

“TO BETTER SERVE GOD AND TO SAVE MY SOUL”: MARRIAGE, GENDER & HONOR
IN SPANISH NEW MEXICO, 1681-1730

By

Jennifer de la Coromoto González

A DISSERTATION

Submitted to
Michigan State University
in partial fulfillment of the requirements
for the degree of

History – Doctor of Philosophy

2016

ABSTRACT

“TO BETTER SERVE GOD AND TO SAVE MY SOUL”: MARRIAGE, GENDER & HONOR IN SPANISH NEW MEXICO, 1681-1730

By

Jennifer de la Coromoto González

Marriage in New Mexico, and indeed in all of colonial Spanish America, was significantly influenced by Spanish ideals of faith, honor, virtue and race. While it has long been argued that such ideals were handed down to the American colonies from the Iberian Peninsula unaltered, more recent scholarship asserts that the honor code, rather than a monolithic concept to be either accepted or rejected, was contextually determined and significantly influenced by socio-economic milieus and geo-political circumstances. The contingent nature of the honor code and its influence on the institution of marriage clearly emerges in an investigation of colonial New Mexico, a region that for its peripheral position in the Viceroyalty of New Spain has suffered from a lack of deep historical analysis.

Using prenuptial investigations, prenuptial disputes and deflowerment cases from the *Archives of the Archdiocese of Santa Fe* conducted between 1681 and 1730, as well as administrative records from the *Archivo General de Indias*, I challenge current assumptions regarding what constituted an appropriate marriage partner in this remote/distant area of the Spanish Borderlands. The "voices" I capture from these investigations allow me to analyze concerns regarding free will, sexuality, legitimacy, honor, and race, and how these informed marriage choice in colonial New Mexico fifty years after the Pueblo Revolt of 1680. Moreover, by examining the mechanisms Spanish colonists used to contract their preferred marriages- sometimes despite familial opposition-I challenge current assumptions regarding the importance of free will, what constituted an appropriate marriage partner in this remote area of the Spanish

Empire, and detail the ways the inherent flexibility of the *sistema de castas* was manipulated in this region to buttress the cultural hegemony of the Spanish Empire.

Para Luzdelys, David, Delida, Mercedes y Juan. Todo mi amor.

ACKNOWLEDGMENTS

I would first like to thank my doctoral committee, Dionicio Valdes, Gordon Stewart, Delia Fernández and Aminda Smith. To the chair of my committee, Dr. Valdes, I extend my unending gratitude for his generosity of intellect and spirit as I navigated the joys and hardships of completing this study. I would not be the scholar that I am today without your support or your faith in me. I also want to extend my thanks to Dr. Stewart, who as my unwaveringly brilliant World History adviser always pushed me to consider the broader scope of my work, and whose steadfast encouragement shone bright when I needed it most. Lastly, in Dr. Fernández and Dr. Smith I was lucky enough to find not only passionate and gifted scholars of Latin American and Gender history, respectively, who significantly enriched my education, but also powerful role models of women in academia.

I would also like to extend my thanks to the History Department at Michigan State University for its financial support, including the Leslie B. Rout, Jr. Recruitment Fellowship for Exceptionally Promising Scholars of Latin American History, the Harry Brown Graduate Fellowship in American History, two Summer Graduate Travel Fellowships and numerous stipends to support travel to various academic conferences. In addition to my doctoral committee, a number of faculty members in the department were also influential in the formation and completion of this study, and in my success as I completed my graduate education at MSU. To Leslie Moch, Michael Stamm, Pero Dagbovie, Roger Rosentreter, Leslie Fine and Javier Pescador I extend my heartfelt thanks for not only making me a better scholar, but also a better teacher.

Thank you as well to the dedicated staff of both the New Mexico State Records Center and Archives in Santa Fe, NM and the Archivo General de Indias in Seville, Spain. The records I was able to locate in New Mexico are the backbone of this study, and the city of Santa Fe was an endless font of inspiration. My time in Seville yielded not only marvelously colorful sources, but the friends I made there will last a lifetime.

On a more personal note, I would like to acknowledge the contributions to this study made by my friends and family. I am very fortunate to be surrounded by exceptionally gifted historians and academics whom I can count as friends in addition to colleagues. They read drafts, offered insightful feedback, listened to me work out the nuances of my study, and provided a constant source of emotional support. Laura Cuppone, Nikki Magie, Jason Friedman, Amanda Lewis, Aaron Olivas, Jen Park, Sophia Pavlos and KC Weaver, thank you for all of the laughs, the drinks, the tears, and the chats. To my parents, Luzdelys Andarcia, David Meyer and Juan González; my grandmother, Delida Noriega de Andarcia; and my best friend of over twenty years, Mercedes Eden...words cannot express my love and appreciation. I am nothing without you.

TABLE OF CONTENTS

LIST OF FIGURES	viii
Introduction: The New Mexican Background	1
Chapter 1: Love, Free Will and Divorce	18
Chapter 2: Honor and Sexuality: The Deflowerment Cases	45
Chapter 3: Legitimacy and Kinship	76
Chapter 4: Endogamy and the <i>Sistema de Castas</i>	102
Conclusion	125
BIBLIOGRAPHY	133

LIST OF FIGURES

Figure 1: Marriage & Legitimacy	82
Figure 2: Legitimacy of Grooms	82
Figure 3: Legitimacy of Brides	83
Figure 4: Impediments	94
Figure 5: Impediments & Legitimacy	95

Introduction:

The New Mexican Background

As the only approved avenue by which to create a legitimate family, marriage was the cornerstone of Spanish society. As such it was monitored, regulated and dictated by the Catholic Church and the Spanish state, both in the Iberian Peninsula and in its American colonies. More than just a union between two individuals, marriage was a union between the spiritual and the temporal, creating not only familial and sacramental bonds, but economic and political alliances as well. A bad marriage could affect not only the couple involved, but the extended family, too, as it could mean a stain on the family's honor, and thus on the marriage prospects of future members of the family. A profitable match to a bride with a large dowry, on the other hand, could mean a family's fortunes were made. Marriage was, therefore, not a wholly individual choice for those who considered themselves *Españoles*, and the considerations that influenced that choice were plentiful.

In order to ascertain just what those considerations were, the degree to which they influenced marriage choice, and how these reflected the concerns of *Nuevo Mexicanos* in Latin America, I examine a sample of seventy four prenuptial investigations, or *Diligencias Matrimoniales* (DM), from the Archives of the Archdiocese of Santa Fe (AASF) conducted between 1681 and 1730, marking the first half century after the Pueblo Revolt of 1680. Prior to contracting marriage, Spanish brides and grooms were required to provide depositions to their local priests asserting their intent to marry and divulging any applicable impediments to their union; they were also required to present witnesses to support their assertions. True to form, marriage applicants in New Mexico were asked if they were entering into their proposed

marriage freely; if they had made any religious vows or vows of chastity; if they had been previously wed (and if so where their previous spouse was buried); if they had made a previous marriage promise to any other person; and if they shared with their prospective spouse any ties of affinity or consanguinity, all possible impediments to legitimate marriage. Witnesses were also presented by the couple to support their testimony.

Data provided by these documents also includes the participants' names, ages, marital status, towns of origin, current residences, legitimacy, and their occupations. In total 614 investigations exist in the archives for the years under review in this study; the seventy four included in the current sample were chosen based on completeness, legibility, and how they either illustrated or deviated from contemporary normative bureaucratic procedure. The records are full of intimate details about love, courtship, family dynamics, sexuality and sexual activity, as well as details which inform more abstract ideals, including honor and virtue. For the most part the petitioners conformed to canon law in their appeals, relying on the same formula and language to request a marriage license and to explain any possible impediments, illustrating what was considered acceptable normative behavior at the administrative level of Spanish ecclesiastical authority.

The "voices" I capture from these investigations allow me to analyze concerns regarding free will, sexuality, legitimacy, honor, and race and how these informed marriage choice in colonial New Mexico fifty years after the Pueblo Revolt of 1680. Moreover, by examining the mechanisms Spanish colonists used to contract marriages-sometimes despite familial opposition-I challenge current assumptions regarding the importance of free will, what constituted an appropriate marriage partner in this remote area of the Spanish Empire, and the ways the inherent

flexibility of the *sistema de castas* was manipulated in this region to buttress the cultural hegemony of the Spanish Empire in colonial Latin America.

In 1929, in his keynote address to a conference of historians at the University of Colorado, Herbert Eugene Bolton issued a call for further investigation into the administration of northern New Spain. Considered by many to be the father of Spanish Borderlands scholarship, Bolton asserted that “as parts of the Spanish Empire these borderlands have been sadly misunderstood in this country. They have been regarded as typical of Spanish America, and from this erroneous assumption false inferences have been drawn regarding Spain’s part in the making of Western Hemisphere civilization.”¹ He was adamant that analysis of these borderlands zones would provide a clearer picture of the development of American culture and, more importantly, of a larger hemispheric history.

John Francis Bannon, one of Bolton’s most illustrious students and his biographer, published what he called his “golden jubilee volume” nearly fifty years after Bolton’s, The Spanish Borderlands: A Chronicle of Old Florida and the Southwest was published in the “Chronicles of America Series” in 1921. Bannon called the Spaniards “the first American frontiersmen,” and numbered the various struggles they faced in their attempt to colonize northern New Spain, Florida, and California.² First among these was the indigenous threat, which Bannon asserts was dealt with most efficiently by the missionaries sent north from Mexico, as well as by settling northern areas with “civilized and Christianized Indians...in key

¹ Herbert Eugene Bolton and John Francis Bannon, *Bolton and the Spanish Borderlands* (Norman: University of Oklahoma Press, 1964), 33.

² John Francis Bannon, *The Spanish Borderlands Frontier, 1513-1821*, *Histories of the American Frontier* (Albuquerque : University of New Mexico Press, 1974), 29.

locations.”³ Ultimately for Bannon, the borderlands areas were created and maintained for two reasons: religion and defense against European neighbors. As a result these could not, and would not, be abandoned regardless of their profitability which, according to him, was often negligible.

The province of New Mexico was initially settled by Juan de Oñate in the name of Spain in 1598 when he founded the Province of Santa Fe of New Mexico. The reason for settlement was to spread the Catholic faith, but political and economic concerns were also significant, as the Spanish empire worried about encroachment on its territories by the French. While the colony did not yield the rich minerals the Spanish Empire was hoping to find, the settlers stayed and built a community thanks in large part to the knowledge and skill of the sedentary Pueblo Indians, whom the Spaniards had conquered through a series of violent military engagements known as *Entradas*. By 1680, however, the Pueblo’s had grown resentful of Spanish influence and power, particularly that of the Franciscans, and so they staged a revolt in August of that year, killing twenty one Franciscan missionaries and 400 Spanish colonists in New Mexico. Nearly 2000 survivors fled south to El Paso del Norte, mostly Spaniards, until 1692 when Diego de Vargas repossessed Santa Fe.⁴

In a volume edited by David J. Weber, What Caused the Pueblo Revolt of 1680?, a number of the most respected scholars of this dramatic event contribute their insights in various essays.⁵ Published in 1999, Henry Warner Bowden, Ramón A. Gutiérrez, Van Hastings Garner, Angélico Chávez, and Andrew L. Knaut all provide different perspectives. Bowden and

³ Ibid., 30.

