, the exact period of his residence in Peru is not known. However, we do know that he was a missionary in this valley and a defender of the natives against the cruelties of the colonists. He died a poor man but one loved by the Indians.10

Referring to the Pre-Inca communities in the valley of Chincha, Castro and Morejon state: "Tenian simpre guerra con los indios sus comarcanos sin passar a otra parte, ni saber si no era de oidas, que habia mas gente. . . ."11 From this we gather that although these


communities were in a constant state of war with their neighbors, they never attempted to take the territory of the defeated, thus respecting the sovereignty of other people over their lands.

The valley of Chinchá is about 120 miles southeast of the city of Lima, and about 250 miles due west of Cuzco, in the northern part of the province of Ica. According to Garcilaso and Cobo, two of our best authorities on Incaic history, this valley was conquered by the Inca Pachucutec who lived around the years 1400-1448 A. D. This would mean that the informants of Castro and Morejon in 1558 had not lived during the Pre-Inca period, but that their immediate ancestors did; thus oral tradition could well be reliable. These informants, according to the authors, were descendants of a “curaca” whose authority probably ceased when the Incas conquered the valley, and consequently they may have had a feeling of animosity against the Incas in general. However, since the authors themselves do not clearly intimate such animosity on the part of the natives, the statements concerning land ownership in Pre-Inca times may in all probability be taken at face value.

The first explicit statement, made to Castro and Morejon by their informants regarding land tenure runs as follows: “Había curacas por sus aillos y tenían characas cada parcialidad por si, y cada indio por si.” Apparently the word “parcialidad” is used as a synonym for the native term “aillo;” such usage is quite common in the literature of the time; one finds such authors as Cobo, Calancha, and Ondegardo using these two words interchangeably. The grammatical construction of the phrase also points to the synonymous use of the terms, there being no form of punctuation between the two phrases “habías curacas por sus aillos” and “tenían characas cada parcialidad.” On the contrary, the conjunction “y” links these two phrases intimately, thus carrying the same idea from the first phrase to the second. Between the second and third phrases “cada parcialidad por si, y cada indio por si,” there is a comma after the word “si,” thus differentiating the idea of the second phrase from that of the third. As a whole this statement unmistakably points toward individual land tenure: “cada indio por si.”

Referring to inheritance the authors report: “El suceder de las haciendas que hbiese ley dada por Inga, ni antes que hbiese Inga, no se halla mas de que muriendo el curaca de un valle, si el que le sucedía era de su pachaca, heredaba toda su hacienda, tierras y ropas . . . ” The meaning of this statement is as follows: The only law of inheritance found among the natives, either during or previous to the time of the Incas, was that upon the death of the curaca, his successor would inherit all—lands, clothing, etc. The expression “no se halla mas de

que" is idiomatic, and is best translated as "nothing else is found, but such and such state of affairs." Again here we meet a clear statement of individual ownership due to the individual type of inheritance.

In another passage referring to inheritance, they state: "Si era indio comun y tenia hijos hombres dejaba su hacienda aquel que le parecia mas hombre." The expression "hijos hombres" may seem at first sight ambiguous, but in reality it is not so. "Hijos" when used alone refers to children in general, but when used in conjunction with the word "hombres" all ambiguity is eliminated. There can be no doubt that the writers meant the male offspring. Undoubtedly too, by "que le parecia mas hombre" they meant "whom he thought most capable." "Hombre" might of itself mean "elder," but the content makes clear that they did not use it in this sense. Had they so intended, they would not have used the verb "parecer," to seem, to believe, to think, but would have employed the verb "ser," to be, since it would, under the circumstances, be known for certain who was the eldest son.

To sum up, the present writer feels that it is safe to say that the evidence from Castro and Morejon sources points definitely, so far as it goes, toward private ownership of land.

Polo de Ondegardo was born in Spain about the year 1519. He received the degree of Licentiate from the University of Salamanca and was considered one of the great jurisconsults of Spain of that age. In 1545, he came to Peru as "Oidor" of the Audiencia of Lima. At a later date, Ondegardo was appointed "Corregidor" at Charcas and sometime after was transferred to the same post at Cuzco. As he held such high official posts in the government as Oidor and later as Corregidor, there is some reason to believe that he belonged to the Pro-Hispanic group of chroniclers.

