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Citizenship, Race, and Criminalization: The Proceso Mohoza, 1899-1905

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## **Citizenship, Race, and Criminalization: The Proceso Mohoza, 1899-1905**

Historiography of Bolivia characterizes the year 1899 as one full of conflict. There were two distinct conflicts to be precise: the Federal War, won by the Liberals/Federalists, and the uprising of their former allies in the rebellion headed by Aymara leader Pablo Zárate Willka. Recent scholarship challenges the strict separation of these events revealing instead connections between the intra-elite partisan civil war and the large-scale indigenous rebellion. This paper examines an institutional encounter between the two conflicts. The criminal trials prosecuting the alleged participants in the Willka Rebellion constituted high-stakes institutional encounters between the state and indigenous defendants. One of the criminal trials, the *Proceso Mohoza*, tried and condemned hundreds of accused persons for the massacre at Mohoza of over a hundred Federalist troops in March of 1899. A critical event in both the Federal War and the Willka rebellion, the Mohoza massacre marked a turning point in the Federal/Aymara alliance and proved critical in later depictions of the indigenous rebellion as a “race war” aimed at eliminating *mestizo* people and institutions from the nation. This paper examines the ways the Proceso Mohoza helped reinforce the characterization of the Willka Rebellion as a “race war” and how the trial served as a site of struggle for a newly embattled government and a shifting elite racial discourse in the age of social Darwinism. The trial was one of the largest and most prominent of the mass criminal trials following the events of 1899. The legal forum provided space for discourse among the politically connected elite from the nation’s new capital, La Paz. The courtroom debates cast light on the ways in which elites imagined citizenship, criminality, race, indigenous peoples, and the nation’s future.

### **Historiographical Context**

Examination of the criminal trials as historical sites themselves is a new approach to an understudied topic. Until very recently, the Willka Rebellion was largely un-researched.<sup>1</sup> Unlike other large-scale indigenous rebellions, for example the Tupac Amaru/Tupac Katari Rebellion, historical works examining the events and the leaders of the uprising have been scant up until the last 10 years and most previous works referred to the “race-war” propagated by the participants. Even the first historiography dedicated entirely to the rebellion, written by historian Ramiro Condarco Morales in the 1960’s, lent credence to some of these previous depictions of “race-war.”<sup>2</sup> Aspects of Condarco’s detailed analysis of sources did, however, represent a significant change in the depictions of the conflicts of 1899. Rather than previous narratives that portrayed the partisan civil war as solely an intra-elite battle, Condarco’s work revealed extensive linkages between indigenous leaders and their Liberal party allies and made a strong argument that the Liberal victory would not have been possible without the alliance with indigenous leadership and soldiers.

More contemporary interest in indigenous claims to participation in the Bolivian nation has also changed depictions of political conflicts in Bolivian history. Driven by the influence of *Katarismo*, new scholarship has not only uncovered historical claims to participation in the nation and decades of struggle with the national government, but has also detailed the ways in which the state actively excluded indigenous Bolivians from full

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<sup>1</sup> Most accounts of the Federal War written in the early to mid twentieth century were written by members of the Liberal Party documenting their own victory. Given this, it is not entirely surprising that their portrayal of the events in the war de-emphasized the aid received from Willka’s indigenous army across the altiplano.

<sup>2</sup> Condarco’s work at least upholds a notion of an autonomously motivated “*indiada*” that moved directly against their former allies, and indeed all whites in the region. Unlike previous depictions of the “race war” as lacking any larger political vision, Condarco does give the larger rebellion a national political aim, though it appears more like the negation of the state than participation in it. Condarco Morales, Ramiro, Pablo Zárate Willka, 1982.

participation in political processes.<sup>3</sup> Thus, the Willka rebellion is a relevant site of investigation both for its temporal location in Bolivian history, positioned in the midst of significant long-term political, social, and economic changes, and the deep connection of the claims of the rebellion to questions of indigenous citizenship and participation in the nation-state.<sup>4</sup>

Recent historiography on the Willka Rebellion links elite political structures, including political party leadership, to a complex network of indigenous leaders across the *altiplano* or highlands, at the end of the nineteenth century.<sup>5</sup> Though each historian's position on the exact goals of this movement differs, the general trend extends some form of political agency to the leaders in indigenous communities. Some historians, like Marie-Danielle Demelas, have emphasized the autonomous development of the political aims and goals of the leaders of the Willka Rebellion, though not in the same manner as proponents of the "race war" characterization.<sup>6</sup> This depiction of the events emphasizes a pre-existing plan among indigenous leaders to take power in the country at the onset of the Federal War. Works like Pilar Medieta's emphasize a diverse set of motivations, arguing that while some

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<sup>3</sup> Rivera Cusicanqui, Silvia, Oppressed but not Defeated: Struggles among the Aymara and Quechwa in Bolivia 1900-1980, 1987, Postero, Nancy, Now We Are Citizens, Stanford University Press, 2007, Albó, Xavier, Y de Kataristas a MNRistas: La Sorprendiente y Audaz Alianza entre Aymaras y Neoliberales en Bolivia, 1993 and "Bolivia: From Indian and Campesino leaders to Councilors and Parliamentary Deputies", Multiculturalism in Latin America, Palgrave MacMillan, Institute of Latin American Studies, London, 2002. *Katarismo*, an indigenous movement beginning in the late 1960's and early 1970's, asserted the cultural and political rights of indigenous communities in Bolivia.

<sup>4</sup> Though full examination of these larger trends is beyond the scope of this particular work, it is worth mentioning the intersections between these macro-level changes and the aims of the rebels. Situated in the midst of the rupture of the *pacto-colonial*, or the tributary pact, identified by scholars like Tristan Platt, the claims of the rebels to rebuild *ayllu* control of land reveals direct oppositions to both the hacienda based production models and the individualized land-tenure. The war is also in the midst of the development of stable partisan politics in Bolivia following the War of the Pacific. The victory of the Liberal Party in the Federal War also marked the beginning of one of the most stable political eras in Bolivia's history (in partisan terms, meaning no successful coups) and was the start of the rise of the *Rosca* or tin-mining oligarchy.

<sup>5</sup> *Apoderados* or empowered leaders.

<sup>6</sup> Demelas, La Invención Política, 2003

leaders may have had national political aims, many participants and communities acted instead on local resource and material needs and claims distinct from a broader national politic.<sup>7</sup> Some, like Forrest Hylton, have proposed a vision of indigenous leaders as proponents of a *federalismo insurgente*, or an indigenous movement with explicitly national political goals for participation in the republic, albeit in starkly different terms than those envisioned by elites.<sup>8</sup> Marta Irurozqui's work echoes this to a certain extent and argues that the years prior to the conflict embodied a process of politicization for indigenous communities and leaders across the *altiplano*.<sup>9</sup> While each of these authors differs in their construction of what is deemed "political" and the relationship of indigenous leaders to that concept, the clear trend among all these recent works is a repudiation of the sensationalist claims of "race war" leveled against indigenous rebels in previous years.

All investigations into the Willka rebellion have relied on a diverse set of primary sources, but the criminal trials following the rebellion have provided some of the most important sources for understanding the events of 1899. Contemporary scholarship examining criminalization, scientific racism, and institutional discourses provides a parallel line of investigation into the events following the Willka Rebellion and the Federal War.<sup>10</sup> If criminal trials represent both a significant bulk of the sources used to understand the

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<sup>7</sup> Mendieta Parada, Tesis Inedita, 2006

<sup>8</sup> Hylton, Forrest, "El Federalismo Insurgente", *Tinkazos*, 7:16 2004

<sup>9</sup> Irurozqui, Marta "Political Leadership and Popular Consent: Party Strategies in Bolivia 1880-1899", *The Americas*, 53:3, 1997, and "The Sound of the Pututus: Politicization and Indigenous Rebellions in Bolivia, 1826-1921", *Journal of Latin American Studies*, 32:1, 2000, and Irurozqui, Marta, *La armonía de las desigualdades: Elites y conflictos de poder en Bolivia 1880-1920*, 1994

<sup>10</sup> In particular, the works of Brooke Larson examining state formation in the Andes in relation to scientific racism and eugenics, as well as the works of Carlos Aguirre on criminality in Peru provide important arguments for the importance of understanding institutional discourses and processes. Larson, Brooke, *Trials of Nation Making*, 2004, and Larson, Brooke, "Capturing Indian Bodies, Hearths, and Minds: 'El Hogar Campesino' and Rural School Reform in Bolivia, 1920-1940s," *Proclaiming Revolution*, 2002. Aguirre, Carlos, *The Criminals of Lima and their Worlds*, 2005 also Foucault, Michel, *Discipline and Punish*, 1975

rebellion and present important questions raised by recent examinations of criminality, what would an examination of the legal process as a historical site in and of itself reveal about the conflicts or the institutional responses to them? Previous re-examinations of the relationship between elite party leadership and indigenous leaders like Pablo Zárate Willka amplified historiographical analysis of the bloody ruptures of 1899, but analysis of the institution and methods of repression chosen and enacted by the Liberal victors against their former allies provides an important opportunity to both re-examine the source of historical documentation of the rebellions and the construction of events produced through the courtroom debates of elites.