⁴ Nueva Viscaya initially claimed that El Paso del Norte did not belong to New Mexico. However, Royal authorities confirmed that the territory belonged to New Mexico in 1685; Oakah L. Jones, *Los Paisanos: Spanish Settlers on the Northern Frontier of New Spain*, 1st ed (Norman: University of Oklahoma Press, 1979), 114.

⁵ David J. Weber, *What Caused the Pueblo Revolt of 1680?*, (Boston: Bedford/St. Martin's, 1999), v. For more on the Pueblo Revolt see, Andrew L. Knaut, *The Pueblo Revolt of 1680: Conquest and Resistance in Seventeenth-Century New Mexico*, (Norman: University of Oklahoma Press, 1995), and David Roberts, *The Pueblo Revolt: The Secret Rebellion that Drove the Spaniards Out of the Southwest*, (New York: Simon & Schuster, 2004).

Gutiérrez credit the revolt to the unwillingness of Franciscan missionaries to accept Pueblo religious customs to any degree. After years of drought, famine, disease, and increased Apache raids, Pueblos turned to their own gods with increased enthusiasm, acts that were met with severe punishments meted out by religious authorities. Bowden asserts that missionaries in New Mexico, “were convinced either that the Indians possessed no religion at all or that they had been lured by the Devil into a repugnant congeries of idol worship and superstition.”⁶ Gutiérrez echoes these sentiments, writing that Franciscans, “responded as any father would have with disobedient children-punishments began. None of the backsliders was spared the whip, and some even were beaten to death out of fatherly love.”⁷ For these scholars, the Pueblo revolt was a war of religious freedom.

Garner, however, disagrees. He contends that scholars have given too much credit to religious causes in the case of the Pueblo revolt and that religious authorities in New Mexico allowed Pueblos to continue to practice their religion concurrently with Catholicism. “Quite contrary to what might be expected from seventeenth-century Europeans, there developed in New Mexico a degree of tolerance and many mutually advantageous accommodations.”⁸ For him the causes of the revolt were the drought, famine, disease, and Apache raids themselves, rather than citing these events as causes for greater indigenous religious worship which in turn incited greater antipathy between Pueblo and Spaniard. The most controversial of the contributions to this volume is that of Angélico Chávez who argues that it was not the Pueblo Popé who led the Pueblos in their revolt, but rather a *mestizo* named Domingo Naranjo, and that in fact it was other *mestizos* who occupied leadership positions within Pueblo communities and

⁶ Henry Warner Bowden, “Spanish Missions, Cultural Conflict, and the Pueblo Revolt of 1680,” in *Ibid.*, 27.

⁷ Ramón A. Gutiérrez, “Franciscans and the Pueblo Revolt,” in *Ibid.*, 41.

⁸ Van Hastings Garner, “Seventeenth-Century New Mexico, The Pueblo Revolt, and Its Interpreters,” in *Ibid.*, 68.

were deeply resentful of pure-blooded Spaniards that were the principal leaders of the incident.⁹ Finally, Knaut makes the argument that the transculturation that occurred between Pueblo and Spaniard became “unsettling to the social order,” and ultimately led to the event.¹⁰

Before the Pueblo Revolt, but even more acutely so afterwards, those who identified as Spaniards in New Mexico defined themselves in opposition to the indigenous peoples that surrounded them. What the Pueblos and other indigenous groups were (pagan, promiscuous, lazy, without virtue), the Spaniards (Catholic, rational, honorable, pure) were not, and this paradigm was only exacerbated by the events of 1680. New Mexicans also continued to face conflicts with other indigenous nations in the region in the wake of the revolt, as they sought resettlement. In 1684 and 1685 they were under threat from both the Apaches and Mansos, in addition to facing food shortages caused by a drought. Some of the settlers claimed to be so destitute at this juncture that they refused to attend Mass for want of proper clothing.¹¹

The Pueblos, however, remained an indispensable fixture of life in the Province of New Mexico. While the Spaniards may not have wanted at times to live with them, they most certainly could not live without them. Pueblo allies provided assistance to Spaniards as scouts, interpreters, soldiers, provisioners and informants. For their help they were rewarded with “ribbons, bundles of tobacco, hats, needles, [and] beads” as well as “titles, recognition, privileges, gifts, and the spoils of battle.”¹² Oakah Jones asserts in his assessment of the region that without their support Diego de Vargas would not have been successful at reconquering or colonizing New Mexico. “The small regular force with which he had been provided, the inadequacy of supplies and food, and the isolated position of the colony undoubtedly would have

⁹ A *mestizo* was someone with one Spanish parent and one indigenous parent.

¹⁰ Andre L. Knaut, “Acculturation and Miscegenation: The Changing Face of the Spanish Presence in New Mexico,” in Weber, *What Caused the Pueblo Revolt of 1680?*, 115.

¹¹ Jones, *Los Paisanos*, 114.

¹² Oakah L. Jones, *Pueblo Warriors & Spanish Conquest* (Norman: University of Oklahoma Press, 1966), 79 & 177.

spelled failure.”¹³ It was as a result of Vargas’ exploitation of the disunity among the differing Pueblo tribes, his method of economic warfare and recognition of their elected officials, that the Spaniards were successful in re-establishing control in the province.¹⁴

Additionally, the presence of mutual enemies made necessary the alliance between Spaniard and Pueblo. “The Spanish-Pueblo tie would form the nucleus in defending the province from, and occasionally taking the offensive against, the growing menace of the *indios bárbaros*.”¹⁵ Finally, the Pueblos provided an example to other Native American groups such as the Utes, Navahos, Comanches, and even some Apache to accept peace with the Spaniards and unite against the ever troublesome Apache Nation.¹⁶ Use of Spanish weapons and horses were often times also considerable draws. Ultimately, Pueblos were heavily relied upon to be equally responsible for the defense of the Northern Provinces, and prior to 1776 they were the only native allies whom the Spaniards could rely on consistently for military support.

There was a constant Spanish military presence in the northern frontier during the colonial era, including in New Mexico, where presidios (Spanish military garrison) served as defensive and offensive outposts, centers of employment (mostly for men), and created small but vibrant communities. Max L. Moorhead, in his assessment of the presidio, asserts that “although [it was] primarily a military installation, [it] came to exert a pervasive influence on the political, economic, social, and even demographic development of its environment.”¹⁷ Initially their only purpose was to patrol the highways and provide escorts for mule and wagon trains carrying silver from the mines in Zacatecas to Mexico City, but due to increased hostility in the seventeenth

¹³ Ibid., 62.

¹⁴ Ibid., 60–61; *indios barbaros*, barbarous Indians, is the term used by colonial authorities in reference to unconquered indigenous groups.

¹⁵ Ibid., 70.

¹⁶ Ibid., 111.

¹⁷ Max L. Moorhead, *The Presidio: Bastion of the Spanish Borderlands* (Norman: University of Oklahoma Press, 1975), 3.

century more presidios were created to protect not only road traffic but also missions and civilian settlements. Over time, the presidio became, “the nucleus of a civilian town, a market for the produce of neighboring farms and ranches, and an agency for an Indian reservation.”¹⁸

The forts themselves were often built of adobe brick, varied structurally from place to place, but were all in constant need of repairs.¹⁹ The *compañía presidial* itself was largely recruited from the frontier region; its soldiers served for one or more terms of ten years and were known as *soldados de cuero* due to the leather coats they wore.²⁰ Corruption ran rampant among the presidios, affecting the soldiers’ pay and resulting in constant changes to the pay system in an attempt to curtail abuses. Unfortunately these were mostly unsuccessful.²¹

After the suppression of the Pueblo Revolt an attempt was made to strengthen and reform these military establishments under the *Reglamento de 1729*, to hold back not only indigenous threats but also those of the other European colonies. However, it is Moorhead’s assertion that these reforms did little to achieve their purpose. A second attempt was made with the *Reglamento of 1772*, and while these changes did create some improvements, including greater standardization and coordination, it eliminated the advantage of flexibility previously enjoyed by the individual garrisons. It was not until the *Instrucción de 1786* that the presidio became successful not only as a locus of settlement, but also as a military installation.²²

The most prevalent occupations in colonial New Mexico were weaver, farmer, day laborer, stockman and artisan, with farmer drawing the most numbers. The raising of livestock was important but stalled by the hostilities of the unconquered indigenous tribes, which affected all aspects of life. Stock raising would not become vitally important to the New Mexican

¹⁸ Ibid., 4.

¹⁹ Ibid., 161 & 176.

²⁰ Ibid., 178 & 182.

²¹ Ibid., 201.

²² Ibid., 45 & 95.

economy until the end of the eighteenth century, when peace treaties with indigenous nations—particularly the Comanche and the Apache—made the pursuit more profitable than dangerous.²³

Currency in the area was scarce and most settlers had to rely on a system of credit. This system, however, faced a number of problems. A person would present a *libranza* to another for the payment of goods. Payment of this *libranza* was the responsibility of a third party with whom the purchaser had credit, and it was the responsibility of the seller to solicit payment. A fourth party could become involved when the purchaser and the creditor were a great distance apart and the seller offered the *libranza* he had received as payment for other goods or as restitution for debt. Credit became the mainstay of the frontier and bad *libranzas* were abundant.²⁴

Homes were located close to the center of town for protection. The closer a home was to the city center, the more it was worth. Property in the outskirts was suitable for farming and grazing, but very dangerous because of Native American raids. Ranch hands were under constant threat and this limited the labor pool. The issue of water was also incredibly important, as it was necessary for farming. Rights to water were sold along with land. Settlers were allowed access to water in terms of hours or days in a month, and this access was often more valuable than the land itself.²⁵

Formal education in New Mexico after the Pueblo Revolt was mostly performed by the religious orders to instruct the indigenous peoples, particularly the Pueblos. Latin was the

²³ Jones, *Los Paisanos*, 133–34.

²⁴ Jesús F. de la Teja, *San Antonio De Béxar: A Community on New Spain's Northern Frontier*, (Albuquerque: University of New Mexico Press, 1995), 135. For more on Texas ranching from the Spanish colonial period and into the Mexican period see, Armando C. Alonzo, *Tejano Legacy: Rancheros and Settlers in South Texas, 1734-1900*, (Albuquerque: University of New Mexico Press, 1998). Here Alonzo also focuses on the relationship between Tejano and Anglo ranchers.

