

MOUNTAIN PASTORALISM AND SPATIAL MOBILITY IN THE SOUTH-PERUVIAN ANDES IN THE AGE OF STATE FORMATION (1880–1969 AND BEYOND)

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Abstract

The process of inclusion of the colonial ‘Republic of Indians’ into the framework of the Peruvian state involved a series of changes in the Indian’s judicial status. This article examines the legal metamorphosis experienced by a shepherd population in Southern Peru, Phinaya, on the basis of both historical and ethnographical information. The aim of the article is to examine the extent to which republican policies designed during the nineteenth and twentieth centuries recognized the existence of shepherd populations in the territory of the nation. It also explores to what extent, if any, the twentieth century policies designed to incorporate these populations within a national territory newly defined by its boundaries took account of their patterns of social organization in relation to one aspect of south Peruvian pastoralism: spatial mobility.

Keywords: shepherd populations, southern Peru, nation state policies, spatial mobility, social organization

Introduction

The existence of contemporary shepherd populations devoted to the raising of alpaca, llama and sheep in Southern Peru has been well documented by ethnographic research (Flores Ochoa 1977, 1988; Medinacelli 2005; Orlove and Custred 1980; Ricard Lanata 2007a; Sendón 2005a; Webster 1973). Although these works have described and analysed many of the economic, political, symbolic, and ritual aspects of high Andean pastoralism – in several cases outlining its specificities and differences in relation to Andean farmers and even shepherd populations from other regions – little attention has been paid to the history of Peruvian shepherds during the nineteenth and twentieth centuries (Jacobsen 1993; Orlove 1977; Piel 1983; Pozo-Vergnes 2007). Even less attention has been paid to a fundamental feature of their economy: spatial mobility (Browman 1974; Custred 1974). This article examines the legal and judicial changes experienced by the shepherd population of Phinaya in southern Peru. This examination is based on government records of the nineteenth and twentieth centuries, the ethnographic record of my own fieldwork and other ethnographic studies of the region. The aim

of the article is to show to what extent the republican policies designed during the nineteenth century and onwards recognized the existence of shepherd populations in the national territory.¹ It also explores how twentieth century policies – particularly, but not exclusively, the Agrarian Reform of 1969 – responded to one of the main problems of a population exclusively engaged in the raising of alpaca, llama and sheep: namely, spatial mobility.

The Legal Record

The long process of inclusion of the erstwhile ‘Republic of Indians’ into the territorial, political, legal and moral framework of the Peruvian state involved a series of changes in the judicial status of its populations. Immediately after Peruvian Independence (1821), the first liberal policies decreed the abolition of their ‘indigenous’ status, so that its members could be incorporated as ‘citizens’ into the new nation. Accordingly, these ‘new citizens’ were not only declared individual owners of their formerly communal lands, but were also given the right to sell them at their will in a context that favoured and stimulated the creation of a land market. Although there were exceptions to this legal frame, during the first hundred years of Peruvian republican history, the indigenous populations were set adrift without any kind of formal recognition of either their privileges or their institutional status (Urquieta 1993). According to some authors, this set a precedent for the division between peasants and Creole landholders in their struggle for the control and possession of land during the nineteenth century (Núñez Palomino 1996). In south Peruvian historiography, this is the period of expansion of the hacienda system.²

This state of affairs began to change in the first quarter of the twentieth century when, among several policies that dealt with the ‘Indian problem’, the government granted constitutional recognition to ‘indigenous communities’ in 1920.³ This led to the creation of a government agency (the Section of Indigenous Affairs) in 1921 to address the constant abuse of Indian populations by landowners. Practices such as the rendering of free services by the Indians in their own localities and in several spheres of local government were banned (1922). The surveying and registering of the land belonging to the indigenous communities – as well of the flocks many of them owned – began in 1925. The 1936 Civil Law gave legal status to communities only if they registered in an official record. The 1969 Agrarian Reform Law dealt a blow to the Creole landowners when the great majority of their lands were expropriated by the state and given to the newly re-labelled ‘peasant communities’. In 1970 a new Statute of Peasant Communities was promulgated and their legal existence was again confirmed by the 1979 Constitution.