This paper works to frame a more thorough discussion of elite discourses and historical narratives at the turn of the century in Bolivia. I examine the events of Mohoza and the start of the trial itself in their historical contexts to fully understand the usage of the trial by the victorious *paceño* faction, or residents of La Paz. This analysis includes a discussion of the lawyers, judges, and the laws used to convict the defendants. The intricacies of legal arguments over the six-year long trial have been omitted in favor of a more thematic and analytical discussion of the shared themes and constructions of criminality and guilt present in both defense and prosecution arguments.<sup>11</sup> The implications of all of these arguments on questions of indigenous participation in the nation are further explored alongside the contradictions to these exclusive constructions of citizenship and race presented by indigenous defendants own testimonies and actions in and outside of the courtroom. Finally, I place the implications and results of the analysis of the criminal trial alongside other historiographical works that examine the Willka rebellion and the Federal

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<sup>11</sup> For a detailed discussion of these other aspects of the trial see my complete MA thesis, “*Una lucha de razas, secular y honda*,” UCSD, 2007.

War to suggest the long-term implications of this analysis on questions of motivations of the rebellion and the visions of the Liberal party led government.

### **The Events and Trial of Mohoza**

The events of Mohoza, situated in the middle of the six-month civil war, presaged the rupture between Federalist/Liberal leadership and the indigenous army commanded by *cacique* Pablo Zárate Willka. At the end of February 1899, General Pando, the Liberal leader in the civil war, dispatched a squadron of soldiers from the province of Inquisivi to Cochabamba to further the aims of his faction. The squadron of nearly 130 men was killed in the small town of Mohoza in the first days of March. The alleged killers were identified as Pando's allied army, the indigenous "auxiliary" referred to in the papers of the day. Witnesses testified they were murdered inside the small town's church with the aid of the parish priest, Jacinto Escobar. The massacre of Mohoza pushed Pando to seek a truce with the opposing elite armies in the conflict.<sup>12</sup> The killing of his troops by his supposed allies greatly unsettled the alliance between Pando and Pablo Zárate Willka, the Aymara leader. Rumors of the events spread far and wide, and as the official hostilities of the Federal War came to a close by the end of April 1899 with the Liberal/Federal victory, elite focus shifted quickly from the partisan battles to the challenge of building a new national government amidst accusations of a "race war" propagated by the nation's indigenous leadership across the highlands.

Although official hostilities in the civil war ceased in April of 1899, indigenous communities continued their battles with local landlords and government representatives for

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<sup>12</sup> The offer was widely reported in the international press. See, eg. The New York Times, March 12<sup>th</sup>, 1899

control of the countryside.<sup>13</sup> The newly empowered Liberal government quickly signed truces and granted amnesty to their former foes from Sucre and together the military set out to suppress the growing indigenous rebellion. The military battalions were not solely charged with military suppression of the uprising. The new Liberal government of Pando tasked them with the apprehension of indigenous leadership and participants in the uprising and the events of Mohoza. Battalions scoured the countryside surrounding Mohoza, arresting over a hundred persons for participation in the execution of the squadron in March of that year. As the government declared La Paz the nation's new capital, they also began the process of bringing the trial to the city, along with the accused.

The transfer of the trial to La Paz marked both a symbolic and pragmatic centralization of power on the part of the new government.<sup>14</sup> In the first years of investigation and arrests, the government faced challenges to its national borders, national resources, political doctrines and national security. Widespread uprisings and weak state institutions persisted throughout the countryside surrounding the capital.<sup>15</sup> An independence movement arose in the Acre and allied with Brazil costing Bolivia one of its most promising rubber producing regions. The government ceded its claims in border disputes with Peru, Brazil, and Chile.<sup>16</sup> Riots in Oruro and other cities allowed for the escape of prisoners accused of participation in the Willka rebellion, including Pablo Zárate Willka

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<sup>13</sup> Condarco Morales, 1982, Mendieta, 2006, Hylton 2004

<sup>14</sup> The Liberal party government quickly abandoned any pretense of Federalism following their victory. Herbert Klein has noted the centralizing tendencies of the government immediately following the war. Klein, Herbert, Bolivia: The Evolution of A Multi-Ethnic Society, 1992

<sup>15</sup> Condarco Morales, 1982, Mendieta 2006

<sup>16</sup> The New York Times, "A Short Lived Republic", November 30, 1900, Ibid., "The Brazil-Bolivia Trouble", March 26, 1900, The New York Times, "Brazil Invades Acre", February 7<sup>th</sup>, 1903, "Peace in the Acre", February 14<sup>th</sup> 1903, The New York Times, "Bolivia Covets Mines", October 1, 1901, "Chile and Bolivia", December 1, 1900, and Klein, Bolivia, 1992, p167-169



himself.<sup>17</sup> Moving the trial to La Paz, though later questioned in the appeals process on its legal grounds, was set against a background of state instability and insecurity. The accused were held in the city's old colonial-era jail, San Pedro, which allowed for the continued incarceration of the accused and their prosecution in the nation's new seat of power. The physical location of the incarcerated defendants and their trial were determined by ambitions of the new national political leadership even as the criminal prosecution, frustrated by logistics and a legal system unaccustomed to a mass prosecution on this scale, began to challenge those very same powers.

The forced transference of about one hundred defendants to the city of La Paz accompanied the drafting of a team of defense attorneys from the city's Liberal elite. Over the course of the six-year long trial, over 10% of the region's attorneys were drafted into participation as defense lawyers for the indigenous defendants.<sup>18</sup> Lawyers resisted this in the form of petitions for recusal, delays, and failure to appear.<sup>19</sup> The state pushed on, fining and disciplining the attorneys that failed to participate and fulfill their "patriotic duties" to represent the accused.<sup>20</sup> If the deployment of the military tasked with the apprehension of alleged participants in the rebellion can be understood to reveal the importance of this criminal prosecution to the state, these representational battles and the disciplining of

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<sup>17</sup> Proceso Mohoza, 11o cuerpo, page number illegible, image 2841 in digital version, Archivos de La Paz, La Paz, Bolivia and Condarco Morales, Pablo Zárate Willka, 1982

<sup>18</sup> Irurozqui, Marta, La armonía de desigualdades, CSIC, Madrid, 1994. Her appendix details professionals trained and licensed in Bolivia in 1900. Her analysis of La Paz, lists approximately 340 attorneys present in the department.

<sup>19</sup> Proceso Mohoza, Archivos de La Paz, La Paz, Bolivia. Also documented in Mendieta Parada, Pilar, Tesis Inedita, 2006, "Iglesia, mundo rural, y política: Jacinto Escobar, parroco de Mohoza y su participacion en la massacre de 1899", Estudios Bolivianos, No. 8, La Paz, 1999, and "El darwinismo social y la exclusion politica del indio a principios del siglo. El proceso de mohoza, 1899-1904", Historia, No. 23, La Paz, 1998

<sup>20</sup> Fines were repeatedly applied for failure to appear at the start of *audiencias*. Though the records for some audiences are missing, the surviving documents include frequent discussion and discipline over representational issues in nearly every open debate. Ex. Proceso Mohoza, 8o cuerpo, p67, Archivos de La Paz, La Paz, Bolivia.

attorneys revealed the degrees to which participation in the trial was a political test for elites, and a test for the new government's power. Thus, attorneys often sought to clearly define their role in defense of the "miserable Indians" accused of murdering sons of the government's allies, as not working to disprove their role in the events rather to uphold the integrity of the legal process itself.<sup>21</sup> While some attorneys presented thorough defenses of their Aymara clients, most debates among the opposing lawyers in the courtroom centered on the degree of guilt and responsibility that could be attributed to the indigenous defendants and their parish priest, Jacinto Escobar. Several enthusiastic attorneys questioned outright the validity and legality of the show-trial and were met with quick reprimands from the judicial tribunal overseeing the procedure. As governmental authority came under challenge in the country as a whole by internal and external threats to their power, their capacity to maintain control over the countryside and indigenous communities and their capacity to exercise control over a judicial institution came under challenge in the courtroom.

The start of the first trial in 1901, through the appeals of 1902, and the final trial of 1905 comprised the development of a cumulative process of legal knowledge and strategy about how to proceed in an unusual collective trial.<sup>22</sup> Procedural fights over testimony, identity, and the proper roles of the attorneys initially dominated courtroom debates. Most of these conflicts focused on understanding the proper "modern" legal procedure and frameworks that should be employed. Even the laws used to condemn the accused to death

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<sup>21</sup> See, eg. *Proceso Mohoza*, 1905, p 195, Archivos de La Paz, La Paz, Bolivia.

<sup>22</sup> Barrios and other lawyers involved in the case described the trial as unusual because it called for a mass prosecution of participants for collective actions. Collective crimes were a popular topic of discussion among positivist criminologists of the day. Their discussions included various characterizations of crowd behavior and psychology. It was also unusual because according to Barrios, it required the hiring of court reporters for the first time. Barrios, 1902.

changed between the initial trial and that of 1905, as a more refined understanding of how to legally classify the crime developed.