²⁵ *Ibid.*, 87 & 100-101.

language of instruction in the missions, not Spanish, and discipline was strictly enforced.²⁶ It was not until the beginning of the nineteenth century that schools were established for the education of Spanish children in Santa Fe, and then primarily for the instruction of the children of soldiers and officers of the presidio. It was the children of the settlers, however, that attended these schools in greater numbers.²⁷ Nevertheless, the children of *vecinos* were most often taught informally, educated by their parents about religion, customs, and culture.²⁸

In his assessment of the Spanish population of New Mexico, Jones writes that “Spanish settlers on the northern frontier of new Spain were more numerous than has been supposed and they not only developed a culture distinct from those in other parts of the viceroyalty but contributed markedly to the development and permanent occupation of a ten-state region on the northern frontier of New Spain.”²⁹ It is Jones’ assertion that these *paisanos* re-enforced Spain’s claim to territories from the Gulf Coast to the Pacific Ocean by occupying these territories, and by establishing settlements. In describing their everyday lives he refutes the “black legend” that Spaniards were ruthless and money hungry *conquistadores* that were not interested in colonization or performing their own work. On the contrary, Jones argues that *los paisanos* were hard working agriculturalists that had no one to depend on but themselves in order to achieve their pastoral and agrarian needs.³⁰

While the work of scholars like Bolton, Bannon, Moorhead, Jones and Weber was invaluable to the study of the Spanish borderlands, their studies raised many more questions and illuminated spaces where further scholarship was needed. The contribution of women,

²⁶ Bernardo P. Gallegos, *Literacy, Education, and Society in New Mexico, 1693-1821*, 1st ed (Albuquerque: University of New Mexico Press, 1992), 26–27.

²⁷ *Ibid.*, 30.

²⁸ *Vecino* literally means neighbor, and in New Mexico it meant you were a resident of the Province. In other areas of colonial Latin America, to be a *vecino* meant landownership, but this is not the case in New Mexico. Both landless *Españoles* and *castas* were categorized as *vecinos* in the documents under review.

²⁹ Jones, *Los Paisanos*, vii.

³⁰ *Ibid.*, 3 & 32.

specifically, was little touched on, and the significance of gendered categories was barely discussed. Colonial Latin America as a field of scholarly interest for long neglected to consider the full range and power of gender dynamics as constitutive elements of power relationships. It was understood simply as a patriarchal society in which women were subservient to men, and where they were afforded little to no agency. Hence, the ways in which women dealt with patriarchy and how it specifically affected their lives went largely ignored. An examination of gendered relationships of power in the northern frontier of New Spain was finally introduced to the scholarship in 1991 by Ramon A. Gutiérrez with his tome, When Jesus Came the Corn Mothers Went Away: Marriage, Sexuality, and Power in New Mexico, 1500-1846. In it, he asserted the importance of marriage to maintaining a Spanish hegemony in New Mexico as Spanish marriage customs perpetuated the social hierarchy through the control of women, and limited access to power.³¹

While Gutierrez's contributions to the study of gendered categories and marriage in New Mexico were enlightening, his methodology deviates from that applied to this study in that I am concerned with examining the cause of gendered categories in addition to the their various expressions and impact on marriage choice. As Gutierrez explained of his approach, "this book is premised on the assumption that every society is a system of inequality. The task is not to explain why inequality exists, but rather to expose the different forms it has taken during a period of rapid social change."³² By asking why gendered categories were created, why they were necessary to perpetuate inequality, and the ways that marriage and marriage choice

³¹ Ramón A. Gutiérrez, *When Jesus Came, the Corn Mothers Went Away: Marriage, Sexuality, and Power in New Mexico, 1500-1846* (Stanford, Calif: Stanford University Press, 1991), 255.

³²Gutiérrez, *When Jesus Came, the Corn Mothers Went Away*, xviii. For more on gender in the northern frontier, see the first four chapters of, Ana M. Alonso, *Thread of Blood: Colonialism, Revolution, and Gender on Mexico's Northern Frontier*, Hegemony and experience, (Tucson: University of Arizona Press, 1995). Alonso focuses on issues of honor and machismo in Chihuahua. For more gender and California see, Virginia M. Bouvier, *Women and the Conquest of California, 1542-1840: Codes of Silence*, (Tucson: University of Arizona Press, 2001).

conformed and deviated to those structures, we can better grasp the objective that they served, gauge its success, and better understand how they affected the men and women of colonial Latin America.

There were several opportunities for men and women to socialize and meet a prospective marriage partner in colonial New Mexico, particularly festivals. “These events usually marked major seasonal changes, measuring the passage of time---rites of sowing and harvest, first fruits, religious feast days, or the celebration of a village’s founding.”³³ Communal merriment, dancing, and alcohol consumption lowered inhibitions making normative constraints more flexible, and thus allowing for flirtatious exchanges and a few stolen kisses.³⁴ Of the seventy four cases under review, the current residence of both the bride and groom could be determined in thirty cases. Of those twenty four, or 80 percent, married someone who lived in the same city as them, suggesting that New Mexicans did not travel far to find a spouse.

How a couple became engaged in New Mexico differed from couple to couple, but a social call made by the groom and his family to the home of the prospective bride to declare his intentions was not uncommon for both elite *Españoles* and commoners. Sometimes the groom was accompanied by a minstrel who would sing to the prospective bride, many of whom boasted that their services ensured a positive outcome to the marriage question. At this meeting the groom might also present the bride’s family with a letter declaring his intentions as well as any economic stipulations to the union. Gifts might also be exchanged, particularly a ring (a gold band for the wealthy, leather or wooden rings for the rest), a rosary, or some other form of

³³ Ibid., 238.

³⁴ Gutiérrez, *When Jesus Came, the Corn Mothers Went Away*, 238–39.

religious iconography. If the response was positive, a reply would be sent two weeks later and arrangements for the ceremony and its bureaucratic requirements began.³⁵

When did New Mexicans most often marry? An examination of the prenuptial investigations under review for this study yields thirty four cases in which the age of both of the participants—the bride and groom—is known, twenty cases in which age is only included for either the bride or the groom, and twenty cases in which neither age is listed. Of the 148 total brides and grooms, the marital status at marriage for thirty seven brides could be determined. Most of them, thirty four, had never previously been wed, and their average age at marriage was eighteen years old. The marital status of forty grooms could be determined. Thirty three of them were marrying for the first time, and their average age was twenty one.

The average age of first marriage for women in New Mexico was a bit lower when compared to other frontier regions. According to Robert McCaa, the average in Parral was 21.5 years.³⁶ Younger women were more likely to marry upper class men compared to their older counterparts, the differential being about four years. Age at marriage for women was thus influenced by the sociopolitical and economic status of the groom, Spanish suitors preferring younger brides. Grooms of a lower status who married above them usually married older Spanish women past their peak marrying years. Both the race and occupation of the bride and groom determined age at marriage, the main influences for age at marriage for men being occupation, their relationship to the head of the household, and whether they lived with their families. The marriage prospects of women, however, could not be calculated without considering race.³⁷

³⁵ Ibid., 260 & 267.

³⁶ Robert McCaa, "Calidad, Clase, and Marriage in Colonial Mexico: The Case of Parral, 1788-90," *The Hispanic American Historical Review* 64, no. 3 (August 1, 1984): 484.

³⁷ Ibid., 488.

Marriage cycles between 1693 and 1846 tend to mirror those of the agricultural cycle and the liturgical calendar. Most occurred at the end of the harvest in September when economic resources to celebrate such festivities were most abundant. This timing also resulted in another advantage, as women who conceived in September expected to give birth in June, the “dead period” between planting and harvesting. This was on par with marriage patterns in northern and central Mexico during the same period.³⁸

Marriage in New Mexico, and indeed in all of colonial Spanish America, was significantly influenced by Spanish ideals of faith, honor, virtue and race. While it has long been argued that such ideals were handed down to the American colonies from the Iberian peninsula unaltered, more recent scholarship asserts that the honor code, rather than a monolithic concept to be either accepted or rejected, was contextually determined and was significantly influenced by socio-economic milieus and geo-political circumstances. The contingent nature of the honor code and its influence on the institution of marriage clearly emerges in an investigation of colonial New Mexico, a region that for its peripheral position in the Viceroyalty of New Spain has suffered from a lack of deep historical analysis.

The chapters of this study are organized thematically instead of chronologically. Together they seek to answer questions about marriage choice in colonial New Mexico in the fifty years following the Pueblo Revolt of 1680, including: Why did men and women choose to marry? Were they free to marry a partner of their choosing? What influenced their choice of marriage partner? How were concepts like honor and virtue articulated, understood and internalized in this region? How were these ideals gendered? How did contemporary interpretations of sex and

³⁸ Gutiérrez, *When Jesus Came, the Corn Mothers Went Away*, 265.

sexuality inform marriage? And how were these elements affected by the exigencies of frontier life in the aftermath of the violence of the Pueblo Revolt?

A study of marriage choice necessitates an investigation of whether or not the men and women of New Mexico were indeed allowed to choose their spouse, even despite the objections of family members who might disagree with them. Chapter One examines the importance of free will in marriage selection and the mechanisms the Catholic Church employed after the Council of Trent to ensure *Nuevo Mexicanos* entered into the sacrament freely. Ecclesiastical authorities served as the champions of love in the face of marriage opposition, as priests routinely exercised several tools at their disposal—including placing prospective brides in *depósito* (special custody), dispensing with marriage banns, and marrying couples in secret—to ensure that a bride or groom married his or her intended partner. Golden Age literature also exalted marriage for love as well as the importance of free will, and Spanish law protected the rights of the individual in this matter. Once a marriage had been contracted, however, it was all but indissoluble. Marrying the partner one wanted was, therefore, of crucial importance. For women in particular, who in a patriarchal society had few legal and economic rights, the choice was fundamental.

Chapter Two examines the relationship between marriage and sex by examining the deflowerment cases in the Archives of the Archdiocese of Santa Fe for the years under review, or cases in which women sought the help of ecclesiastical authorities when they lost their virginity to a man who falsely promised to marry them. Marriage and sex were inextricably linked in the eyes of the Catholic Church, and the libidinous desires of the community were of constant concern to the clergy. Additionally, because sexuality could only be legitimately expressed within the sacred bond of marriage, Spanish ideals of feminine honor/virtue required that women remain celibate until they were wed. Nevertheless, for many men and women in New Mexico,

exchanging promises to marry marked the beginning of sexual intercourse in the relationship, and some men took advantage of this practice to bed women they had no intentions of marrying. The deflowerment cases reveal that in the instances when a woman felt she had been duped by her “fiancé,” reparations to her reputation were possible, but they also show that premarital sex in colonial New Mexico was not uncommon, and. Once again, ecclesiastical authorities were responsible for meting out justice.