The process of ‘communalization’ of rural lands was not, of course, homogeneous. Indeed, there was a sizable gap between the written law and its enforcement, varying from region to region. Still, from 1920 to 1968, more than 1,500 indigenous communities were recognized by the state, and from the Agrarian

Reform Law to 1991, the number of peasant communities grew to almost 5,000. A large plurality of these communities belongs to the Southern Peruvian Departments of Puno and Cusco, with 1,093 and 804 registered respectively (Trivelli 1992). After the Agrarian Reform Law, a peasant community was conceived as a group of families that holds and exploits a common territory and identifies with it over time. This identification was based either on land titles possessed by the communities – in some cases since pre-republican times – or on the territories bestowed to them after the reform. Until the beginnings of the 1990s, these lands could not be confiscated or alienated, and the legal rights the families possessed over them never expired.

This brief background sketch highlights an important shift in the relationship between the Peruvian state and the indigenous-peasant populations during the last two hundred years. During the nineteenth century, the state neglected if not ignored them, whereas in the twentieth century, several policies were designed and developed to legally include them in the national territory. However, when compared to the ethnographic record available about these same populations – in this case particularly the shepherd populations in the Southern Peruvian Andes – it is worth asking how far those twentieth century policies actually recognized and reflected the ways of life they have been engaged in since at least pre-republican times.

The Historical Record

The village of Phinaya is located at the heart of the massif of Ausangate (14°S, 71°W) over 4,500 m above sea level in the South Peruvian Andes (Figure 1). Politically and administratively, the territory of Phinaya belongs to the District of Pitumarca, located in the Province of Canchis in the Department of Cusco, and its legal boundaries comprise approximately 40,000 hectares. Owing to its altitude, agriculture is not feasible and its population, 600 people or 130 nuclear families, is exclusively engaged in the raising of alpaca, llama and sheep. This specialization in herding involves two distinct kinds of mobility: pastoral transhumance with pastures for the rainy and the dry seasons, and exchange transhumance with other regions to supply goods not producible at these altitudes.⁴

Phinaya is a peasant community and as such it presents a series of social differences or fragmentations which contradict its character as legally defined by the state. The territory of Phinaya is divided into eight sectors, four of which are effectively communal, whereas the other four are private lands. The families living in these sectors are accordingly divided into commoners and owners, both statuses reflecting the relationship they have with the lands they exploit. While the commoners are those families that have access to the communal lands, the owners are those who possess the lands where they raise their flocks. There is also the status of 'shepherd', assigned to those landless peoples who do not have any rights to land and work as shepherds in the private land sectors. However, all the territory