Though the collective identification of the accused shifted at different phases of the trial, a clear trend emerged that divided the oppositional parties both in the courtroom and in the nation, there was on the one hand the “*indiada*,” the term used to collectivize and castigate all indigenous rebels and people, and on the other, the state. As prosecutor Claudio Quintin Barrios argued in his written statements to the court in 1902, the crimes of Mohoza were “on par with those of Ayoayo, Umala, Sicaya, Carangas, Poopó” and other incidents of massacres and violence.<sup>23</sup> According to Barrios, Mohoza caught the public’s attention because it revealed “the similarity of tendencies amongst *victimadores* (victimizers) and *victimados* (victimized) in the moment of Revolution.” The number of dead and their killings inside a church were not the factors that made Mohoza exceptional. Rather, it was the understanding that each group represented an important and different collective category of both *victimadores* and *victimados*, which determined both the political import and the central controversies of the trial.

The importance of this ascription of collective identity can also be seen in the shifting legal foundation used to convict the accused of Mohoza. Though a more thorough examination of how the accused were characterized in order to reach such convictions will be examined in greater detail in the proceeding paragraphs, an understanding of the scope of the convictions and the legal decisions rendered is important before embarking on a discussion of race and identity in the courtroom. Of the nearly one hundred defendants

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<sup>23</sup> Barrios, 1902, p 38. Ayoayo, Umala, Sicaya and the other incidents mentioned were locations of other massacres or incidences of violence during the war. Some were examples of Constitutionalist troops violence inflicted on indigenous communities, and others the reverse. Ramiro Condarco Morales details the events in his general retelling of the war. Condarco Morales, 1982

initially arrested and detained during the years between 1899 and 1901, only about half survived incarceration to stand before the judge in 1905.<sup>24</sup> The initial conviction of 1901 relied heavily on legal codes discussing pre-meditation, conspiracy to commit murder, and murder itself.<sup>25</sup> By the appeals process of 1902, the prosecution shifted the basis of the charge from murder to treason.<sup>26</sup> By the sentencing of 1905, the judge incorporated the constitutional articles defining treason and allowing the application of the death penalty in those cases into the main body of the sentence's legal reasoning and foundation. Nearly thirty-five defendants were executed that year in the plaza of Mohoza.<sup>27</sup> The shift in legal grounds for the conviction and execution of the accused of Mohoza occurred alongside qualitative differences in the characterization of the indigenous collective accused of acting and of the parish priest, Jacinto Escobar. The positioning of the various actors in the formulations of guilt throughout the trial provides important insight into the debates around race and citizenship in the minds of the elite *paceño* attorneys.

### **The Characterization of the Collective**

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<sup>24</sup> Exact numbers of defendants are difficult to determine because of inconsistent record keeping, lost documentation, and perhaps confusion at the time of the trial. Good examples of the inconsistent numbers of defendants can be found in documents related to the trial. At least three successful escapes were documented in August of 1900, while a large group of prisoners were shuffled out of the prison to work. Proceso Mohoza, 5o Cuerpo p 167, Barrios, 1902, p42. Most documentation of prisoner deaths has been lost. While few records exist from the prison in the surviving volumes of the *cuerpos*, the prosecutor's statements and the sentencing of 1901 and 1905 each identify at least 22 defendants that died during the first trial and another 19 during the second in 1905. Proceso Mohoza, 11o cuerpo, page number illegible, image 2970 in digital version.

<sup>25</sup> The sentencing of 1901 did not invoke charges of rebellion, but instead convicted the accused on the grounds of aggravated murder. Proceso Mohoza, 1901, 11o cuerpo, and "La sentencia en el Proceso Mohoza", 1901

<sup>26</sup> Art. 21 de la Constitución Política del Estado: *Queda abolida la pena de muerte exepitándose [sic] los únicos casos de castigar con ella: el asesinato, el parricidio, y la traición a la patria; se entiende por traición la complicidad con el enemigo durante el estado de guerra extranjera.*" Proceso Mohoza, 1905 p 316-17 and Barrios, 1902, p 50

<sup>27</sup> Mendieta, Pilar, *Tesis Inédita*, 2006 and Mendieta, Pilar, "El Darwinismo social," *Historia*, 1998

The records of courtroom debate from the six-year long investigation and trial reveal many different and convoluted discussions of events and guilt. Several themes emerged that clearly outlined the ways in which the courtroom served as a testing ground for political power and an intra-elite debate over the nature of the nation and the Aymara people. Official representatives' formulations of events developed an oppositional set of characterizations of the indigenous accused, often directly related to the portrayal of both the state and the priest, Jacinto Escobar. The question of the priest's guilt consumed the vast majority of pages and statements in the prosecution's arguments and the judges' official sentencing. The question of this one individual's guilt stood out in relation to the more generalized and collectivized discussions of the numerous other defendants. While an initial reading of this over-representation might point to the priest and indeed the church as central to the state's condemnation of the events of Mohoza, a closer reading reveals that the prevalence of debate surrounding Escobar's guilt indicated quite the opposite. Escobar's guilt was never fully assumed and his membership in the collective of the accused was exceptional and heavily qualified. Escobar's defense relied consistently on positioning the priest as victim of both the anti-clerical tendencies of the government and the "savagery" of the "*indiada*."<sup>28</sup> Arguments asserting his guilt, proposed by the prosecution in 1901 but backed away from by 1905, were based on his relationship to local politics and the supposed control he exerted over the indigenous communities of Mohoza.<sup>29</sup> He was initially accused of manipulating all actors and thereby setting up the massacre. However, by the

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<sup>28</sup> Antezana 1905

<sup>29</sup> Proceso Mohoza 8o cuerpo, p27-35, and Tapia's closing statements reprinted in "*La Sentencia en el Proceso Mohoza*", 1902 p5-10

conclusion of the trial in 1905, even the prosecution questioned these allegations of Escobar's direct culpability.

The framework used to both condemn and then later exonerate Escobar also directly characterized the indigenous rebels of Mohoza, and the state and its soldiers, the Squadron Pando as either victims or victimizers. In 1902, when the prosecution diverged radically from its previous positions insisting on the priest's guilt, the new prosecutor dramatically illustrated the direct implication of this shift on the indigenous defendants in the courtroom. In his *Requerimiento*, a written submission to the appeals process by prosecutor from 1902, the new prosecutor Claudio Quintin Barrios devoted part of his discussion to the portrayal of the squadron's defeat and murder. Discussing how difficult it was to imagine that these volunteer soldiers "*bien montados y con armas de precisión casi todos*", or well-equipped soldiers with ample horses and firearms, could have been humiliated by "*una turba inconciente*," or thoughtless mob, Barrios invoked a devious depiction of indigenous leadership.<sup>30</sup> Keeping in mind Barrios' argument for the acquittal of the priest, his characterization of Escobar and the squadron as both victims of an indigenous *turba* guided by their leadership reinforced his overall claims of the primary guilt falling on the collective "*indiada*". Reinforcing the sanctity of the priest's role in wartime, Barrios concluded that this institution of spiritual power was essentially impotent to intervene, as it too stood threatened by the indigenous "*turba*."<sup>31</sup> The manipulator, the active agent, became the indigenous rebels and their leadership.

Use of the term "*indiada*" is informative in itself because of its collective definition and its derogatory connotations. Defined at the time as a *muchedumbre de indios* or crowd

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<sup>30</sup> Barrios, 1902 p 66

<sup>31</sup> Barrios, 1902 p 64

of Indians, the collective of indigenous people identified by elites as belonging to this group extended far beyond the individuals seated in the courtroom.<sup>32</sup> Frequent exchange of the term “*indiada*” with “*turba*” and even the inclusion of Gustave Le Bon’s crowd theories when discussing the “*muchedumbre*” made clear the negative connotations attached to all of these collectivized identities.<sup>33</sup> As several prosecutors pointed out, the number of members of the “*indiada*” of Mohoza responsible for the killings was allegedly over three thousand persons and the term was used to refer to both the large group of indigenous rebels active in Mohoza during the civil war, as well as any group of Aymara people active in the conflicts in the *altiplano* during 1899. It was a large, all-encompassing term that erased individual identity to the extent that the court records reflect very ambiguous identifications of persons accused. In fact, the precise number of defendants tried is difficult to ascertain because of frequent omissions and errors in the names of indigenous men in jail.<sup>34</sup> Some defense attorneys even misidentified their own clients in their written statements to the judges, and even the primary leaders of the rebellion, identified by name rather than solely the “*indiada*,” have their names combined and mixed up frequently.<sup>35</sup>

Maintaining the emphasis of a racially determined guilty collective pushed by Barrios in his statements from 1902, the prosecution of 1905 took a slightly more nuanced

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<sup>32</sup> *Real Academia Española, Décimocuarta edición, Imprenta de los sucesores de Hernando, Madrid, 1914*

<sup>33</sup> Le Bon’s crowd theory argued that individual consciousness disappeared in the midst of an emergent collective will of the crowd or “*muchedumbre*.” In this formulation, echoed by other theorists like Scipio Sighele, an individual within a crowd lost their individual consciousness and capacity for individual will and reason. Crowds then provided an opportunity for a special form of criminality to emerge, either through the resurgence of supposedly suppressed shared characteristics in a racially homogenous crowd, or through manipulation of the morally weakened crowd. Le Bon, Gustave, *The Crowd*, republished 1995, Stewart-Steinberg, “The Secret Power of Suggestion: Scipio Sighele and the Post-Liberal Subject”, *Diacritics*, 33:1 2003 and Ferri, Enrico, “The Positive School of Criminology: Three Lectures given at the University of Naples, Italy on April 22, 23, and 24 1901”, translated Ernest Untermann, Charles H. Kerr and Co., Chicago 1908, published on Project Gutenberg: <http://www.gutenberg.org/files/10580/10580-8.txt>

<sup>34</sup> A good example of this in Proceso Mohoza, 11o cuerpo, page number illegible, image 2970 in digital version.