Chapter Three considers the importance of legitimacy to honor, and in connection marriage choice. While the current historiography asserts the vital significance of legitimacy to *Españoles* as they went about selecting a spouse they felt was worthy, my examination of prenuptial investigations in New Mexico reveals that it was not particularly important as a marker of honorable status as men and women considered the suitability of their prospective marriage partner. Additionally, because there was little stigma attached to being an illegitimate Spaniard in this region, illegitimates did not have to rely on family members (who would ostensibly look past their “defect”) in order to find a suitable spouse. Instead, they could choose from the pool of both legitimate and illegitimate candidates in almost equal measure to their legitimate counterparts because what mattered most in colonial New Mexico was Spanish blood.

The *vecinos* of New Mexico evaluated their own honor and virtue in opposition to the stereotypes they held about their indigenous neighbors. Chapter Four considers the *sistema de castas*—a system of racial classification which informed the colonial hierarchy—and how the inherent flexibility of this framework allowed the residents of New Mexico to continue to set themselves apart from the Pueblos, Apaches, Comanches, Navajos, Utes and Mansos that surrounded them. A defensive mechanism created to define and re-enforce the boundary between Spaniards and everyone else, the *sistema de castas* served as an effective means of social control

perpetuated by Spanish endogamy. Policing the reproductive potential of Spanish women was integral to maintaining the boundary between *Españoles* and *castas* since only Spanish women could deliver the next generation of Spanish children. Continued *mestizaje* between *Españolas* and the *castas*, on the other hand, was considered predatory to the social order by colonial authorities.

A conclusion offers a final synthesis of the myriad factors that informed marriage choice in colonial New Mexico explored in this study. It also considers the events which followed 1730, and particularly how the *Pragmatica of 1776*—one of the Bourbon Reforms intended to police marriage choice and curtail the “threat” of *mestizaje* of the Americas—affected free will and informed racial categories in the colonies. A reaction to what Imperial authorities deemed untenable race mixture between *Españoles* and the *castas*, which they felt was the cause of the decline of the Spanish Empire, colonial authorities rejected centuries worth of Spanish law, canon law and tradition by making parental consent a legal requirement for most couples who wished to wed. That the laws passed by the *Pragmatica of 1776* enjoyed limited success throughout Latin America reifies the significance of free will to marriage choice for *Españoles* and the Catholic Church.

Chapter 1:

Love, Free Will and Divorce

In 1696 Cristóbal Lujan, a soldier in the presidio of Our Lady of Pilar and the Glorious St. Joseph, submitted a marriage application to ecclesiastical authorities to wed Micaela Martín Serrano. Like all other marriage applications it began with the standard supplication: “I, Cristóbal Lujan, appear before your Grace in the most reverent manner, to say that in order to better serve God and to save my soul I intend to marry, according to the order and laws of our sacred Roman Catholic Church.”¹ The language is evocative, passionate and romantic, indicative of the significance of the sacrament of marriage for Spanish Catholics.

The focus of this chapter is the significance of free will in one’s choice of spouse, and the processes men and women availed themselves of at the turn of the eighteenth century in colonial New Mexico in order to exercise this right.² Specifically, I examine mechanisms created and enforced by the Catholic Church and the Spanish Crown to ensure that those who took part in the sacrament of marriage did so willingly, without undue persuasion, coercion or threats by a third party. I also examine the issue on a macro level as I discuss how the Protestant Reformation positioned the Catholic Church to act as champion of choice in matters of spousal selection in New Mexico. A second focus is the indissolubility of marriage through legitimate means once vows had been exchanged. Understood to be the foundation of the social structure, marriage was

¹ Archives of the Archdiocese of Santa Fe (ASSF) 59, Diligencia Matrimonial (DM) 1696, Folio (F) #660. “Cristóbal Lujan, soldado de este presidio de nuestra Señora del Pilar y el glorioso San Joseph paresco ante vuestra paternidad muy reveranda en la mas bastante forma que en quanto derecho haiga lugar y al mio convenga y digo que para mejor servir a Dios nuestro Señor y salvar mi alma pretendo contraer matrimonio segun el orden de nuestra santa madre iglesia católica romana, con Micaela Martín Serrano.”

² Here I concern myself with whether or not men and women *could* exercise free will in their choice of spouse and what made that possible. The myriad factors that informed that choice are the subject of the subsequent chapters.

an eternal commitment that no man dared put asunder, lest it corrupt the whole of the empire. A permanent separation from one's spouse was only granted under the direst circumstances.

The leading scholar on marriage in New Mexico is Ramón Gutiérrez. In his study, When Jesus Came, the Corn Mothers Went Away: Marriage, Sexuality, and Power in New Mexico, 1500-1846, he argues that arranged marriages were the norm in colonial New Mexico, and that parents rarely considered their children's wishes when arranging these marriages. Moreover, he asserts that these unions were "frequently at odds" with the desires of the betrothed.³ According to Gutiérrez, the best way to arrange such marriages was at infancy, yet he provides no evidence that this occurred with any frequency in New Mexico, citing only an undated poem from a secondary source published in 1926.⁴ He contends that first sons were the most likely to succumb to an arranged marriage, given the custom of primogeniture and all that was riding on his contracting a successful marital union. If the eldest son married too far beneath his family's standing, his siblings' marriage prospects would be tarnished as well, and disadvantageous connections formed.⁵ Yet once again, Gutiérrez's evidence is suspect. While he does provide examples of marriage opposition cases, for none of these is the groom in question proven to be the first born son.

It is important to note as well when assessing Gutiérrez's quantitative data and the conclusions supported by that data, that while he did consider 6558 prenuptial investigations between 1700 and 1846 for his study, only 1592, or 24 percent, were conducted in the 1700's. The remaining 4996, or 76 percent, all took place on or after 1800, and thus well after the

³ Gutiérrez, *When Jesus Came, the Corn Mothers Went Away*, 227.

⁴ *Ibid.*, 228. The source of the poem is also unclear in the secondary source cited by Gutiérrez. Aurelio M. Espinosa, "Spanish Folk-Lore in N. Mex.," *New Mexico Historical Review* 1, no. 2 (April 1, 1926): 135-155.

⁵ Gutiérrez, *When Jesus Came, the Corn Mothers Went Away*, 230.

Bourbon reforms of the late eighteenth century sought to dramatically alter marriage ritual, procedure and law. In fact, many of the primary source vignettes used by Gutiérrez to illustrate his point are extracted from prenuptial investigations occurring after the *Pragmática* of 1776 was issued, the cornerstone of the Bourbon reforms on marriage.⁶ His use of this data to make assertions regarding marriage ritual prior to 1770 must, therefore, be considered suspect, as it reflects a static historical interpretation by projecting patterns of behavior from late in the eighteenth century onto its early decades.⁷

Free will in marriage was, in fact, part of the bedrock of Catholic theology (in opposition to several Protestant concepts of predestination, e.g. Calvinists), and individual consent was an essential element of the holy sacrament of marriage.⁸ The *Siete Partidas*, compiled during the reign and under the direction of Alfonso X of Castile between 1252 and 1284, and which were still applicable to the people of Latin America throughout the colonial period, explained the need for the bride and groom to enter into marriage voluntarily with these words: “Only voluntary consent to marry between man and woman; and this is for this reason, because even if words are spoken the way they should be spoken in order to wed, if the consent of those that said those words is not voluntary, that marriage is not legitimate, no matter how much the church may want it to be.”⁹ The Council of Trent, which met between 1545 and 1563, reaffirmed the importance of free will and further solidified its significance to the marriage ritual, issuing decrees that prevented civil authorities and parents from using threats of force or economic hardship to

⁶ The Bourbon Reforms, the *Pragmatica*, and their effect on marriage are discussed in greater detail in Chapter 3.

⁷ Gutiérrez, *When Jesus Came, the Corn Mothers Went Away*, 243–45. See tables 8.1 and 8.2 in Gutiérrez.

⁸ Patricia Seed, *To Love, Honor, and Obey in Colonial Mexico: Conflicts Over Marriage Choice, 1574-1821* (Stanford, Calif: Stanford University Press, 1988), 33.

⁹ Spain et al., *Los Códigos Españoles Concordados Y Anotados*, vol. 3 (Madrid: A. de San Martin, 1872), 413. *Siete Partidas*, Cuarta Partida, Título 2, Ley 5. “Consentimiento, solo con voluntad de casar, faze matrimonio entre el varon, e la mujer. E esto es por esta razon: porque maguer sean dichas las palabras, segun deven, para el casamiento, si la voluntad de aquellos que las dizen non consiente con las palabras, no vale el matrimonio, quanto para ser verdadero: como quier que la Iglesia jugaria que valiesse.”

preclude or compel a couple to marry. This was in direct contrast to those Protestant ideals which required parental consent to wed and relinquished jurisdiction over matrimony exclusively to secular courts.¹⁰

Tridentine reforms sought to address the theological challenges of the Protestant Reformation and its attack on the supremacy of Catholic doctrine. Among these challenges was the assertion of some Protestant theologians, such as Martin Luther and John Calvin, that marriage was not a sacrament but rather a ritual that should be regulated by secular authorities.¹¹ For the Church, stripping the ecclesiastical courts of their jurisdiction over marriage meant an unacceptable loss of power over the “locus of moral and political socialization.”¹² As a result, three of the canons issued by the Council affirmed the sacramentality of marriage, contested the authority of civil magistrates on the matter, and threatened to excommunicate anyone who did not agree.¹³

The Spanish crown embraced the doctrines of Trent, including those which upheld the sanctity of free will in choosing a marriage partner and thus superseded the few dowry laws for women established in the *Siete Partidas* that did require parental consent to wed.¹⁴ This was in contrast to other European, Catholic monarchies such as those of Portugal, France, and Italy, where children were required to acquiesce to their parent’s wishes regarding a marriage partner. In France, Henry III refused to receive the Tridentine decree on marriage and ordered civil magistrates to issue laws requiring parental consent under civil law. When this was met with

¹⁰ Seed, *To Love, Honor, and Obey in Colonial Mexico*, 34.

¹¹ *Ibid.*, 33.

¹² Asunción Lavrin, “Introduction: The Scenario, the Actors, and the Issues,” in Asunción Lavrin, ed., *Sexuality and Marriage in Colonial Latin America* (Lincoln: University of Nebraska Press, 1989), 1.

¹³ Seed, *To Love, Honor, and Obey in Colonial Mexico*, 33.