At Charcas he met Garcilaso and became interested in Peruvian antiquities. This new interest was partly due to his meeting with Garcilaso, but a greater influence was the movement started by Viceroy Mendoza (1556-1560) and continued by his successor, Nieva (1560-1564), to encourage the study of Incaic history and institutions. The purpose of this investigation was twofold: first, to aid the Spanish administration in general; secondly, to justify the Spanish conquest in the eyes of the other European nations by accusing the Inca regime of having robbed the earlier native inhabitants of their lands. In 1572, Ondegardo accompanied Viceroy Toledo on a journey into the Chiriguano country. He died at La Plata, now Sucre, Bolivia, in 1575.16

15. Ibid., p. 216.
It is in Relación de los fundamentos acerca del notable daño que resulta de no guardar a los Indios en sus fueros, a statement addressed to Viceroy Nieva from Cuzco and dated June 1561, that Ondegardo refers to aboriginal land tenure. This work remained unpublished until 1872 when it appeared in the Colección de documentos inéditos del Archivo de Indias, vol. 17; later, in 1916, it was republished by H. Urteaga and C. Romero in their Colección de libros y documentos referentes a la historia del Peru, vol. 3. The publishers of these two editions state that they have produced exact and complete transcriptions of the original manuscript which is now in the National Library at Madrid.

Ondegardo is not specific as to the exact territory in which he made his investigations, but since it is known that he spent a number of years at Cuzco, and since this is the address on his manuscript, it may be safely assumed that this is the area to which he refers. He also neglects to give the identity of his informants.

Describing the Inca regime, Ondegardo states: "...el gobierno mas tirano que hasta hoy se ha oido de ninguna nación, porque no poseian cosa alguna los nativos, ni un palmo de tierra que fuese suya sino que cada año les repartian las tierras para sembrar ..." In this he depicts the Inca government as very cruel and despotic, and the natives as very poor, having nothing, not even a plot of land. This passage incidentally gives evidence of his attitude toward the Incas.

He makes only one short statement on land tenure in the Pre-Inca period: "...en toda la tierra no habia señor ni general ni particular, sino que cada uno era señor de su casa y heredad para librar su maiz y comida." In other words, before the time of the Incas, there were no chiefs, either general or of a particular province, but each man was head of his house and inherited lands from which to provide his corn and food. "Heredad" means inherited lands, not merely inheritance in general, as may be verified in any standard Spanish dictionary. The Spanish word for inheritance in general is "herencia"; "heredad" refers only to inherited lands. The passage as it stands implies quite clearly individual inheritance of land, and hence individual ownership thereof. It is barely possible, of course, that Ondegardo may have been glorifying the Pre-Incaic institutions in order to give a more vivid picture of the cruelties of the Incas and thus to justify in some measure the Spanish Conquest, but such an hypothesis rests on no concrete evidence, and may reasonably be dismissed. His statement may then be taken at face value.

The birth and early childhood of Fernando de Santillan are obscure. The fact that he bore the title of Licentiate indicates that he must have been an educated man. He was appointed Oidor of the Audiencia of Lima in 1550. This post he occupied until 1564 when he

18. Ibid., p. 117.
was made President of the Audiencia of Quito in what is now Ecuador. In view of the positions Santillan held, it is more probable than not that he belonged to the Pro-Hispanic group of chroniclers.

Santillan composed his “Relación” in Spain. The manuscript is dated 1572. It remained unpublished until 1879 when it was published by Jimenez de la Espada. It was republished in 1927 by H. Urteaga. Santillan writes as follows regarding the land tenure system in the Pre-Incaic period: “... que todas las characas y heredades eran propias de los naturales de aquellas provincias donde estaban...” The word “heredad” indicates, as previously noted, that the author is referring to inheritance of landed property and hence, by inference, to individual ownership of land. No other statement in reference to land tenure is to be found in the rest of Santillan’s work.

These four writers, Castro and Morejon, Ondegardo and Santillan were all in Peru at the time of the Spanish Conquest or shortly after. We know that Castro and possibly Morejon too, had direct contact with the natives, as this is clearly stated in the letter written by these two authors, although we do not know for how long they remained among the Indians. Ondegardo and Santillan do not report that they had direct contact with the natives, but judging from the official government positions they both held and from the fact that they were in other respects very reliable writers, we have good reason to infer that the information they give us came from the natives, either directly or indirectly.

It is difficult to judge from the writings of these chroniclers whether they reported their information free from any bias. As far as Ondegardo and Santillan are concerned they may possibly have had a biased attitude against the Incas, because, as they were identified with the Spanish government, they may have belonged to the Pro-Hispanic school of chroniclers. Castro, being a missionary, may have been free from this bias, and regarding Morejon, nothing is known of his background to allow any conclusion to be made. In any case there is no specific ground for attributing bias to any of these writers.