<sup>35</sup> Proceso Mohoza, 1905 p196

position regarding the priest. According to the prosecutor Francisco Viscarra, Escobar was complicit in the massacre through his failure to intervene. As both Barrios and Viscarra pushed for the conviction of the “*indiada*” as a threat to national security, they increasingly positioned the squadron as a victim of the weak state institutions of power and control in rural Bolivia. In these elite debates, the indigenous leadership of communities became synonymous with a threat to state power, while weak church institutions failed in their capacity to protect order.

Defense attorneys throughout the two trials who directly condemned the government also reconfigured this dichotomous portrayal of events and actors. Though the squadron continued to be characterized as martyrs in their arguments, the primary active participant became the government itself. Their arguments were a political condemnation of the alliance between Pando and Willka. While they too vilified the then deceased leaders of the Mohoza rebels, Lorenzo Ramirez and Pablo Zárate Willka, they portrayed the vast majority of defendants as essentially passive indigenous agricultural workers forced into action by forces beyond their control.<sup>36</sup> One defense attorney, Mr. Antezana, placed blame on the Federalists for unleashing a force beyond their control and subsequently endangering the church.<sup>37</sup> One of the most novel defenses was that presented by Bautista Saavedra, one of the most well-known attorneys and elite actors in the courtroom. Saavedra’s defense in 1901 preceded the arguments of Barrios and Viscarra but seemed to just as thoroughly argue for the consideration of the events as a “race war” brought by the participants in the rebellion. By Saavedra’s formulation, however, the fact that the events were a race war indicated that they must be treated with the same legislative consideration as the losing

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<sup>36</sup> Proceso Mohoza, 1905 p191

<sup>37</sup> Antezana 1905 p26



partisan army from Sucre. In effect, they deserved equal application of the amnesty given to all participants in the civil war.

Each of the positions taken by attorneys in the courtroom reinforced the centrality of questions of state power in rural Bolivia and reconfigured who and what constituted a threat to that power. While prosecutors eventually found their grounding in declaring the indigenous rebellion a race war and a threat to national security, defense lawyers vacillated between a condemnation of the legality of the prosecution of their clients and a direct condemnation of the government's role in fomenting the uprising. Neither side appeared to thoroughly question the role of indigenous individuals accused in the events on trial, though the priest's role was thoroughly interrogated and questioned.

### **The Racially Exclusive Realm of the State**

In the alternating portrayals, the arguments within the courtroom moved beyond simple discussions of collective guilt and into a debate over the nature of the accused. The injection of the charge of "race war" by the prosecution and defense attorney Bautista Saavedra early on in the trial in 1901 inscribed the dichotomies of active and passive into another discursive dimension and established race as a primary determinant of these categorizations. Allegations of race war positioned the primary motivation, the generating impulse for the murders, as originating from within the indigenous collective. At first glance, the motives of the indigenous rebels appeared apolitical within these elite formulations because it was not an intra-state conflict; it was not part of the partisan violence that became productive of the new national government. Race-war, the charge that the indigenous rebels set out to destroy the power of the "civilized classes" of the country and their government, positioned the conflict as one that threatened to destroy the nation.

Active development of an indigenous cause “entirely their own” presented a direct threat to national security. The Federal war meant the confrontation of two competing national projects, but, according to these attorneys, the indigenous project was the negation of the Bolivian nation.

On the other hand, defense arguments from 1905 stressed the indigenous rebels’ disorientation with the broader political motivations of the war. In his summation, one defense attorney asserted that the indigenous communities rose up for causes they did not understand. Indigenous defendants as “*ciegos instrumentos*,” or blind instruments, were also subject to court proceedings that, according to their defense attorneys, they did not understand.<sup>38</sup> The defense attorneys like Saavedra and certain prosecutors that emphasized the idea that the “*indiada*” was motivated by a cause that was entirely their own, defined not as participation in the national political life of the country, but rather as vengeance and hate. Rather than blind instruments of the Federalists, they were blind instruments of rage.

All of these constructions excluded the indigenous accused subject from the possibility of conscious participation in the avenues and institutions of state power. By these attorneys’ formulations and the various verdicts, indigenous participants in the rebellion were, at best, subjects incapable of formulating their own political project, incapable of conscious and active participation in modern legal institutions, and needing direct state intervention to steer them clear of negative influences including indigenous leadership. At worst, these arguments relied on the construction of an indigenous male

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<sup>38</sup> Proceso Mohoza 1905, p190

subject completely beyond the possibility of incorporation into the nation, and beyond any transformation into a citizen: he was an “*antropófago*.”<sup>39</sup>

### **Violence, the Indigenous Body, and Markers of Exclusion**

The debates between all attorneys in the courtroom not only shared a framework for envisioning the collectivity of indigenous accused, they also shared important markers that determined the boundaries of “civilization” and “barbarie.”<sup>40</sup> Forms of violence allegedly employed by the “*indiada*” and the indigenous body in a most physical sense became markers used to position the accused as distinct from the elites in the courtroom, and as the “cannibal” or the “noble savage.”<sup>41</sup> At times, attorneys used these markers according to a clear logical procession of arguments. The prosecutor from 1905 wedded the indigenous cause to a direct and unavoidable threat to the nation. He also included lurid descriptions of cannibalism and other charges of brutal violence, driven by “bloodthirsty instincts,” to reinforce his claim to the inherent savagery of the “*indiada*.”<sup>42</sup> He tied arguments regarding the very nature of the indigenous rebels to a threat to civilization. One of the defense attorneys from 1905 argued the very physicality of the defendants from a race susceptible to “*fie[v]re alcohólica*” or alcoholic fever, rendering them even more susceptible to the power of a caudillo rousing them into “fanatical” action.<sup>43</sup> This susceptibility, physical and

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<sup>39</sup> “Cannibal” or “Human flesh eater” This combination of terms was used often in the courtroom in arguments of defense attorneys and prosecutors alike.

<sup>40</sup> Attorneys and judges regularly invoked the terms of “civilization” and “barbarie” in their discussion of the events of Mohoza and the state of the nation as whole.

<sup>41</sup> Brooke Larson argues that elite programs for school reforms in the 1920’s invoked an image of the “noble savage” to construct a vision of an indigenous subject better served through preservation of the distance between urban western life and rural traditions. (Larson, “Capturing Indian Bodies, Hearths, and Minds,” 2002) Though the lawyers in the courtroom did not specifically use the term “noble savage” they did construct a passive subject negatively influenced by the abuses of European intervention. The image invoked here in the trial of Mohoza was slightly different however, and the degenerative effects of colonial rule were blamed as the primary causes for the disappearance of pre-colonial “civilization” amongst the Aymara people.

<sup>42</sup> Proceso Mohoza, 1905, p 173

<sup>43</sup> Proceso Mohoza 1905, Proceso Mohoza 1905 p190-191

psychological, marked the “*indiada*” as passive until manipulated into action. The subject was potentially transformable.

Other attorneys, Bautista Saavedra in particular, appeared to employ these markers of violence and the body in a far more ambiguous manner. Saavedra repeatedly emphasized that indigenous uprisings regularly descended into “*orgías de canibalismo sin limites*”, or cannibalistic orgies without limit.<sup>44</sup> Saavedra hinted at an inherent criminality produced by the physicality of the defendant and that there were innate tendencies of race that produced the events of Mohoza.<sup>45</sup> Interestingly though, Saavedra still employed a “redeemable” indigenous subject in his final defense statements:

What we should do with the indigenous race of Bolivia is organize a humane civilizing colonization, submit them to native law, as the English have done in India. We should raise them from their humble condition, protect them from the depredations of the *mestizos* and the whites; call them to the military, to industry.<sup>46</sup>

Unlike other attorneys that clearly delineated categories of potentially transformative, though weak, and inherently or physically perverse, Saavedra walked a fine line between the two.

What is clear is that all of these arguments, though far from identical, reflected active debate amongst elites as to the nature and determinants of race in a time of shifting positivist scientific theories and Social Darwinism. Nearly all of the lawyers cited theorists in the emerging field of positivist criminology very much in accordance with the debates

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<sup>44</sup> Saavedra, *El Ayllu*, p 145.