¹⁴ Spain et al., *Los Códigos Españoles Concordados Y Anotados*, 3:410. *Siete Partidas*, Cuarta Partida, Título 1, Ley 10 & 11. Disinheritance due to parental objections over marriage choice was voluntary, and there is not much evidence that it was practiced prior to the eighteenth century; Lavrin, “Introduction: The Scenario, the Actors, and the Issues,” in Lavrin, *Sexuality and Marriage in Colonial Latin America*, 1.

ecclesiastical criticism, Henry relented only somewhat; while he allowed such marriages to take place they were defined as rape, the punishment for which was death.¹⁵ Spain's adherence to these Tridentine reforms meant that marriage without parental consent was not only valid in Spain's dominions in the Iberian Peninsula, but in its American colonies as well.

But what of those couples that did face familial opposition or an impediment? Marriage was not, after all, a private bond between husband and wife, but rather it affected generations of both of their families economically, socially and spiritually. Parents had a vested interest in their children's choice of spouse; it was they who provided their daughters' dowries and it was their land and property which could either grow or shrink significantly in size, depending on the marriage contract. The newlyweds would also, one day, act as custodians for the family's holdings. Significant political connections could also be created, strengthened or destroyed via marital alliances, both with colonial and church authorities. For those men and women who chose to join a religious order, marriage to the Church meant a personal intermediary to God for his or her family, and a voice within the ecclesiastical hierarchy.

For these reasons, parents sought endogamous marriages for their children; in a race and class-conscious society these were believed to be the most advantageous. Peninsular Spanish concerns over race and class were re-enforced in Latin America thanks to the socio-economic and ethnic constructs that organized the hierarchy, and which were confronted on a daily basis--where the separation of the castes was an important condition of life. "The ideal of love as a prerequisite for marriage constituted a permanent potential challenge to the opposite ideal of racial purity in a multiracial society."¹⁶ This has led several historians, including Ramón Gutiérrez, to assert that emotion, affection and love played little part in marriage choice in the

¹⁵ Seed, *To Love, Honor, and Obey in Colonial Mexico*, 34–35.

¹⁶ Verena Martínez-Alier, *Marriage, Class and Colour in Nineteenth-Century Cuba: A Study of Racial Attitudes and Sexual Values in a Slave Society*, Rep Sub edition (Ann Arbor: University of Michigan Press, 1989), xiii.

Spanish colonies. María Emma Mannarelli similarly claims in her study, Private Passions and Public Sins: Men and Women in Seventeenth –Century Lima, that endogamy was “practically universal,” and that “the stratified social system expressly defended [it].”¹⁷ In her examination of the effect of Tridentine reforms on marriage choice in Lima, she adds:

While the Council of Trent had established that personal freedom in the choice of spouse was an indispensable part of the sacrament of marriage, council provisions rarely changed the practices custom had set. More than one hundred years after the Tridentine decrees, the freedom to marry in colonial Lima was relative to the face of more immediate family pressures...At this time, physical beauty and love as libidinal expression had little importance in the choice of spouse.¹⁸

In fact, the Church had considerable powers to support couples who wanted to marry against their parents’ wishes, and they exercised their authority in New Mexico in the decades prior to, and immediately following, the year 1700. Indeed, in cases where ecclesiastical authorities suspected parental coercion they were required to investigate the matter further.¹⁹ One strategy they employed to help New Mexican couples facing parental opposition in regards to their choice of spouse was to place either the bride, or groom, or both (though usually the bride), in *depósito*, or temporary custody. Removing a prospective bride from the influence of her family, church officials believed, would allow her the freedom to declare her marital intentions without fear, threats or coercion. Church authorities were granted, as a courtesy, use of the royal police throughout Spain’s American colonies to carry out such interventions.²⁰

Women and men who were placed in *depósito* most often found themselves in the custody of a prominent member of the community, and were forbidden from having any contact with their families or their prospective spouse in order to ensure they articulated their true

¹⁷ María Emma Mannarelli, *Private Passions and Public Sins: Men and Women in Seventeenth-Century Lima*, Diálogos (Albuquerque: University of New Mexico Press, 2007), 99.

¹⁸ *Ibid.*, 62.

¹⁹ Gutiérrez, *When Jesus Came, the Corn Mothers Went Away*, 250.

²⁰ Seed, *To Love, Honor, and Obey in Colonial Mexico*, 78.

wishes. How long they remained in *depósito* varied depending on the strength of the objections, the will of the applicants, and the applicants' collective power and influence in the community. Generally, however, after three days of isolation from parents or relatives a priest would take the applicants' deposition regarding their marriage preference in front of witnesses, including a notary.²¹ If the priest agreed that the applicants truly wished to marry, he was then free to move forward with the ceremony. If familial objections were deemed sufficiently threatening to the union, he also had the power to dispense with publicizing two of the three marriage banns required by the Tridentine Council. Known as *amonestaciones*, marriage banns were announcements to the community about the applicants' desire to marry, posted publicly for all to see over three consecutive feast days. Conversely, if the priest believed the marriage was being forced on one or both of the applicants, he was duty bound to forbid the union.²²

While parents most certainly persuaded, cajoled, and even pressured their children into what they considered an advantageous marriage, there were several mechanisms in place in New Mexico which were meant to protect marriage choice, a right most agreed was sacrosanct. Men and women faced with parental marriage opposition repeatedly availed themselves of these mechanisms, bolstered by the knowledge that canon law was on their side.

In 1708 Miguel Durán petitioned ecclesiastical authorities to remove his fiancé, María Rincón, from her parent's home so that they might wed. Miguel was a soldier in the presidio of Santa Fe, and he was also illegitimate. María, on the other hand, was the legitimate daughter of *Españoles* from Mexico City. Though we can only speculate, it may have been this disparity in class which prompted María's parents to object to the union; as one of his witnesses for the prenuptial investigation, Miguel submitted a male friend he had known for fourteen years

²¹ Gutiérrez, *When Jesus Came, the Corn Mothers Went Away*, 250–51.

²² *Ibid.*, 251.

classified as a “*mulato*” (Spanish and African parents). Miguel’s close association with a member of a lower caste could signal that María’s parents felt that Miguel was not worthy of their daughter, and that her marriage to him might impugn their own sense of honor.

Miguel assured the authorities that María had made a marriage promise to him and that she was now waiting to be removed from her parents’ home for the, “peace and quiet of her soul,” and so she could fulfill her promise to Miguel.²³ María was removed from her home by the ecclesiastical judge and relocated in *depósito* to the home of Captain Diego Arias de Quinos. Once removed and “at liberty,” María was placed under oath in front of “God and the sign of the sacred cross,” as well as two witnesses, and asked whether she indeed wanted to marry Miguel. She said that she did. María was then asked if she was being forced into the marriage or if she had been intimidated in any way. Was she being frightened into saying yes or no? María asserted that she was marrying Miguel of her own free will.²⁴

In another instance of parental interference, the Church moved once again to support individual marriage choice. In 1710 María Velázquez of Santa Fe promised Joseph Armijo that she would marry him. Joseph’s brother drew up the necessary paperwork for the couple, and Joseph applied for a license to wed María. María’s parents, however, were not pleased with her choice of groom, thinking Joseph a *moso* (someone of low birth, a servant). Afraid of her parents, María recanted, saying she no longer wished to marry Joseph. Joseph, however, would not accept María’s change of heart and appealed to the local ecclesiastical notary to place María in *depósito*. Once she was away from her parents María once again asserted her intention to marry Joseph, and the couple immediately exchanged marriage promises. They were, for all intents and purposes, married.

²³ AASF 60, DM 1708, F# 527.

²⁴ AASF 60, DM 1708, F# 528.

Or were they? María returned to her parent's home after exchanging *palabras de casamiento* (promises of marriage) with Joseph, and while in their custody she once again recanted her intention to marry.²⁵ Once again, Joseph appealed to the ecclesiastical judge, this time claiming that he and María were already wed and that the situation was becoming “scandalous.” In his letter Joseph specifically cited the doctrines of the Council of Trent as reasons why his separation from María could not stand.²⁶

Were Joseph and María married? That was the question placed before the ecclesiastical judge. María's parents were strongly opposed to the match, Joseph was strongly in favor, and no one was exactly certain of what María wanted at this point. The judge determined that since the engagement had occurred without the requisite number of witnesses it was clandestine, and therefore null.²⁷ He directed the local notary to once again place the bride in *depósito* while he conducted the necessary investigations, and ordered her caretakers not to allow her to speak to Joseph. Moreover, he ordered Joseph not to see or speak to María on pain of excommunication. When the notary visited María at her parents' home, she once again expressed her desire to marry Joseph but pleaded not to be taken away from her parents. She nevertheless was taken anyway, and was subsequently so distraught that the notary, against the direct orders of the ecclesiastical judge, sent for Joseph.

Once Joseph arrived, the judge asked the couple again if they wanted to wed, and both answered in the affirmative. While she was in *depósito*, however, María had several other visitors. Her friend Luzía reminded her that her parents did not like that “*moso*,” and would it not be better to marry a man they did like?²⁸ Luzía cried and begged and finally María acquiesced.

²⁵ A detailed discussion of *Palabras de Casamiento* is part of chapter 3.

²⁶ AASF 60, DM 1710, F# 682.

²⁷ AASF 60, DM 1710, F# 683.

²⁸ AASF 60, DM 1710, F# 685.

She would not marry Joseph if her parents agreed not to keep her so *sujetada* (under their control). Luzía took the message to María's parents who said that María should go ahead and marry then, for they could see they needed to keep her more *sujetada* now than ever before. María responded that, "if that is the way it is *comadre*, I do not want to go home anymore."²⁹ María once again asserted her wish to marry Joseph.

María had other visitors, including her father who finally agreed to the union. María and Joseph were finally allowed to wed, but not before a strongly worded letter arrived from the ecclesiastical judge; he was unhappy with everyone involved. He ordered that more care should be taken in the exchange of marriage promises and warned the priest who had allowed this debacle to persist that if it happened again his post would be stripped away from him. He also wrote about the solemnity of marriage and ordered that if María changed her mind yet again she was to be married to Joseph regardless.³⁰

In some cases, familial objections went beyond words to involve public hysterics, violence, geographic separation and undue influence of community and Church officials. However, even in cases that encompassed all of these actions, the Church continued to support free will. Manuel de Armijo, a *vecino* (resident) of Santa Fe, presented an application to the ecclesiastical judge for a license to wed María Francisca de Vaca in 1736.³¹ María's father, Antonio Vaca, was adamantly against the match, however, and intimidated his daughter into revoking her marriage promise to Manuel, telling her that it would never happen because the

²⁹ Ibid.

³⁰ AASF 60, DM 1710, F# 688.