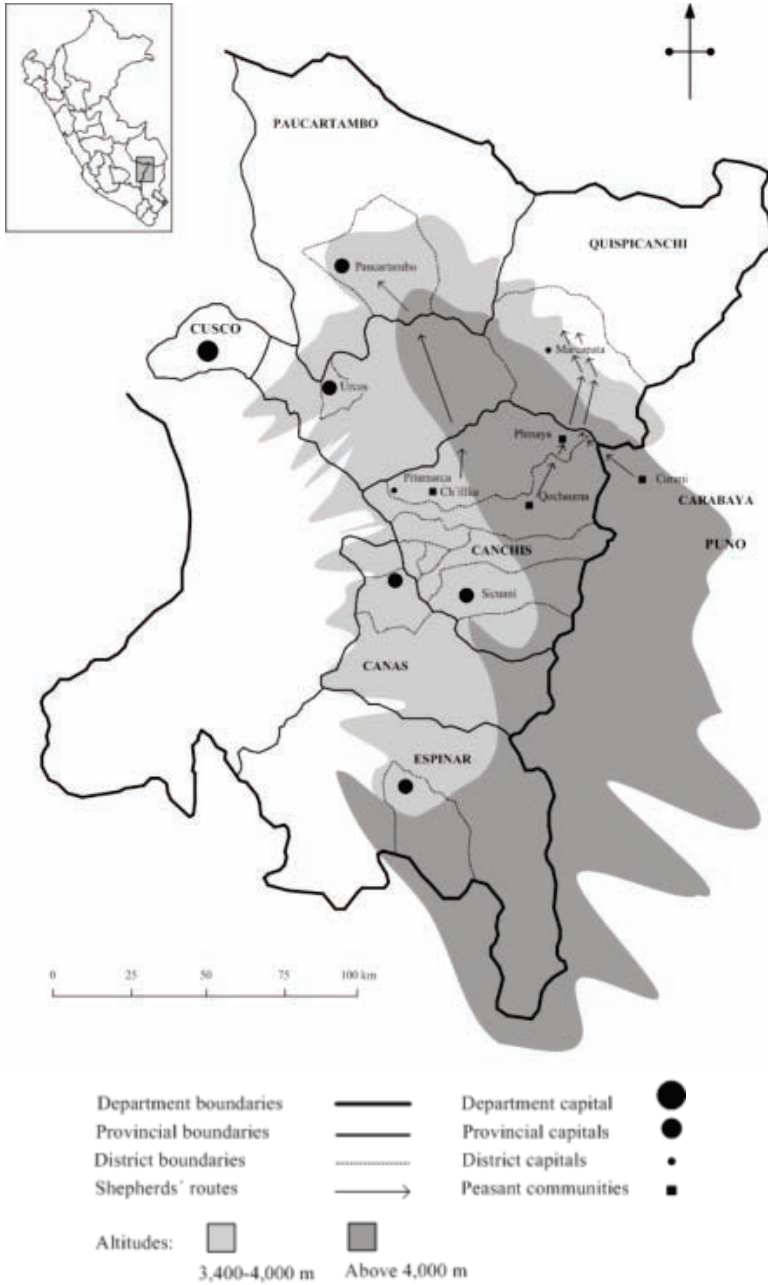


Figure 1: Map of Souther Cusco

of Phinaya is conceived by its dwellers as a unity, all the (nuclear) families are linked through kinship relationships, and many of their parents descend from families who inhabited the territory more than a century ago. How can we explain, then, these two seemingly contradictory dimensions in Phinaya's land tenure? Is it possible to identify any kind of analytical 'social unit' in order to go beyond these apparently contradictory dimensions?

Local archives provide historical information for many of the indigenous-peasant populations in contemporary Peru. Although scanty, this information is very useful to contextualize the specificities imposed by the analysis of any ethnographic case study. In relation to Southern Cusco in general, and to Phinaya in particular, two kinds of relevant sources help to answer the previous two questions. The first are files from lawsuits over lands involving several of the indigenous-peasant populations of Pitumarca from 1920 up to 1970. These files are kept in the Ministry of Agriculture (formerly the Section of Indigenous Affairs) of Sicuani, the capital of Canchis. The second set of sources is the tax records of the indigenous tributary population of the provinces of Cusco during the nineteenth century, preserved in the Regional Archive of Cusco. The several national population censuses conducted by Peruvian governments throughout the twentieth century constitute a third kind of source with which to contrast the previous two. What do these sources show about the status of Phinaya?⁵

The first 'modern Peruvian census' (Gootenberg 1995) was published in 1876. In this census, Phinaya is recorded as a hamlet belonging to the village of Pitumarca of the District of Checacupe. In the following censuses, Phinaya is recorded as a ranch (*estancia*) occupied by one family (1940), as a community constituted by four houses (1961), as a hamlet of 34 people or 12 houses (1972) and as a peasant community inhabited by almost 100 people or 26 families (1981). This same status is reconfirmed by the 1993 census. Beyond the inaccuracies and gaps in all these censuses, it is important to bear in mind the following. Phinaya, as has been mentioned, is a village divided into eight sectors, and each of these sectors is divided into several localities, each of which is identified by a specific toponym. Since the 1940 census, all these sectors and many of their respective localities have been recorded as autonomous territorial and administrative units. By registering these units as 'hamlets', 'estancias', 'haciendas', 'communities', 'peasant communities' and sometimes simply as 'others', the twentieth century censuses do not grasp the inner sociological unity among all of them. In fact, the censuses present them on the same level, all of them belonging to the district of Pitumarca.