<sup>45</sup> “...*Cráneo asimétrico, aracada zigomáticas pronunciadas, orejas pequeñas, planas y sin bordes, ojos oscuros y vivos, barba rala, negra e hirsuta, maxilar inferior pronunciados...*” From Demelas’ quotation of Saavedra, “*Darwinismo a la Criolla*”, 1981, p 76

<sup>46</sup> “*Lo que debemos hacer con la raza indígena es organizar una colonización civilizadora y humana, someténdola a una legislación autóctona, como lo han hecho los ingleses en la India; es levantarla de la condición humillante en que está colocada, protegiéndola contra las depredaciones del mestizo y del blanco; es llamarla al ejército y a las industrias.*” Saavedra, *El Ayllu*, Closing statements from Mohoza, October 1901, p155

surrounding Social Darwinism and Positivist theories outside of Bolivia.<sup>47</sup> Saavedra's inclusion of anthropometric, social, and political factors contributing to the creation of criminality reflected his citation of a criminologist who eschewed prioritization of anthropometric models of criminality and instead incorporated social factors alongside biological ones.<sup>48</sup> Choosing a model of criminality that considered race along with historical and social factors afforded elites the room to envision a scientific path to progress for the nation. Like other Latin American elites embracing scientific notions of progress and science, direct translations of European racial theories ran the risk of permanently condemning their respective nations to perpetual backwardness due to the racist hierarchies present within these theories. Any theory that predicted the success and cohesion of a nation or its degree of "civilization" based on the presence of European racial groups presented a very problematic picture for a predominantly indigenous nation like Bolivia. Many of the *paceño elite* found themselves potentially denigrated by theories that incorporated stricter notions of Aryan superiority due to their own *mestizo* heritage.<sup>49</sup> Courtroom debate, rather than constructing strict distinctions between various races and direct translation of the European implications of those categories, engaged in an active debate over how to accommodate contemporary scientific theories and the historical, racial,

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<sup>47</sup> Condarco, Morales, Historia de la ciencia en Bolivia, Academia Nacional de Ciencias de Bolivia, La Paz, 1978, Demelas, Marie-Danielle, "*Darwinismo a la Criolla*", 1981, and Mendieta, Pilar, "*El darwinismo social*," 1998

<sup>48</sup> Saavedra quoted Enrico Ferri, an Italian criminologist and former student of Cesare Lombroso whose understanding of criminality embraced far more than purely physiological explanations. Ferri, Enrico, "The Positive School of Criminology: Three Lectures given at the University of Naples, Italy on April 22, 23, and 24 1901", translated Ernest Untermann, Charles H. Kerr and Co., Chicago 1908, published on Project Gutenberg: <http://www.gutenberg.org/files/10580/10580-8.txt>

<sup>49</sup> Saavedra offers a sly critique of some of Le Bon's racial theories at several points in his closing statements, arguing the ridiculousness of Le Bon's theories of the superiority of "Aryan races" and hinting that he may not entirely believe in the inevitable disappearance of other races when confronted by European ones. (Saavedra, p 146)

and political realities of Bolivia. In Marie Danielle Demelas' investigation into the prevalence of positivist scientific thinking and social Darwinism amongst Bolivian elites during this time period, she proposes that elites chose to embrace these models as part of their visions of progress for the nation. Social Darwinism constructed a vision of society that "progressed" through competition, inequality, and survival of the fittest. The necessity of inequality for progress and evolution, and indeed the health of a society present in Social Darwinism, provided a path forward for elites in a caste-like society.<sup>50</sup> Faced with the alternate depiction of "Latin decadence", or an egalitarian model that necessitated their loss of power, they embraced science.<sup>51</sup>

The scientific racism of the day did not only emerge in the abstracted arguments of attorneys in the courtroom. During the early years of the trial, Pando's government authorized a French scientific team's anthropometric research on the indigenous accused of Mohoza.<sup>52</sup> Their studies conducted inside the jail of San Pedro, photographed, measured, and examined the accused. The scientific debates over the question of the transformative potential of indigenous subjects and their physical nature imposed themselves not only on the court record, but also directly onto the bodies of the accused.

Racial categories did not appear in Bolivia with the advent of Social Darwinist and positivist thought. Traditions of marking the different *castas*, or racial categorizations, by dress and other identifiers had existed for hundreds of years. Making sense of the effect of these colonial heritages appeared as an important factor in elite racial characterizations of

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<sup>50</sup> Demelas, "Darwinismo a la Criolla," 1981

<sup>51</sup> Demelas also highlights the problematic picture of "Latin Decadence" presented in European theories, like those of Gustave le Bon. She argues elites chose to embrace Social Darwinism not solely because of its convenience, but also because it offered an alternative vision of the future that would allow them to escape the cycles of "decadence" created by maintaining structures and institutions from a Spanish colonial heritage. Demelas, 1981

<sup>52</sup> Demelas, "Dawinismo a la criolla," 1981

the accused. All of the lawyers, whether arguing the indigenous masses were inherently passive or threatening, agreed that colonial heritage had contributed to the degeneration of the *raza indígena* or indigenous race. They painted the colonial systems of domination as barbaric. Saavedra summed up many of these arguments:

What has the Indian really been for our forefathers and for us, despite the brotherly and egalitarian doctrines of Christianity that we profess? Nothing more than a beast of burden, miserable and abject, for whom there is no need for compassion, and must exploit to inhumane and embarrassing extremes. ...Because a degraded race, like the Aymara, that who knows, could be in the last phases of its complete extinction, could not overpower and surpass a superior race by any means, especially when the two are separated by perhaps centuries upon centuries of civilization.<sup>53</sup>

Attorneys like Saavedra argued that the degenerative effects of colonial heritage pushed the Aymara population near their complete disappearance and also shamed the “whites” through their participation in this degenerative structure.

He argued that, for a new government and regional power to distinguish itself from previous regimes and effectively modernize, these arguments merged their primary concerns relating to the indigenous population of the *altiplano*. First, it fit nicely with their pushes to eliminate collective land ownership and tribute, challenge the role of the church, and push for a distinct agenda from the colonialist Conservatives. Second, it defined the previous changes as fitting with the scientific notions of progress and addressed the question of race and degeneration. If colonial rule and tribute were partially to blame for the “degenerate” state of the Aymara and other indigenous groups, their plan was practical, progressive, and scientific. Claims made regarding the connection of *sucreños*, or those

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<sup>53</sup> “¿Qué ha sido del indio para nuestros antepasados y que es para nosotros, no obstante las fraternales é igualitarias doctrinas del cristianismo que se dice profesar? Apenas una bestia de carga, miserable y abyecta, a la cual no hay que tener compasión, y a la que hay que explotar hasta la inhumanidad y lo vergonzoso.<sup>53</sup> ...porque una raza degradada como la aymara, que quien sabe está próxima a llegar a las mas ultimas fases de su desaparición no podría jamás sobreponerse a una raza superior por mil títulos, y de la cual le separan quizás siglos de siglos de civilización.” Saavedra, p 147

from Sucre, with these vestiges of colonial rule and power furthered Liberal and *paceño* assertions of their scientific superiority.

Debates around race and degeneration reflected the self-construction of new “modern” scientific elite. While there was not complete agreement in the trial amongst elites over the question of an inherent biological criminality of the accused, the tendency to rigidly define the “*indiada*” as a closed homogenous physical entity reflected important shifts in the construction of race at the start of the twentieth century. The general scientific trend toward fixed and measurable racial divisions based on phenotypic observation transitioned from a somewhat fluid construction of caste-racial distinctions to a more fixed and essentially rigid hierarchy.<sup>54</sup> The trial of Mohoza did not generate a clear transition to this new model of racial categorization; rather, the trend developed over a much longer period of time. However, the elite debate between the potential transformation of indigenous people into “*civilizados*” and a far more pessimistic view of their future reflected their incorporation of these ideas and their struggle with the implications. Would the Liberal government usher in a new era of transformation and was that even possible? Defense lawyers directly addressed what they thought the new government should do to transform what they saw as the “degenerate” majority of the country. Saavedra argued that military service and industrial jobs would best transform the Aymara and other indigenous peoples. Dr. Palma and others argued that education was the best hope for changing what they saw as the backwardness of the “*indiada*.” The prosecution rarely ventured into

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<sup>54</sup> Another method of framing this transition is outlined in the work of Peter Wade. He traces the changing method of categorization of *indio* from an essentially institutional category in the colonial tributary structures, to then either a category of “race” or “ethnicity” in the 19<sup>th</sup> and 20<sup>th</sup> centuries. What is perhaps most interesting about this heavily debated categorization of the Aymara defendants is that it appears to flow between the “ethnic” model, one that is transitive and dependant on cultural difference, and one that is biologically determined by “race.” Wade, Peter, Race and Ethnicity in Latin America, Pluto Press, London, 1997



suggesting alternatives to the direct prosecution and conviction of what they identified as the threatening indigenous majority of the country. Criminalization through the legal and penal system was not explicitly stated as a means of incorporation or pacification of the indigenous majority by the prosecution; however, the state's insistence on prosecuting both rank and file and leadership of the rebels indicates that perhaps this was possibly an alternative to other forms of state intervention. All elite attorneys appeared in agreement that allowing indigenous communities to represent themselves and maintain their traditional structures of leadership would directly threaten the nation and only lead to further racial degeneration. The scientific and the modern had to intervene to preserve order and ensure progress either through modern legal proceedings or programs like military conscription and education.