³¹ Gutiérrez argues that to be a *vecino* in New Mexico meant that one owned land. However, documents from the Archives of the Archdiocese of Santa Fe relevant to this period refer to men and women who were born in New Mexico, or who had since their birth become permanent residents, as *vecinos* even when they clearly did not own land. I am therefore translating the term to mean "resident."

ecclesiastical judge was a close friend.³² Learning of María's contention with her father regarding her intended husband, ecclesiastical authorities in Santa Fe placed her in *depósito* in accordance with procedure. María's custodian was warned not to allow anyone to speak to María, particularly her family members, but this he said he did not think he could do, despite being threatened with excommunication.³³

María's family visited her several times while she was in *depósito*, despite strict rules prohibiting such visits, to threaten and intimidate her into declaring that she did not want to marry Manuel. The ecclesiastical judge who also came to visit her proved true to Antonio's assertions, as he too frightened María into revoking her marriage promise. When the notary assigned to María's case learned of these visits he chastised María's Father, but Antonio answered that the custodian was his friend and that he would go to his friend's house whenever he pleased. The threats and intimidation succeeded and María declared she did not want to marry Manuel. Nevertheless, after a few days María changed her mind again, and in an attempt to further distance her from Manuel both geographically and emotionally, Antonio sent María to Albuquerque to stay with one of his sisters, Josepha Vaca.³⁴

Manuel learned of María's banishment and followed her to Albuquerque, arriving at the village church on August tenth for the Feast of St. Lorenzo, and waited for her there after Mass ended. As the parishioners left the Church, María and Manuel found one another, joined hands and made a mad dash for the center altar, declaring their intent to marry to the residing priest. Seeing her niece with Manuel infuriated Josepha, and in his account of the events the priest

³² Archivo General de Indias (AGI), Escribania 207A, Tarjeta #00219311, Pg. 140. "El juez era su amigo y no aya miedo que me casase."

³³ AGI, Escribania 207A, Tarjeta #00219311, Pg. 134-162.

³⁴ Ibid.

described a commotion so furious that he could only quell it thanks to God's peace working through him.³⁵

The priest, Fray Pedro Montoña, then removed María from her intended and from her screaming family members, called for the aid of a notary, and in his presence asked María whether she wanted to marry Manuel. She answered yes, she had always wanted to marry him; she had only said that she did not because her father had threatened to kill her if she did, and because the ecclesiastical authority in Santa Fe was in cahoots with her father, having also intimidated her into revoking her marriage promise. When the priest related María's intentions to her aunt, Josepha rushed to María, ripped the clothes off of her body and began to beat her violently despite the priest's presence, and that of many others.³⁶ At this juncture Father Montoña decided his best option was to place María in *depósito*, but as he attempted to find her a suitable placement he found that the *teniente* (lieutenant) and other potentially suitable hosts in the community refused to take María in for fear of reprisals from her father, Antonio. Having nowhere to send María, and presented with solid proof that her life was in danger as a result of her marriage choice, he decided that the best recourse was to marry María and Manuel right then and there. "Finding no other remedy, and in order to avoid great harm, I married them, hoping that with this the furor would subside."³⁷

When they returned to Santa Fe and presented their marriage documents to the original ecclesiastical judge, he was not very happy at all. He placed María in *depósito* yet again, and

³⁵ AGI, Escribania 207A, Tarjeta #00219311, Pg. 134-162.

³⁶ AGI, Escribania 207A, Tarjeta #00219311, Pg. 137. "A la Niña la desnudo de los vestidos que llevaba y la maltrato...hasta quererle dar de bofetadas. Tanto que yo tube que...contenerla."

³⁷ AGI, Escribania 207A, Tarjeta #00219311, Pg. 137. "Visto lo dicho, no hallando donde depositarla y que el recurso al juez era negado que el padre de la niña a quien le tenia asegurado q no se casaria...hallando no otro remedio de evitar tanto daño me resolve a tomarles las manos considerando que quisa en eso se sosegaria la furia."

arrested Manuel. They were both released when an ecclesiastical inquiry ultimately sided with the couple and Father Montoña.³⁸

The experiences of these three Marías (Rincón, de Vaca, and Velázquez) illustrate the tensions, doctrines, norms and rituals that accompanied Catholic marriage in colonial New Mexico, and how the interests of the individual, the Church and the family intersected. The Marías sought marriages not only due to their feelings for their intendeds, but also because they considered marriage a way to assert some control over their own lives, wresting it away from their parents. By forbidding their choice of spouse, their parents were attempting to maintain control over their daughters and in conjunction their family's wealth, property and standing, as they saw fit. The Church, by supporting the Marías' choice of marriage partner, sought to maintain its jurisdiction over marriage, asserting institutional power to make sure free will was observed.

As we have seen, placing marriage applicants in *depósito* was not an uncommon practice in New Mexico in the early eighteenth century; as late as 1761 ecclesiastical authorities were availing themselves of this tool. That year, Salvador Martines appealed to the ecclesiastical judge in Albuquerque to intervene on behalf of his bride, Simona Baldes. Simona was being held against her will by one Christóbal Gutiérrez because she wished to marry Salvador. The ecclesiastical judge ordered that Simona be removed from Christóbal's home and warned him not to further interfere, by either word or deed, or else he would face excommunication.³⁹

Parents were cautioned about the consequences of forcing their children into an unwanted union through religious essays, treatises, catechisms and confessional guides. Several of the leading Spanish theologians of the day wrote passionately on the subject, including Tomás

³⁸ AGI, Escribania 207A, Tarjeta 00219311 pg.134-162

³⁹ AASF 62, DM 1761, F# 311-312.

Sánchez, the leading authority on marriage; Juan Gutiérrez, author of a prominent legal handbook; Francisco Vitoria, the “father of international law”; and Basilio Ponce de León, chancellor of the University of Salamanca.⁴⁰ In an essay written in 1523, *De la Mujer Cristiana*, Luis Vives painstakingly explained why parents should allow their daughters to make their own choice of husband, and not pressure her to acquiesce to their desires.⁴¹ Another popular seventeenth century manual written by Enrique Villalobos, and first distributed in Salamanca between 1620 and 1623, read: “Parents cannot force their children to marry, nor impede their marriages, because in this matter they are *sui juris* [should exercise their own will].”⁴²

That women in New Mexico felt that they could be honest with ecclesiastical authorities during prenuptial investigations in regards to their marital wishes, and that their will regarding this matter was important, is evidenced by the candor some of them displayed in their depositions. In May of 1696, Josepha Domínguez, sixteen years old and from Santa Fe, was interviewed by a priest regarding her intention to marry Antonio Martín. Antonio, as was the custom, had submitted a marriage application on behalf of himself and his bride. When asked by the priest if she wished to marry the groom, as was required by Tridentine law, she answered that she neither treated with, nor wanted to marry Antonio. Asked again she answered that she had not given Antonio, or any other man, a marriage promise, and went on to charge an *alcalde ordinario* [municipal officer] with responsibility for the misunderstanding. The marriage application went no further. Josepha felt she could confide honestly with the ecclesiastical judge and depended on his authority to put an end to the possibility of a marriage she did not want. In turn, the ecclesiastical judge supported Josepha’s right to exercise free will in her choice of

⁴⁰ Seed, *To Love, Honor, and Obey in Colonial Mexico*, 36.

⁴¹ *Ibid.*, 256. Footnote 12.

⁴² Enrique Villalobos, *Suma de la teología moral y canónica*, (Madrid, 1682), trat. Xiii. Dif. 38, no. 3, as quoted in Seed, *To Love, Honor, and Obey in Colonial Mexico*, 37.

husband. This was in line with Tridentine reforms that required the consent of both parties to enter a marriage and to ensure that there was no undue pressure from parents or authority figures.⁴³

While children did owe their parents obedience and obligation, this did not extend to their choice of marriage partner, as marrying for love was God's will. During Spain's literary Golden Age, writers like Lope de Vega warned that forced marriages could end in unhappiness, ruin and disgrace. In *La Discreta Enamorada*, de Vega's Gerarda gives in to pressure from her aristocratic parents to marry, but eventually leaves her husband to run away with a handsome man, ultimately living a life of sin.⁴⁴ In *Nadie se Conoce*, de Vega again stressed the significance of free will and love in marriage when the character Lisardo asserts, "To obey my father is just, but who is enough against Love, if God is love and to the opposite I am ordered."⁴⁵ In Miguel de Cervantes' *Persiles*, the character Flora asserts, "The laws of forced obedience oblige us to do a great deal; but the force of liking obliges us even more."⁴⁶ Spanish literature was distinct from other Western cultures in supporting marriage for love, and particularly the rights of women to choose their own husbands.⁴⁷

This did not mean, however, that parents were always unsuccessful in persuading their children to choose a spouse of whom they approved. Francisca Montoya, born in New Mexico and in 1682 a resident of Guadalupe del Paso, submitted a petition to the ecclesiastical judge when her attempts to marry Juan de Gamboa reached an impasse. Usually it was the groom who applied to church authorities for a marriage license, or who alerted church authorities when the

⁴³ AASF 59, DM 1696, F# 633.

⁴⁴ Lope de Vega, *La Discreta Enamorada* (Valencia: Ediciones Tilde, 2008).

⁴⁵ Lope de Vega, *Nadie Se Conoce* (BiblioBazaar, 2007), vol. 7. 686, as quoted in Seed, *To Love, Honor, and Obey in Colonial Mexico*, 39.

⁴⁶ *Persiles*, lib.4, cap. 1, as quoted in Seed, *To Love, Honor, and Obey in Colonial Mexico*, 39.

⁴⁷ Seed, *To Love, Honor, and Obey in Colonial Mexico*, 39.

objections of family members threatened to impede a union, but in May of 1682 it was Francisca who sought ecclesiastical assistance. Francisca and Juan exchanged promises to marry, but Francisca later rescinded her words. She wrote to the ecclesiastical judge, telling him that it was still her wish to marry Juan, and in her subsequent deposition she cited the reason for backing out was fear of her future mother-in-law, Pedrona de Gamboa, Juan's mother. Pedrona objected to the union, but Juana told the authorities that it was "her intent and her will" to marry Juan.⁴⁸ Nevertheless, in a subsequent deposition, Francisca revoked her petition, asking forgiveness of the ecclesiastical judge for her lies, and rescinding any marriage promise she had made to Juan. This freed Juan to marry another woman named Gertrudis.⁴⁹

Ramón Gutiérrez asserts that, "love in colonial New Mexico was considered a subversive sentiment, antithetical to the status concerns of a family and to authority relations within the home."⁵⁰ While it is true that some of the residents of New Mexico were unsuccessful in marrying a partner of their choosing, as evidenced by Francisca Montoya, many also sought to exercise their right to free will. Equating love and marriage was not an alien concept to the Spanish colonists of New Mexico, as Spanish laws, customs and popular fiction had all stressed the significance of love to marriage, and vice versa, for centuries. The *Siete Partidas* even explained marriage and love thusly, "A great benefit, and much good comes from marriage...and moreover, a great love grows between husband and wife because they know they will not part; and so they are more sure of their children and love them more as a result."⁵¹ Even Gutiérrez can

⁴⁸ AASF 59, DM 1682, F# 68

⁴⁹ AASF 59, DM 1682, F# 69-70.