That Castro and Morejon, Ondegardo, and Santillan wrote independently of one another and from independent sources of information is strongly suggested by the following facts: first, the works of these writers remained unpublished until 1867, 1872, and 1879 respectively; second, there is no reference made in any of the works to the other authors; third, the work of Castro and Morejon is the only one which cites specifically where the material was collected, although it is known from other sources that Ondegardo spent most of his time at Cuzco and

19. The 1927 edition was used by the present writer, since the 1879 edition was inaccessible to him.
that Santillan was mostly in Lima and Quito; fourth, although Ondegardo and Santillan both held the post of Oidor in the Audiencia of Lima, the former was there in 1548 and the latter in 1550, by which time Ondegardo was presumably already at Cuzco. Castro, being a missionary in a valley remote from both Lima and Cuzco, probably had no contact at all with the other two chroniclers. A final point suggesting their independence is obvious if a study of the phraseology in their statements is made. The present writer has made such study and has found the phraseology quite distinct one from the other.

A comparison with nearby areas strengthens the probability of individual land tenure in Pre-Incaic Peru. The situation among the Chibchas of Colombia, whom the Incas never conquered, has been described by Restrepo as follows: "La propiedad individual de las tierras existia entre los Chibchas y los bienes raizes se transmitian a las mujeres y a los hijos del difunto."22 Nino wrote on the Chiriguano: "Si un individuo labra una parcela, esta pasa a ser propiedad de él y aunque la abandone, sus herederos pueden reclamar la."23 The Chiriguano remained comparatively free of Inca influence, and in their culture there are but few traits representing diffusion from the Andean area.

We have two early references to land tenure among the Araucanians below the river Maule in Chile, where the Inca expansion never reached. The first, "El pehuenc^hte era propietario del pinar de que en un principio se habia adueñado,"24 points clearly to individual land tenure among the Pehuenche (highland Araucanians); the second, "El indio llanista o huilche era dueño del campo que cultivaba,"25 indicates that the Huilche (lowland Araucanians) also had individual land ownership.

In the primitive world in general, tenure of land under cultivation, more or less individual or in severalty as distinct from communal, is found among nearly all horticultural people. There are, of course, numerous exceptions to this rule but in the far greater majority of cases the above formulation holds.26 A very detailed comparison of the system of land tenure in the Pre-Incaic Peru with those of the nearby world is quite impossible, due to the fact that we lack detailed information on the system here and in nearby areas. All that can be said is that if the system of land tenure during this period in Peru was individual, it corresponds with the type of system in the nearby areas and in general with the system among most of the horticultural peoples of the world.

22. Restrepo, Vicente. Los Chibchas antes de la Conquista española, Bogota, 1895, p. 121.
As we have seen, there are only three first-hand sources, Castro and Morejon, Ondegardo, and Santillan, which deal with the system of land tenure in Peru during the Pre-Inca period. The first-hand information recorded by these four early Spanish chroniclers, although meager in quantity, is clearly to the effect that individual land tenure prevailed among the people, at least in certain localities, of the Pre-Incaic era. Nothing whatsoever in the material available to the present writer affirms or indicates communal or allotment systems of land ownership during this period.

From the evidence we have, it cannot be rigidly demonstrated that a system of individual land tenure prevailed among the Pre-Inca people of Peru. The present writer feels that the evidence is far too meager for such a conclusion. The evidence available does, however, point strongly to this conclusion. One point is significant; in the material at hand there is not the least indication that the system during the Pre-Incaic period was communal or of the allotment type.

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AN INTRODUCTION TO GALLINA ARCHAEOLOGY
E. H. BLUMENTHAL, JR.

In north central New Mexico a small tributary of the Rio Grande, known as the Gallina, flows by a circuitous route into the Chama. This is the center of an area long known as the "Gallina country." The area is roughly bounded on the north, east, south, and west by the Jicarilla Apache Reservation, Chama River, Jemez and San Pedro Mountains, and the Continental divide respectively. A vast stretch of canyon and upland country, lying for the most part in the transitional zone of pine-covered mesas and sage-covered valleys and canyons, the Gallina country remained in archaeological oblivion until the last few years.

At first the excavations were carried on under a partial grant from the University of New Mexico through the courtesy of a National Forest excavation permit. Both Cuchillo and Nogales Cliff-House, two of the larger Gallina sites, were excavated by the author and Mr. Carroll Burroughs under the direction and sponsorship of Dr. Frank C. Hibben.1 A complete report of the excavations is now in preparation by Dr. Hibben.

The archaeological character is given to this area by numerous remains of single unit surface houses. These houses are large, averaging 18 by 20 feet, lofty (at Cerrito some 12 feet of standing wall is

1. Curator of the Museum of Anthropology, University of New Mexico. The author is indebted to Dr. Hibben for his suggestions and cooperation in the preparation of this material.