### **Cannibalism, Katari, and the fear of Indian Masculinity**

If discussions of Aymara degradation led to some positive possibilities of transformation in the eyes of elites, the charges of cannibalism signaled a far more pessimistic view of the indigenous defendants and indigenous people. The initial charge of cannibalism arose from an incident on the hacienda Calacala near the town of Mohoza. Following the murders inside the church, the “*indiada*” apparently sacked and raided nearby haciendas and killed the owners. According to testimony from one of the surviving children of the Rocha family, some of the accused engaged in a ritual of blood drinking. The son, Jesus Rocha, went so far as to describe a conversation between several of the attackers about the taste of the blood.<sup>55</sup> Rocha went on to describe the removal and subsequent tasting of his father's tongue by the attackers. His testimony goes on to list

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<sup>55</sup> Proceso Mohoza, 5o cuerpo, p319, also appears in the *cuerpo del delito* from the lawyer for the *parte civil*, Ibid. 4o cuerpo, p138-9

nearly sixty defendants by name, and another fifty by location and family relationships. Recorded nearly two years after he witnessed the deaths of his parents, Rocha's testimony appeared central to the prosecution's implication of many defendants. While his extensive knowledge of the names and family relationships of the indigenous *comunarios* of Mohoza may have been a byproduct of rural life, reliance upon this one testimony to bring about charges of cannibalism seems problematic. Historical examination of the apparent ritual cannibalism following this particular murder is also considerably troubled by the treatment of the subject by the elite lawyers and judges as the trial continued. The 1901 sentencing described this particular act in detail. Though the judge went out of his way to allude to cruel methods of torture and murder in the other bloody incidents on trial, he made no other explicit mentions of ritual cannibalism.<sup>56</sup> Though the *cuerpo del delito* written by the lawyer representing the families of the deceased before the first trial began also described vicious acts of violence and alluded to "blood thirst," the judge did not explicitly reiterate these claims in the sentencing of 1901.<sup>57</sup> By the trial of 1905, however, the judge alluded to cannibalism often and added it to many other incidents in the week of violence never described in such ways in previous judge's statements. Cannibalism was thrown into nearly every accusation of murder. No longer simply a discussion of what the judge deemed a horrendous act, he directly accused the indigenous defendants as reveling in this act. The prosecution echoed this, asserting that as they passed around the tongue of yet another victim, they drank the victims' blood as if it were "*manjar delicioso*" or delicious food.<sup>58</sup>

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<sup>56</sup> Proceso Mohoza, 11o cuerpo p1-25

<sup>57</sup> Proceso Mohoza, 4o cuerpo p 128 -144

<sup>58</sup> Proceso Mohoza 1905 p178

Ritual cannibalism has been noted and documented during several other uprisings in the Bolivian *altiplano*. Historians and anthropologists examining the act typically characterize it as a ritual act aimed at fulfilling a spiritual purpose and is both rare and somewhat taboo, even for the participants.<sup>59</sup> Tristan Platt, Erick Langer, Pilar Mendieta and others have examined the potential interpretations of the act of ritual cannibalism. In the case of Mohoza, however, it is very important to read all accusations critically considering the seemingly politicized inclusion of the claims in the sentences over the course of the trial. I believe the discussion of cannibalism in the trial records of Mohoza should be understood to be as much a creation of the elites as a retelling of actual events. Elite discourse transformed the act into in a distinctly indigenous marker of violence precisely as the state representatives in the court sought a broader condemnation of indigenous people. This casts considerable doubt over the veracity of the claims of cannibalism at every site of violence. Thus the implications of the fantastical charges extending to every murder over the several days of violence in Mohoza sheds far more light on elite constructions of this un-transformable “*antropófago*” than on the actual events.

Description of the cannibalistic acts separated the indigenous subject described in the courtroom from the realm of civilization. While many elites in Latin American nations invoked the famous trope of “civilization and barbarie” for their own visions of the nation, Bolivian elites in this trial clearly identified this marker of violence as the ultimate negation of their “civilization.” This was the definition of their utmost fear: their barbarie. Civilization, defined by these elite debates, stood in opposition to this indigenous “other.” Civilization marked the boundaries of the state, the legitimate, the reasoned in the

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<sup>59</sup> Langer provides an excellent analysis of the taboo nature of the act in “Andean Rituals of Revolt”, *Ethnohistory*, 37:3, 1990 Need to expand discussion of Langer

courtroom, the events of Mohoza, and the nation as a whole. The paternalistic relationships of the colonial era, though not modern, still stood with the Liberal state in opposition to this taboo of the “other.” The elite discourse of race in the courtroom revealed a deeply troubled and ambivalent relationship between the future of the state and that of indigenous peoples.

The fantastical charges of cannibalism, the lurid descriptions of blood and depictions of satisfied indigenous men discussing the sweetness of Jesus Rocha’s mother’s blood invoked an unstated, yet profound, image of what Sinclair Thomson has called “the brazen masculinity” used to exclude Tupac Katari from Bolivian national narratives.<sup>60</sup> In Thomson’s analysis of the figure of Tupac Katari, the eighteenth century leader, he notes that specific characterizations accompanied the revolt that blocked any early twentieth century resuscitation of the historical figure in *indigenista* movements. None of the elites explicitly stated any relation or mention of Katari. However, the similarities in description and tone cannot be ignored. Thomson argues that the Katari uprising embodied the fears of the Bolivian elite through its overtly subaltern nature. As the trial of Mohoza increasingly moved toward an overt and collective condemnation of indigenous people and culture, a creeping assertion and insinuation of a dangerous and threatening indigenous masculine identity also entered the debate.

The lawyer for the families of the deceased introduced a charge of “intent to rape all white women” in open court in the first trial. In particular, the testimony of Jesus Rocha

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<sup>60</sup> Thomson’s analysis points out the failure of indigenista movements to revive the image of Katari in contrast to the revival of Tupac Amaru. He notes that Katari’s portrayal in Bolivia was so overtly subaltern that it proved unsalvageable for elites threatened by large-scale indigenous uprisings in their own era. Thomson aptly points out that this fiercely masculine and brutal portrayal of Katari is countered by the historical records that reveal him to have been an older, possibly crippled leader of Aymara communities throughout the altiplano. Still, Thomson argues that the lingering memories of the eighteenth century siege on La Paz left an indelible imprint on the subsequent portrayals of indigenous uprising and leaders. Thomson, Sinclair, “Revolutionary Memory in Bolivia,” *Proclaiming Revolution*, 2002.

appeared to carry weight for the prosecutions allegations.<sup>61</sup> In the midst of interrogating Feliciano Villca, one of the defendants, the lawyer alleged a conspiracy to not only take over all of the nearby mines and invade the Yungas, but also to rape all white women in the area.<sup>62</sup> Villca actively refuted this charge. Like the charges of cannibalism, this charge was not commonplace in the trial of 1901 but appeared with greater frequency during the years following. Statements of the prosecution and the judge's verdict in 1905 made increasing references to moves *vecinos* or neighbors made to protect their daughters.<sup>63</sup> No direct charges of rape were relayed in the official sentencing. However this insinuation, combined with the increasingly graphic depictions of blood, cannibalism and the physical "instincts" of the accused worked to create an increasingly threatening depiction of indigenous masculinity. This threatening specter, combined with positivist and Social Darwinist theories to create an elite discourse with profound implications on the question of indigenous citizenship and participation in the nation.

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<sup>61</sup> Jesus Rocha's testimony described his mother's attempts to distribute money to the rebels taking their daughters hostage to protect their well-being. Proceso Mohoza, 5o cuerpo p.

<sup>62</sup> Proceso Mohoza, 8o cuerpo, p96

<sup>63</sup> A good example of this is in the sentencing of 1905: Proceso Mohoza 1905, p306.

**BARBARIE and Outside of the Nation**

(Illegitimate, Profane, Aymara, Degenerate, non- citizen)

	Antropófago	Buen Salvaje	
	'Race War'	Childlike/ Feminine?	
	"Brazen Masculinity"	Weak-susceptible	
<b>War</b>	Threatening to Nation	Needs to be civilized	<b>Peace</b>
	Reasoned but imperfect	Reasoned	
	Colonial Regimes/Church	Modern Law & Government	
	Paternalistic	Liberal/Federalist	
	Conservative/Constitutionalist		

**CIVILIZATION and The Nation State**

(Legitimate, Sacred, Reasoned, Evolved, Spanish, citizenry)

Mapping the elite discourse in the courtroom clarifies the distance between the “*indiada*” constructed in the courtroom and the “civilized” citizen. This racist discourse proscribed any immediate conscious political participation in the nation state.<sup>64</sup>

Exclusionary constructions of citizenship did not emerge in the courtroom of Mohoza. In many ways, the liberal nation-state and Liberalism have excluded since their inception as they have drawn the boundaries or limits of inclusion, the nation, and rights of citizenship.<sup>65</sup>

The debate in the courtroom of Mohoza drew anthropological boundaries between elites and indigenous people of the nation using that marker of difference as the determinant of

<sup>64</sup> Definitions and requirements for citizenship remained restrictive up until the 1952 Revolution. The requirements in the 1920's excluded any male Bolivian who could not read or write in Spanish, and was not able to pay and register with the civic administration. Further restrictions eliminated alcoholics, clergy, military, police, debtors, convicts, deserters and anyone who had accepted a political post with a foreign government. Trigo, Ciro Felix, *Derecho Constitucional Boliviano*, 2<sup>nd</sup> edition, 2003

<sup>65</sup> Mehta, Uday S., “Liberal Strategies of Exclusion,” *Tensions of Empire*, University of California Press, Berkeley, 1997

their incapacity to participate as citizens.<sup>66</sup> Unanimously, elites argued they lacked the reason necessary for immediate participation in the nation. The only remaining question concerned whether indigenous people should be considered perpetually “other” or childlike/potentially moldable given the proper intervention.<sup>67</sup>

Positioning elite discourse in the framework of liberalism is not denying the far less theoretical and more concrete benefits of elite power derived from the exclusion of the majority of the country on racial and cultural grounds. Rather, as with Social Darwinism and other theoretical or ideological discussions, the lawyers in the courtroom espoused theories that both served class and power interests, and incorporated theoretical visions of the nation’s future. Thus, the universal conceptions of the “contract” or citizenship discussed theoretically by liberal theorists did not necessarily universally extend to all humans either in the formulations of someone like Locke, or in the minds of Bolivian Liberal Party leaders.