⁵⁰ Gutiérrez, *When Jesus Came, the Corn Mothers Went Away*, 227.

⁵¹ Spain et al., *Los Códigos Españoles Concordados Y Anotados*, 3:412. Siete Partidas, Cuarta Partida, Título 2, Ley 3. "Pro muy grande, e muchos bienes nascen del casamiento..... E demas cresce el amor entre el marido, e la muger,pues que saben, que non se han de departir; e son mas ciertos de sus hijos, e amanlos más porende."

admit that, “as roving troubadours performed their medieval romances in New Mexico’s villages, the motifs of their repertoire resonated in the imaginations of young and old.”⁵²

Free will in marriage was thus supported by canon law as well as Spanish law, religious writings and popular literature, which condemned marriages for political or economic reasons, or for societal gain. Parental meddling in this matter was believed to impede the will of God, and as such parents could not interfere. They could counsel and advise their children, but even this had to be limited as excessive pleading was considered morally wrong.⁵³ The vignettes illustrated here, evidence that the men and women of New Mexico understood their right to exercise free will in their choice of spouse, the limits of parental obedience on this matter, and that they were willing to avail themselves of the mechanisms provided by the Church to ensure they married the partner they wanted.

Once one entered into marriage, however, getting out of it was nearly impossible, and could only be legitimately achieved with the consent and support of the Church. “The mystery that man and wife become ‘one flesh,’ separable only by death, becomes a metaphor for the union of individuals in the ‘mystical body of the church,’ with Christ the head.”⁵⁴ According to the canons of the Catholic Church, there were two types of impediments that could prevent a prospective union or prove cause for an annulment: *diriment* and *impedient*. *Diriment* impediments were prohibitive and included, “legal and spiritual kinship; age, for those too young to marry; bigamy; and male impotence.”⁵⁵ *Impedient* impediments included, “a disparity of cult, by the taking of religious vows by one of the betrothed, by the forceful abduction of the

⁵² Gutiérrez, *When Jesus Came, the Corn Mothers Went Away*, 256.

⁵³ Seed, *To Love, Honor, and Obey in Colonial Mexico*, 41.

⁵⁴ Richard Boyer, “Women, *La Mala Vida*, and the Politics of Marriage,” in Lavrin, *Sexuality and Marriage in Colonial Latin America*, 257.

⁵⁵ Lavrin, “Sexuality in Colonial Mexico,” 55-6.

woman, by a heinous crime committed by either the bride or the groom, by a previous promise of marriage, or by a promise of marriage given by married persons before his or her spouse died.”⁵⁶

In their role as defenders and protectors of the sacrament of marriage, ecclesiastical authorities were not disposed to granting permanent separations. “In general [they] tried to preserve marriage at all costs, subordinating the happiness of individual spouses to the institution of matrimony.”⁵⁷ Ecclesiastical authorities counseled and encouraged couples to remedy their differences and stay together, not only for their own good but for the good of the community, for one poor example could corrupt the whole. In doing so they also sought to strengthen the institution of marriage itself and thereby their own influence as its administrators and enforcers.

One tactic they employed to prevent annulment or divorce was to delay. An annulment or divorce often took years to come through as all parties were given ample opportunity to read and respond to the accusations made against them, as well as contest any procedural rulings. The economic hardships prolonged litigation entailed, as well as being separated from one’s children (as was often the case for women), also motivated men and women to end their suits.

In 1695 Ynes Martines, a resident of Santa Fe, brought forward a petition to the ecclesiastical judge asking for help with her husband, Bartolomé de Anjuris. They had been wed for four years, yet Ynes declared, “I am as much a maid now as when my mother gave birth to me.”⁵⁸ Ynes and Bartolomé were not living a *vida maridable*, or in other words, they were not having (nor had they ever had) sexual intercourse. Should Bartolomé be declared impotent, a *diriment* impediment, it would constitute grounds for an annulment of the marriage. In his deposition Bartolomé confirmed his wife’s claims but alleged that it was not impotence which

⁵⁶ Ibid., 56

⁵⁷ Silvia Marina Arrom, *The Women of Mexico City, 1790-1857* (Stanford, Calif: Stanford University Press, 1985), 211.

⁵⁸ AASF 59, DM 1695, F# 548. “Me allo tan doncella como mi madre me pario.”

was keeping him from consummating the marriage, but rather an intestinal problem for which he had sought relief from various medicines to no avail. Demonstrating the Church's reluctance to separate husband and wife, the ecclesiastical judge subsequently ordered Bartolomé to acquire new medicines and ruled that the couple must continue in their attempts to consummate the union for at least four more months. In that time, the judge warned, Ynes must not bring forward any further petitions against her husband. After the four months were up, she would be allowed to submit a new petition if the problem was not resolved.⁵⁹ The judge could then annul the marriage should they not be able to consummate the union, a requirement of holy Catholic matrimony.

Bigamy also constituted grounds for an annulment, and New Mexico was not immune to such incidents. Ecclesiastical judges faced with these cases sought to determine how many spouses an alleged bigamist had, when the two (or more) marriages were contracted in order to determine which was the legitimate union, and the present condition of all of the parties involved. Testimony was elicited not only from those who were wed, but also their relatives, friends, neighbors and former priests. Some men traveled to New Mexico hoping to leave their old lives behind, only to find that the northernmost province was not as far removed from the goings on of the rest of the Empire when they entered into new marriages, only to be found by their first wives in central Mexico or the Iberian Peninsula itself.

In 1714 when Captain Diego Arias de Quinos, a native of Castilla and a resident of Santa Fe for eight years, applied for a license to wed María Gómez Robledo, a resident of New Mexico since her birth, they presented to ecclesiastical authorities the requisite witnesses to attest to the validity of their claim that they were at liberty to wed.⁶⁰ One of the witnesses presented on behalf

⁵⁹ AASF 59, DM 1695, F# 548-550.

⁶⁰ AASF 61, DM 1714, F# 108-112.

of María was a *Señor* Trujillo, who testified he had known María for thirteen years. In that time, María had been previously wed to one Alonso Romero, but the marriage was annulled after María received word that Alonso was already wed.⁶¹ His testimony was echoed by another witness who claimed to have known María since she was born.⁶² When María was questioned by the ecclesiastical judge, she reiterated the testimony of *Señor* Trujillo and the other witness, and added that Alonso had been remanded to, and punished by, the inquisition for bigamy. Alonso's attempts to leave his past behind him and to start again with a new wife were thus unsuccessful.

Canon law allowed for divorce only under the following circumstances: if one spouse had been physically cruel to the other, or threatened murder; if one spouse was ill with a contagious disease; if one spouse coerced the other to engage in criminal behavior, such as prostitution; adultery; abandonment; and heresy.⁶³ A spouse enduring any one, or a combination of, these circumstances was described as living a *mala vida* (bad life). Other behaviors that constituted living a *mala vida* included a husband withholding financial and material support from his wife, as he was required to keep her appropriately housed, clothed and fed. A divorce could also be granted on either a temporary or permanent basis, with temporary divorces (or legal separations) being most common. In the case of a temporary divorce, neither party was allowed to remarry as long as the other lived, and couples were encouraged to consider reconciliation in the future.⁶⁴

Subjecting one's wife to a *mala vida* meant, in theory, a forfeiture of patriarchal rights and allowed a wife to seek redress from ecclesiastical and colonial authorities. The family was a *patria chica*, or small state, in which husband ruled over wife like a king, but like all kings, Catholic husbands had to meet certain expectations to maintain power. Husbands, as patriarchs,

⁶¹ AASF 61, DM 1714, F# 109.

⁶² AASF 61, DM 1714, F# 110.

⁶³ Arrom, *The Women of Mexico City, 1790-1857*, 1985, 208–9.

⁶⁴ *Ibid.*, 208.

had “the duty of looking after the welfare of others...the benevolent patriarchy of Christianity was an ideal and an expectation.”⁶⁵ The King himself was tasked with modeling this behavior; the *Siete Partidas* declared that, “a king who honors, loves, and watches over his wife will offer a good example to the people of his country.”⁶⁶ In the case of the Spanish monarch it had to be more than an example, for if he could not lead his family how could he be expected to lead the Empire? “The moral economy of marriages, then, is based on an ideal of reciprocity...the ideal must be stressed, for—however theoretical, however imperfectly understood— it is the basis for the exercise of power.”⁶⁷ Women, therefore, had theological and legal grounds for contesting poor treatment by their husbands.

In his examination of a confessional manual from 1689 written by Fr. Jayme de Corella, Richard Boyer writes in his essay, “Women, *La Mala Vida*, and the Politics of Marriage,” that while Corella does allow for a number of scenarios that merit physical discipline by a husband towards his wife, and that such punishments can be administered by degrees, Corella also warns, “all authorities agree that husband may not punish his wife without reasonable cause, for arbitrary punishments severely administered are a mortal sin.”⁶⁸ Physical punishment was meant to be applied by husband and endured by wife only as a corrective and instructive measure. Nevertheless, judging whether the punishment was too severe was largely left up to a woman’s husband.⁶⁹ For those women who did come forward to convey their plight, the church provided, “a religious language for explaining suffering and assessing responsibility.”⁷⁰ If the family was a *patira chica* in which the husband was king, the wife was meant to hold the position of his

⁶⁵ Richard Boyer, “Women, *La Mala Vida*, and the Politics of Marriage,” in Lavrin, *Sexuality and Marriage in Colonial Latin America*, 253.

⁶⁶ *Ibid.*, 254.

⁶⁷ *Ibid.*, 257.

⁶⁸ Lavrin, *Sexuality and Marriage in Colonial Latin America*, 256.

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*, 260.

queen. Nevertheless, even when women had a strong claim for living a *mala vida*, a divorce was not always an acceptable option.