The lawsuit files from 1919 up to 1970 provide information about the historical and judicial development of the indigenous-peasant populations of Pitumarca (and Canchis) in their struggle for the land against the Creole landholders. These sources show that Phinaya experienced legal metamorphoses throughout the last century. According to the different political contexts, Phinaya was regarded as a *parcialidad* or *ayllu* (1921–26), as an 'indigenous community' (1927–28), as a 'peasant community' (1977), as a 'communal company' (1978–93) and, after joining with

another four peasant communities, as a 'small populated area' (*centro poblado menor*).⁶ The institutional changes Phinaya has undergone during the last century is, then, another problem that adds to the already mentioned question of the contemporary social differences or fragmentations.

The last sources to be considered, the tributary books for the Province of Canchis, describe another scenario. They provide information about the political constitution of Pitumarca in terms of the political-administrative categories characteristic of the nineteenth century and even colonial times. According to these books (1875, 1835, 1845, 1850, 1883 and 1888), the village (or *repartimiento*) of Pitumarca was divided into four *ayllus* (or *parcialidades*). The names of two of these *ayllus* are Consachapi and Ilave, and they are of the utmost importance for the analysis of Phinaya from a historical perspective. The first time Phinaya is recorded in an official (in this case tributary) source is in relation to the *ayllu* Consachapi and Ilave: in 1883 and 1888, the hamlet of Phinaya belonged to both these *parcialidades* of the District of Pitumarca.⁷ The *ayllu*, barely mentioned in the twentieth century documents, is, then, another division that has to be considered, along with the others mentioned above. As a matter of fact, nowadays the whole territory of Phinaya, as well as the families that belong to it, is divided into two halves named Consachapi and Ilave or, respectively, big *ayllu* and small *ayllu*.

According to the Andean ethnographic and ethnological literature, the *ayllu* can be preliminarily defined as a group of kinship related people who exploit a common territory through the generations. In the case of Phinaya, this social order could be preliminarily explained from two points of view.

Phinaya was, and still is, an administrative annex of the community of Ilave which, together with three other communities, constitutes the village of Pitumarca (capital of the District of the same name)⁸. This village, 60 km from Phinaya, lies over 3,400 m above sea level and all its members are engaged in an agricultural/farming economy. The names of both halves of Phinaya, Consachapi and Ilave, come from Pitumarca, and both Phinaya and Pitumarca have been linked since at least the end of the nineteenth century. Although it could be supposed that Phinaya was a kind of island in a vertical archipelago (Murra 1972) controlled by the farmers of Pitumarca, this would not be completely accurate, due to the reasons discussed below.

A second explanation about this social order is that Phinaya constitutes (and always did) an *ayllu* on its own. From this perspective, all the families living in Phinaya (regardless of their status of commoner, owner or shepherd) are equally engaged in the economic, political, symbolic and ritual practices of the village, and the main difference among them is their membership in one or other of the *ayllus*' halves (*moieties*).⁹

The village of Phinaya is organized both as a peasant community and as an *ayllu*. The peasant community consists of the communal territories (four out of the eight sectors) legally granted by the state, and of the families (forty out of the one hundred and thirty) which became their members after the Agrarian Reform Law. The *ayllu* consists of all the lands (communal and non-communal) of the village

territory and all the families which have access to it. However, the limits of the *ayllu* are neither restricted to that territory nor to those families.

The Ethnographic Record

The genealogical record of kinship relationships among the families of Phinaya has been the method I employed for documenting and understanding the significance of the *ayllu* among these shepherds. From the perspective of the division into two halves, the 130 families from Phinaya are linked through a complex kinship network.¹⁰ Nowadays, these families are grouped in approximately forty agnatic descent lines. Each of these lines occupies a definite portion of the territory across the generations, establishing in this sense a significant association between patronymics and the vernacular toponymy. At the same time, many of the members of these lines are united by affinity ties across the generations. Owing to the genealogical depth provided by this record, it is possible to infer that in general terms the kinship constitution of Phinaya has been relatively unchanged since the end of the nineteenth century. In this sense, the ethnographic record can be related to the available historical information, and both of them can be interpreted in the same light.