### **The “Other” Side**

One of the most perplexing aspects of this exclusionary construction of the state and the devious and racist portrayals of indigenous leadership is the blatant contradiction presented by the decade long alliance between Liberal party leadership and caciques *apoderados*, including Willka. Letters exchanged between Willka and Pando clearly indicate familiarity with the legislative processes of the nation on Willka’s part and a long-

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<sup>66</sup> Mehta’s examination of Locke and other liberal theorists examines the conditions necessary for the possession of “reason”, a prerequisite for participation in the social contract, and finds it to be socially and anthropologically determined rather than inherent. Mehta, Uday S., “Liberal Strategies of Exclusion,” *Tensions of Empire*, University of California Press, Berkeley, 1997

<sup>67</sup> A theoretical equivalent of this debate can be seen in John Locke’s treatment of madmen, idiots and children. While children needed to be molded and formed through education into the “natural state of man,” madmen and idiots could not enter that state at any point. (Mehta, “Liberal Strategies...” 1997)

standing relationship between the two.<sup>68</sup> Indigenous mobilizations in 1895-96 around national elections drove home the extent of community leadership involvement in national representational politics, even while they were ineligible to vote. Marie-Danielle Demelas traced the development of an emergent group of indigenous leaders over the twenty years prior to the Federal War, who actively and consciously engaged both the legal system and Bolivian partisan politics. Pablo Zárate Willka's leadership had been growing in strength and political affiliation since the early 1890's. According to Demelas, the elite conceptions of devolution of "citizenship" to the masses following a disruption of indigenous community structures and a significant transformation of the character of indigenous men dated back to the years immediately following the War of the Pacific.<sup>69</sup> Indigenous leadership had fought the attacks on their lands, people and culture through a strategy that combined legal resistance, rebellion, and partisan and political involvement. Indigenous leaders moved from small estancia or town-based positions of power to positions that led entire regions and brought under their networks of power far larger communities than traditional leaders had encompassed in the decades prior.<sup>70</sup> The complex political structure of the indigenous leadership networks preceding the rebellion contradicts the notion espoused by elites that indigenous people were incapable of participation in politics. The strength and national claims made by this leadership structure do signal that elites saw it as a real threat to their power.

Even within the courtroom, indigenous defendants, although hampered in their testimony and participation for reasons discussed earlier, presented evidence and testimony

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<sup>68</sup> Condarco Morales, *Pablo Zárate...*, 1982, Mendieta Parada, *Tesis Inedita*, 2006

<sup>69</sup> Demelas, *La Invención Política*, 2003

<sup>70</sup> Demelas, 2003



that challenged the construction of indigenous unconsciousness to institutions of the nation-state within the courtroom of Mohoza. In particular, claims of conspiracies hatched in jail cells to implicate the priest illustrated a potentially profound contradiction. While the historians who have examined this trial exhibit no uniform consensus as to the veracity of this charge, there is no denying that claims of indigenous defendants organizing testimony in their favor was a consistent theme throughout the trial. The 1905 sentencing weighed all of the contradictory testimony regarding the priest's complicity and included a reaffirmation of sworn testimony that Lorenzo Ramirez, one of the leaders of the indigenous communities of Mohoza, had instructed co-accused persons to implicate the priest and in that way "*saldrían todos libres de la carcel...*" or everyone would be freed from jail.<sup>71</sup> There were two important implications to this charge. First, if true, Ramirez was aware of both the vulnerability of Escobar as parish priest, and the importance of establishing the indigenous accused as coerced participants in the murders. One could speculate that had Ramirez successfully organized testimony implicating the priest, this could indicate awareness of the strains of anti-clericalism and the complexity local Inquisivi politics that rendered Escobar particularly vulnerable to a government in search of a scapegoat. Like the defense arguments that sought to portray the indigenous defendants as *ciegos instrumentos* of Federalist ambitions, the accusation of testimony fixing potentially reflected an understanding that reduced capacity and control, or the establishment of oneself as passive and coerced, could have been beneficial to a group of defendants facing a death sentence. If this charge is true, Ramirez exhibited similar logic to those of defense

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<sup>71</sup> Proceso Mohoza 1905 p181

attorneys in the courtroom, though the possibility of leaving *libres de la carcel* was unlikely.

The timing of the charge's appearance in both prosecution and the judge's official statements raises a second and equally plausible reading of the conspiracy theory. During the 1905 trial and the portrayal of Ramirez (then deceased) as head conspirator, an increasingly devious portrayal of indigenous leadership took shape. Nearly all testimony identified Ramirez as a powerful leader in the communities of Mohoza. His courtroom exchange with another indigenous defendant, Rafael Rojas, emphasized this point. Rojas asserted that Ramirez's position as *alcalde mayor* granted him the unique capacity to mobilize the Aymara communities.<sup>72</sup> The possibility exists that coercion might have been seen as beneficial to the fates of other defendants who sought to place blame on Ramirez. Likewise, the charges could have been part of a vilification of indigenous leaders.

Exclusion of many of the accused indigenous people from courtroom debates through linguistic and representational barriers raises the question as to where this apparent awareness of the beneficial effects of claiming coercion might have originated. Letters and testimony produced by wives and mothers of those accused in the pre-trial years of 1900 and into 1901 lend credence to the argument that indigenous communities understood coercion to be a potentially beneficial argument to make in their defense before the trial even began, even if it meant distancing themselves from community leadership. In correspondence and in introducing testimony gathered from within their communities, a group of women directly implicated "General Lorenzo Ramirez" as the responsible party

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<sup>72</sup> Proceso Mohoza, 8o cuerpo, p37

that forced the participation of their male family members.<sup>73</sup> All of the letters shared several important characteristics. First, all of the letters directly related stories of coercion forcing their male family members' participation. Though the threats differed, their husbands had all initially attempted to avoid direct participation in the uprising. Second, all of the letters directly implicated indigenous leadership as having forced participation. Directly implicating Lorenzo Ramirez and identifying him as "General" Ramirez reinforced the power of orders delivered at their doorstep. Third, nearly all of the letters identified the squadron in question as *alonsista*, thereby reinforcing the argument that the actions of the indigenous rebels were committed in support of the Federalist cause. These three commonalities reinforced the portrayal of a passive subject coerced into participation for the Federalist side of the war.

Whether produced and influenced by defense strategy or independently produced by these women, these letters indicate that indigenous communities were not unfamiliar with the Bolivian legal system. Even in the refutation of testimony against their clients, multiple defense attorneys presented evidence that legal actions were not entirely unusual, even within communities. Challenging testimony of the grounds of a pending court case regarding a family member's murder, or a land title claim within a family showed that use of the court system was not exceptional.<sup>74</sup> Communities also regularly used the court system to challenge land title claims by non-indigenous *hacendados*.<sup>75</sup> Clearly, indigenous

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<sup>73</sup> A good example of one of these letters can be found in Proceso Mohoza, 5o cuerpo, page number illegible, Images 2226-2227 in digital version.

<sup>74</sup> Ex. Defense of Sr. Artega, Proceso Mohoza, 1905. p200.