The genealogical record allows us to identify one significant feature of Phinaya's social organization: the patterns of spatial mobility in which the shepherd populations from this portion of the Central Andes have been engaged until recent times. The place of origin of the couples of each nuclear family from Phinaya is a good indicator. There are four possible cases: (a) both husband and wife are from Phinaya; (b) the husband is from Phinaya and the wife is foreign or her birthplace is unknown; (c) the husband is foreign – or his birthplace is unknown – and the wife is from Phinaya; (d) both husband and wife are foreign or their birthplaces are unknown. The statistical analysis has thrown the following results: cases of type (a) and (b) predominate over the rest, and cases of type (b) predominate over those of type (c). Although these rates are confirmed throughout the generations, it should be noted that the number of type (d) cases increases as we move backwards into the genealogical record. What are the sources of the immigrant population?

One of the main features of the south Peruvian geography is great ecological diversity concentrated in a territory of relatively small proportions. It should not be surprising, therefore, that the centers of migration towards Phinaya were located within a relatively small territory (centred around 14°S and 71°W) with strong differences in its ecology and productive activities. From the perspective offered by contemporary Peruvian political-administrative divisions, these migration centers belong to territories of the Departments of Cusco and Puno, and from Phinaya's neighbouring provincial districts. The great majority of the migrants come from the District of Marcapata (Cusco), where farming at different altitudes is the dominant activity. The second migrant population in Phinaya comes from the highland grazing provinces of Carabaya and Melgar (Puno), exclusively devoted

to the grazing of alpaca and llama. The third foreign element comes from those villages which, together with Phinaya, occupy an exceptional place in the Province of Canchis. They belong to the Districts of Pitumarca and Checacupe and, like their peers from Puno, are engaged exclusively in herding. In this sense, the territorial ascription to which the mentioned populations are subjected, in terms of membership in ‘communities’, ‘districts’, ‘provinces’ and even ‘departments’, stands against a pattern of spatial mobility as inferred from the birthplaces of the migrants in Phinaya. Beyond its institutional membership, Phinaya does not include people from any community of Pitumarca among its fellows. This is strictly related to the strategic place Phinaya holds, together with other villages of the province, in the territory of Canchis.

Southwest of Cusco, the province of Canchis is bisected by the Vilcanota river and divided into eight districts, whose capitals sit at 3,400 m above sea level on either side of the river; villages along this fluvial axis are engaged in agriculture. To the northwest of the river, the altitude increases sharply within a few kilometres. As we have seen, Pitumarca is separated from Phinaya by about 60 km. The peoples of Pitumarca are farmers, whereas in Phinaya, farming is not feasible. Differences in altitude and productive specializations are also related to the mobility of Phinaya’s shepherds.

Because of its specialization in herding, Phinaya was, and still is, a mobile society. As a matter of fact, all people engaged in pastoralism in the Andes – although restricted to a more or less specific territory – are mobile for at least two reasons. Firstly, they need to move their flocks to different lands following the rhythm imposed by the dry and rainy seasons. Secondly, such peoples must move with their livestock – particularly llamas – towards other regions in order to supply themselves with products unavailable in their territories.

From the end of the nineteenth century and until the years that followed the Agrarian Reform Law, the second kind of mobility seems to have prevailed in the region studied. This is proved not only by the genealogies that tie Phinaya with Marcapata and to the highland and pastoral provinces of Puno (Carabaya and Melgar), but also by the very memories of the individuals involved in them. In other words, many of Phinaya’s elders remember that their forebears came from Carabaya and Melgar. These people used to move their flocks towards the agricultural lands of Marcapata looking for agricultural and tropical products and then back to their places of origin. These movements were done according to the rhythm imposed not only by ecological but also by social factors: since at least the end of nineteenth century, the highlands areas of the Province of Canchis have suffered the expansion of the hacienda system. This involved the reconfiguration of the territory as the Creole landholders occupied the indigenous lands. In the northwestern corner of Canchis, the landholders’ ancestors came from Pitumarca. In this sense, the only presence of people from Pitumarca in the territory which nowadays belongs to Phinaya is related to the expansion of the Creole landholding and farming sector towards the shepherd highlands in the northwest.

Phinaya's ancestors, by then also organized into two halves, experienced the hardships of land expropriation, and began to raise their flocks in the landholders' territories. The shepherds from Puno also continued with their movements towards the agricultural lands of Marcapata, and in their transhumance they used to reside – sometimes for months – in the territories of the haciendas they crossed. In these haciendas, the shepherds from Puno used to be in charge of the flocks of the landholders, and in exchange they were given the right to graze their own flocks in those same lands.

This kind of spatial mobility seems to delineate a corridor which links several populations that are, however, conceptually separated by the political and administrative divisions imposed by the state. In this corridor, the territory of Phinaya is both a meeting point and a place of transit. On a north-south axis, Phinaya is a fluid point of transit through which the shepherd populations from Puno are related to the farmers from Marcapata. On an east-west axis, Phinaya is a conflictive point of encounter between those same populations and the farmers from Pitumarca in their search for expanding their control of the land. From this perspective, Pitumarca seems to end right where Phinaya begins.

The consequences of the 1969 Agrarian Reform Law were felt as late as 1975 in the area. The attachment of specific portions of lands to the shepherd populations reorganized in 'peasant communities' not only ignored the spatial scale of their mobility, but also questioned it. However, although limited by external factors, it is still possible to appreciate similar patterns of mobility in the South Peruvian Andes.

Recent research conducted in southern Peru demonstrates that several routes are still in use by the shepherd populations in their search for agricultural products unavailable in their own territories. This is the case for the llama herders from Qochuama (district of Checacupe, Canchis) who, in June every year, travel to Marcapata, across Phinaya, to supply themselves with those products which complement their diet (Paz Flores 2000). A second example comes from the village of Ck'illca (Pitumarca). Each year in July, several families travel to the valley of the Mapacho river in the Province of Paucartambo to barter their products for maize at the time of the harvest (Ricard Lanata 2007b). During a brief stay in the city of Macusani (the capital of the Province of Carabaya, Puno) and its surroundings in 2009, the shepherds from the district of Corani informed me that every year, in August, they travel with their llamas to the peasant community of Chikis, located down below in the territory of Marcapata. In their journey, of course, they cross the heights of Phinaya.

Final Remarks

The twentieth century policies implemented by the Peruvian state in order to incorporate the indigenous-peasant masses into a unified national territory did not take account of important differences in their productive specializations and economies. The case of Phinaya, together with many other shepherd populations in Southern Peru, presents itself as an eloquent example of how little these policies recognized and understood the

logic of mobile-shepherd society. From the 1920s to the Agrarian Reform Law – and beyond – the shepherds from Phinaya were classified in legal categories that ignored their social organization, both in relation to other shepherd populations of the region and to the territories they exploit and, more importantly, travel through. In this sense, the institutional notion of ‘community’ – as defined for example in the Agrarian Reform Law – does not account for the way in which the (nuclear) families in Phinaya are actually related through links of consanguinity and affinity that, renewed across the generations, have left their hallmark on the landscape. From a territorial perspective, the community lands granted by the state to the shepherds did not correspond to the territories actually used by them either. In other words, the process of ‘communalization’ in southern Peru after the Agrarian Reform Law initiated the fragmentation of a social space crossed by mobile peoples engaged in highland pastoralism.