<sup>75</sup> Mendieta, Irurozqui, and Demelas all extensively cite the use of the court systems by communities as one of the strategies employed in their resistance to the attacks on communal land.

communities exhibited familiarity with both the criminal and civil courts of the nation and possibly with the leadership familiar with facets of Liberal ideology.<sup>76</sup>

Furthermore, letters produced by several of the indigenous defendants challenged the homogenous portrayals of the collective “*indiada*.” A series of letters from five defendants exhibit the diversity of reactions to prosecution, and may indicate the heterogeneity of the collective captured, imprisoned and consistently called the “*indiada*” by their elite attorneys. These five defendants presented two letters on their behalf before the judge on September 8<sup>th</sup>, 1900. The first declared their innocence and sought to distinguish them from the other accused. They denied their participation in the murders of several *hacendados* and stated:

It is true that we obey our superiors and leaders, and that in the previous events of Mohoza, all of us who did not want to participate in the uprising were threatened with death by those people. It is true that we are persons of means, that we have business interests and fortunes, and that in order to take advantage of what is ours, we have been implicated by our enemies.<sup>77</sup>

These five defendants, whether through their attorneys or their own volition, sought to distinguish themselves from the rest of the accused by actively declaring themselves victims of the rest of the “*indiada*.” Their assertion of their class distinctions from the other defendants was identified as important, either by themselves or their attorney. While identifying their accusers as their “enemies,” it is important to keep in mind that the evidence presented against them mostly comprised testimony and confessions of other accused persons. Their direct appeal to the judge is notable because it was rare, and it was

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<sup>76</sup> Hylton, “*Federalismo Insurgente*,” 2004, and Kuenzli, “*La evolución de la revolución*”, *Historia y Cultura*, La Paz

<sup>77</sup> “*Si es cierto que nosotros obedecemos a nuestros mandones o alcaldes y que en los acontecimientos anteriores y posteriores a los sucesos de Mohoza se nos amenazaba de muerte a los que no queríamos tomar parte en la sublevación que se efectuó. Si es cierto que somos personas acomodadas, que tenemos intereses de fortuna y que por apoderarse de nuestros bienes hemos sido sindicados por nuestros enemigos.*” Proceso Mohoza 5o cuerpo, p 165

not the only letter they presented that day. It appears these same five defendants argued their refusal to escape San Pedro, when the opportunity had been presented, should be considered in their favor.<sup>78</sup> Appealing to the judge to consider the statements of the warden that their behavior had always been “submissive” and “obedient,” they sought out recognition of their distinction from the rest of the defendants. Whether these fractures resulted from a positional strategy employed but not internalized by the defendants, or reflected an internalization of the “proper” submissive role of a prisoner is unclear. However, like the charge of testimony fixing and the letters from wives and mothers of the defendants, it is clear that at least when the process of capture and imprisonment began, the supposed homogeneity and unity of indigenous defendants imagined in the arguments of elite attorneys did not necessarily reflect reality.

### **“Race War”?**

Historiography on the trial of Mohoza, and the Willka rebellion necessarily confronts the charge by attorneys and some historians of the “race war” propagated by the participants. The trend amongst historians examining the rebellion in recent years reasserts the overall political claims of the Willka rebellion for participation in some way in the national political life of Bolivia. Examination of the Mohoza trial alone does not provide sufficient ground for determination of the wider goals and aspirations of the indigenous rebels of 1899. For this reason, historians who have examined the larger rebellion must base

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<sup>78</sup> Excerpt from letter: “...*que se ha de servir Ud. a ordenar al Señor Gobernador de la cárcel Don Jacinto Gutierrez certifique: sobre si es verdad que cuando nos sacaron a trabajar el 1o del mes pasado de Agosto y emprendieron la fuga varios presos acusados por los sucesos de Mohoza, nosotros voluntariamente nos quedamos, a pesar de la facilidad que teníamos para evadirnos puesto que salimos con ellos. También se servirá Ud. Ordenar, certifique sobre si nuestra conducta ha sido siempre sumisa y obediente sin que hayamos dado nota de nuestras personas. Sera [sic] justicia este [sic].*” Ibid 5o cuerpo, p 167

their investigations on a much wider collection of documents and sources.<sup>79</sup> The trial records of Mohoza provide insight into several important aspects of what indigenous participants in the uprising in Inquisivi characterized as their motivations and perceptions once in state custody and on trial. These statements are worthy of examination because they directly challenge the consistent assertion on the part of elite attorneys that the Mohoza “*indiada*” set out with “the object to exterminate the white race.”

The testimony cited by attorneys establishing this object or intent usually centered on several statements allegedly made by Lorenzo Ramirez. Returning from a meeting at Caracollo with Pablo Zárate Willka, Ramirez was said to have declared at Tolopampa that his orders were “para desaparecer la raza blanca”, or disappear the white race, and that from that point forward “*las autoridades y el cura debían ser indígenas; y que por esta razón había ordenado que los vecinos se vistieran de indios*” or “the authorities and the priest should be indigenous; and for this reason, it should be ordered that the neighbors should dress as Indians.”<sup>80</sup> The statement to disappear the white race curiously connected to an order for all *vecinos* to dress as Indians, points to a different construction of race in the minds of indigenous leadership. Far from the emergent biological determinations of race expressed by the elites in the courtroom, this statement presents a far more transitive construction of racial identity. If the fearful image of the “*indiada*” out to destroy the “civilized” and “white” classes of the nation in their entirety was reality, why then would they allow *mestizo* townspeople to dress in indigenous *traje* or dress, join their ranks inside the church, and kill the squadrons? Why would they choose to kill certain *vecinos* and

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<sup>79</sup> Though all historians examining this rebellion have relied heavily on the court documents produced in the various *procesos* following Liberal victory.

<sup>80</sup> Ex. In sentencing 1901, “La Sentencia en el Proceso Mohoza”, Imprenta “El Radical”, 1902, and Saavedra, p144

*hacendados* and not others? Why did they consistently identify the squadron, in their testimonies as “*los de pantalones*” or those that were wearing pants?<sup>81</sup>

These questions present a far more complicated picture of indigenous motivations for the events of Mohoza in the first week of March 1899. The charges of coercive pressure for participation, confusion regarding the identity of the soldiers, and these alternative constructions of racial identity, point to a more diffuse set of explanations for the killings inside the church and on the surrounding haciendas. Indigenous defendants described *alonsistas* or Alonso followers as *ladrones* or thieves. The soldiers were marked by their abusive actions in the community and their use of official army uniforms. Testimony of several survivors from the squadron and oral arguments of the lawyers in the courtroom claim that the indigenous rebels repeatedly responded to their shouts of “*Viva Pando*” with statements like: we follow “*ni Alonso ni Pando*” and “*Aqui no hay Pando sino Willka!*”<sup>82</sup> It appeared that some indigenous participants in the rebellion clearly understood their role in the Federal War to be linked to goals that were both cultural and political. Their goals were cultural in their assertion of indigenous customs and dress in social relations, and political in their assertion of Willka’s stature as comparable and equal to Pando’s. While these initial readings of indigenous motivations and participation in Mohoza are tentative and do not necessarily speak to the broader Willka rebellion, they do challenge the elite portrayal of

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<sup>81</sup> “*Los de pantalones,*” and “*los de calzones*” were some of the many ways indigenous defendants identified the different sides in the war and the events of Mohoza in their testimony. It was a consistent reference to the cultural and visual differences between the sides, and did not appear to be challenged at any point in the courtroom by elites, thereby lending credibility to the idea that through its consistency and seemingly uncontroversial nature, it may reflect a consistent view of partisan distinctions amongst the defendants. The issue of *mestizos* dressed as Indians was very controversial. The three *mestizos* named in the sentencing were all referred to as “*vestido de indio*” each and every time they were mentioned in prosecutorial and judge’s statements. Their adoption of the indigenous dress appeared to be a notable boundary crossing, for which they were condemned by all elites in the courtroom.

<sup>82</sup> A good example of this is in the initial charges laid out by the parte civil, Proceso Mohoza 4o cuerpo, p129.

the “indigenous savage” incapable of broader national participation. It appears the race war may have been constructed in the courtroom.

### **Conclusions: The Willka Rebellion, Citizenship and Elite Discourses**

Most debates regarding the claims of the indigenous rebels center on the origin and nature of the claims made to the Bolivian state, and whether that state was even the central focus of their claims. A larger examination of sources relating to the rebellion is beyond the scope of this paper. However, a close analysis of the elite racial discourse employed in the conviction of the indigenous accused in the trial of Mohoza provides important qualifications concerning the discussions of claims of citizenship and participation in the nation for the rebellion as a whole. First, as the courtroom discourse shows, conceptions of citizenship amongst elites resembled a far more patrician model of citizenship than the egalitarian conception of a generalized right to vote and participation in the nation envisioned by many using the term today. Elites did not envision this right extending to indigenous people, nor did they envision its extension to the vast majority of the nation’s *mestizo* population. The positivist racial theories that merged with the process of collective criminalization in the trial only represented a new twist on the exclusionary construction of citizenship. Either elites depicted indigenous communities as potentially transformable into *civilizados* through the forced abandonment of indigenusness and direct intervention of the state, or indigenous people were depicted in a far more insidious light with the possibility of transformation scant at best.

The elite discourse does not preclude the possibility that the Willka rebellion embodied claims on the part of indigenous communities to reposition themselves, their land rights, and institutions that affected them in relation to the state. The divisions seen amongst



defendants hint at the complexity of power relationships in indigenous communities and were not a denial of the rebellion's indigenous nature or larger claims. In the years preceding the rebellion, a widespread and complex network of indigenous leadership grew in both power and connection to elite partisan politics. This development provides a direct challenge to the constructions of indigenous people presented in the courtroom. Indigenous rebels' testimonies that reveal the linkages between cultural and political claims to power, either at a local or national level, show that indigenous participants in the rebellion may not have perceived, or believed, the incompatibility of being both indigenous and potential "citizen" proposed by elites. However, elites clearly envisioned the negation of indigenusness as a key requirement for both their vision of scientific progress of the nation, and potential transformation of indigenous peoples into active participants in the nation's future.

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