At the beginning of this article, I stressed, perhaps somewhat roughly, the differences in how the Peruvian state dealt with indigenous-peasant populations during the nineteenth and twentieth centuries. The purported silence of the nineteenth century Peruvian legislation on these matters is thrown into question by other kinds of official sources from the period, such as the tax books available for the Department of Cusco. As we have seen, those books provide information about the existence of Phinaya at the end of the century (1880s), and record *ayllu* as its administrative categories. In their use of this category, the nineteenth century sources let us know about a kind of organization prevalent in southern Peru that was first ignored and then denied by twentieth century policies. As the ethnographic record has demonstrated, this organization is still alive among southern Peruvian shepherds. Is there any relationship between the nineteenth century *ayllu* and the *ayllu* as it is observed nowadays among Phinaya’s shepherds? The information available in the sources provides only some clues to answer this question.

In his work on the demographic history of the highland shepherds from Espinar – a province located in southern Cusco, below the territories of Canchis – the French historian J. Piel analysed the same tributary books I have referred to in this article (1795–1897)¹¹. Piel demonstrated that the indigenous shepherd communities from Espinar were able to safeguard the highland pastures they possessed at least until the end of the nineteenth century. Moreover, according to him, the indigenous population of Espinar used the first seventy years of the Peruvian republic to adapt itself to the local conditions of the international wool market under the judicial situation of the department and the nation (Piel 1983: 286–87). It is quite probable that during the nineteenth century, the shepherds from Espinar were also organized in *ayllus*. If this was actually the case, Piel’s conclusions about the first seventy years of republican life could be applied to the situation experienced by those shepherds who, in more than one sense, were trapped in the highlands of Pitumarca and the surrounding areas. However, a problem still remains: are those generalizations about Phinaya’s social organization from a genealogical point of view valid for the situation prior to the 1880s? Only further research into the available historical records will provide the answer to this question.

Notes

1. It should be stressed that the twentieth century will be regarded in greater detail than the nineteenth century. However, it is important to bear in mind that, though operating as a sort of blurred background, the nineteenth century will also be considered when necessary in order to answer certain questions derived from twentieth century state policies and ethnographic research.
2. The highland haciendas were owned by Creole landholders who employed two kinds of labor force: permanent peons and temporary workers. The peons usually remained for generations working on a hacienda in exchange for the right to graze their own flocks in its lands. For an analysis of the hacienda system in the highlands of Sicuani (capital of Canchis), see Orlove (1977).
3. According to Orlove, since 1920 the hacienda's daily workers belonged to these indigenous communities, and their members operated as 'independent productions units' in relations to the peons (Orlove 1977: 44).
4. Every nuclear family in Phinaya has two houses in the territory: one reserved for the dry season and the other for the rainy season. Twice a year, each family has to move its flocks from one house to the other, looking for the best grasses available in each season. Inamura (1981) coined the expression 'country state transhumance' for this kind of mobility.
5. In the following paragraphs, I will omit one important aspect of the information contained in the first and third kind of sources: the demographic configuration of the different political and administrative units of the national territory. I will simply focus on the status assigned by the different governments to the village of Phinaya. For a detailed discussion of the sources, see Sendón (2004).
6. The Agrarian Reform Law in Peru aimed to reorganize and stimulate the productive capacities of the newly recognized peasant communities under the creation of communal companies that among the shepherds of Southern Peru received several designations (Poza-Vergnes 2007). The *centro poblado menor* is an ill defined census category that, in southern Peru, occupies an intermediate level between the community and the district.
7. In the previous tributary books (1875, 1835, 1845, 1850), Phinaya was not mentioned. However, its existence is well documented in another source: one of the deteriorated frescos which decorated the inner walls of the local chapel dates from 1767. At the end of the nineteenth century the *ayllus* and *repartimientos* became *parcialidades* and districts.
8. The names of these communities, of course, are the same as those of the four *ayllus/parcialidades* in which Pitumarca has been divided since the end of the eighteenth century.
9. The existence of the *ayllu* organization is also documented in the oldest inventory of goods of Phinaya's chapel, dated 1872 (i.e., four years before the 1876 census).
10. For a detailed account of the kinship network among the Phinaya's families see Sendón (2005a, 2005b, 2008). This information is the result of several fieldworks in Phinaya between 1999 and 2003.
11. Until 1917 the territories of Espinar belonged to the Province of Canas.

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