In February of 1704, Ana Bernal of Santa Fe sought the assistance of a *letrado* (lawyer) to appeal to the ecclesiastical court on her behalf, that she might be reunited with her husband, Luis Lopes. Ana had been placed in *depósito* in San Ydelfonso by ecclesiastical authorities after Luis was charged with subjecting Ana to a *mala vida*, consisting of physical abuse. How long Ana and Luis had been separated at the time of her appeal is not clear, yet Ana petitions the ecclesiastical judge to be reunited with her husband, vacating any previous or future accusations she had or might make against him. In her petition, she cited her distance from both her and her husband's relatives as the cause of her decision to be reunited with her spouse. A woman who found herself far from her support system and facing a violent husband had fewer options for survival.⁷¹

In response to her appeal, Luis was summoned before the ecclesiastical judge and two captains to serve as witnesses, and was informed of his wife's request. When he asserted that he too wanted to be reunited with Ana, he was asked to swear in front of all three men and God himself that he would be a better husband. He was asked to promise that he, "would make a *vida maridable* with her, love and care for her, as God commands, treat her well and help her when possible, and to not mistreat her in either word or deed, but to look on her with the love that the sacrament of marriage requires, and that at present you have rid yourself of all earthly vices."⁷²

Once the testimony of Ana and Luis was collected it was sent on to the *Juez Receptor* (colonial magistrate). He agreed to reunite Ana and Luis and entreated him to treat and care for

⁷¹ AASF 60, DM 1704, F# 340-341.

⁷² AASF 60, DM 1704, F# 343. "Hacer vida maridable co ella, quererla y amarla, como dios manda, y tratarla I assistirla segun es possible, y promete de no hacerle maltratamiento de palabra ni de obra..y mirarla con el amor que pide el estado de matrimonio y que al presente se halla destituido de todos los averes temporales."

Ana as Christ loved the Church. To ensure that Luis would do so, he warned Luis that should he face the court again he would face ten years of exile in the Philippines while Ana would spend those same years in a convent.⁷³ When Ana and Luis were informed of the judge's decision they expressed that they understood and that they would obey.⁷⁴

A woman bringing charges against her husband for living a *mala vida* had to prove beyond any doubt that her accusations were true. This meant she required witnesses, documentation and physical evidence, because even her husband's confession was not enough for ecclesiastical authorities; a safeguard to prevent warring spouses from being granted a divorce via perjury. If she succeeded in proving that her husband had dramatically mistreated her, she still had to prove to authorities that she was living in clear and present danger, and that her marriage was beyond salvation. Mental illness, drunkenness and gambling could be considered contributing factors to her plight. She, meanwhile, had to demonstrate that she embodied the ideals of Spanish Catholic honor and virtue, and that she was free of any scandal that might be seen as cause for her husband's ill treatment.⁷⁵

Seeking a divorce could also prove catastrophic for the party determined to be at fault. The guilty spouse faced losing custody of his/her children, access to community property and was responsible for court costs; guilty husbands lost access to their wives' dowries and were required to continue providing financial support to their families, while guilty wives lost rights to any future financial support. "Ecclesiastical divorce was useful primarily for those seeking protection from a dangerous spouse or separation from a delinquent partner. It was never intended as a remedy for marital conflict."⁷⁶ Divorce was, therefore, a last recourse, but if a

⁷³ AASF 60, DM 1704, F# 344.

⁷⁴ AASF 60, DM 1704, F# 345.

⁷⁵ Arrom, *The Women of Mexico City, 1790-1857*, 1985, 209.

⁷⁶ *Ibid.*, 210.

woman was successful in her suit she recovered her dowry, gained custody of her children, half of the community property, continued economic support from her spouse, and her judicial capacity was restored, all without having to cohabit with her husband or answer to his authority.⁷⁷ For some women the rewards were worth the risk.

It may have been the possibility of that reward that spurred Ynes de Aspetia, a resident of Santa Fe, to appeal to the ecclesiastical judge in 1705, asking for help with her relationship with her husband, Cristóbal de Gongora. She claimed that for the past year her husband had not lived a *vida maridable* with her, and that she did not know the reason why, assuring the judge that it was not as a result of her not meeting her own responsibilities in the matter.⁷⁸ Furthermore, she claimed that he had also withheld his affection from her and that he did not provide her with clothing. “And having learned this to be against divine and human law [I ask you] as ecclesiastical judge to support and protect my cause. Why has he distanced himself from me?”⁷⁹

In her petition she also described the scene that had spurred her to seek help from the Church. On a previous evening, a local priest and Joseph Velásquez, another resident of the city, had come to Ynes’ home and searched its contents, including the very clothes she was wearing. They claimed to be under the orders of the *Padre Custodio*, Father Juan Alvarez, yet she did not know why they had been given permission to do this. She implored the ecclesiastical judge to call her husband and the other two men in for questioning for the good of her reputation, and so she could continue living a *vida maridable* with her husband, as God commands.⁸⁰ While she

⁷⁷ Ibid., 209–10.

⁷⁸ Sexual intercourse was considered a marital responsibility referred as the Marital Debt, discussed at length in Chapter 3.

⁷⁹ AASF 60, DM 1705, F# 369. “Marido tiene tiempo de un año que no hace vida maridable conmigo, sin haber motivo alguno por lo q a mi parte toca, sin a atender a darme el su atento ni mi bestuario, y habiendo reconocido ser contra la ley divina y humana [le pido] como juez eclesiastico ordinario amaparar mi causa... Por que se a apartado de mi?”

⁸⁰ AASF 60, DM 1705, F# 369-373. “Asi en mi reputacion come en mi dicho marido haga vida maridable conmigo como dios manda.”

expressed that her ultimate wish was to be reunited with Cristóbal, she was accusing him of abandonment and possibly impotence, both of which were grounds for permanent separation.

Both Ynes and Cristóbal were called in for questioning, and at the start of her deposition Ynes was asked by the ecclesiastical judge why she had not lived a *vida maridable* with her husband, and why she had been physically separated from him for several years, demonstrating a bad example to others and causing a scandal. Thus, the judge evidenced the Church's concerns that one bad example could corrupt the community, and thereby place everyone's soul in peril. He chastised Ynes for taking so lightly the precepts of, "our sacred mother church." Ynes responded that her husband knew the reasons for their separation, and that they had only been "together as God commands" five times. He had also not given her any economic assistance for her maintenance or clothing. Furthermore, she claimed to have heard that her husband was collecting testimonies against her, but she did not know what he was alleging. The judge subsequently placed her in *depósito* in the home of a captain and charged Cristobal, her husband, four *reales* (Spanish currency) a day for her maintenance.

In his deposition, Cristóbal was not rebuked in the same way Ynes was by the ecclesiastical judge for setting a bad example. When he was questioned about his wife's petition Cristóbal claimed that the reason he had not been living a *vida maridable* with Ynes had been disclosed to a previous priest. As for the search of Ynes' home, according to Cristóbal it was authorized by Father Juan Alvarez after Cristóbal told him that Ynes was having an affair with another man who had gifted her a dress. The search was meant to supply the evidence of her illicit relationship. Moreover, Cristóbal had petitioned Father Alvarez for a divorce, citing not only Ynes' adultery, but also by claiming that he had been married to her against his will by a

priest several years earlier. Cristóbal asserted that the divorce had been granted and it was for this reason that he had not taken care of her material needs.

A soldier in the presidio of Santa Fe and a *letrado*, Cristóbal called on all of his knowledge about what constituted acceptable reasons for separation in his deposition to the ecclesiastical judge. By painting Ynes as an adulteress he curried favor, by claiming he had been wed against his will he had legitimate grounds for annulment, and by alleging that these circumstances contributed to his inability to consummate his marriage, he further compounded that claim. The responding priest called Ynes' claims slander, but agreed that it had not been within Father Alvarez' authority to grant a divorce. In 1712 the case was still ongoing.⁸¹

While these vignettes do not provide us with an understanding of what marriage looked like on a day-to-day basis, given that they exemplify unusual cases, they do illustrate how the women of colonial New Mexico understood what was expected of them; the responsibilities of their husbands; what was owed to them as their wives; what they were, and were not, willing to tolerate; and the degree of power at their disposal to combat a *mala vida*.⁸² Significantly, it also illustrates the response of ecclesiastical authorities in their role as mediators of marital conflict and guardians of the sacrament of marriage.

A Catholic sacrament, jurisdiction over marriage remained in the hands of the Church early in the eighteenth-century in the face of challenges levied against it throughout the Protestant Reformation. The theological opposition waged by Lutheran and Calvinist movements, and in particular their contention that power over the institution of marriage should be in the hands of the state, informed ecclesiastical authorities as they secured and protected the

⁸¹ AASF 60, DM 1705, F# 369-373

⁸² Arrom, *The Women of Mexico City, 1790-1857*, 1985, 206.

right to exercise free will in one's choice of spouse. Spain, as a staunch ally of the Catholic Church, accepted the Church's authority over marriage and supported its efforts, both on the Spanish peninsula and its American colonies. Furthermore, conditions in New Mexico buttressed free will. As a result, the men and women of New Mexico could, and did, avail themselves of the mechanisms created by ecclesiastical authorities to prevent forced or coerced marriages, calling on a dialogue reflected in ecclesiastical canon, confessional manuals, Spanish law and popular literature. Undoubtedly, there were still arranged marriages occurring in New Mexico—marriages which either the bride, or groom, or both did not want—but for those who sought the help of ecclesiastical authorities, there was aid to be had.

Chapter 2:

Honor & Sexuality: The Deflowerment Cases

Among the myriad expectations marriage brings, one of the most provocative is sex. For a good Catholic in colonial Latin America, marriage was meant to mark the beginning of sexual activity, and this was especially true for women. As with most significant dynamics, gendered categories informed the responsibilities and acceptable behavior of sex, and turn of the eighteenth century New Mexico was no exception. *Nuevo Mexicanos* who transgressed the norm as proscribed by the Church were both victims and perpetrators in ecclesiastical and regional dramas that publicly shamed them, saw them incarcerated, and in the best scenarios attempted to compensate them for the lost honor and virtue of the harmed party. Because sex and marriage were inextricably linked in the opinion of the Church, (which as we saw in Chapter 1 was responsible for the administration of legitimate marriage in Latin America) the manner in which the residents of New Mexico reacted, wrestled, acquiesced and sought help from ecclesiastical authorities in matters of sexual transgression illuminates the ways the proscribed ideology was digested and understood by the residents of this area.

Specifically, this chapter explores deflowerment cases, or suits in which a woman sought help from ecclesiastical authorities after losing her virginity to a man who had promised to wed her, and subsequently rescinded his promise. By examining the ensuing investigations, including the testimony of the parties involved, I argue the following: 1) Pre-marital sex was not uncommon in turn of the century New Mexico; 2) Pre-marital sex among Catholics was used as a weapon by both men and women to achieve their ends; 3) When the consequences of engaging in pre-marital sex negatively impacted them, men and women often sought the intervention of the

Church; 4) A woman's lost honor or virtue as a result of engaging in pre-marital sex could be repaired, but seeking those reparations came at a significant risk to her; and 5) Engaging in pre-marital sex did not automatically result in negative consequences. Ultimately, "women and men developed multiple codes of gender right, obligation, and honor within patriarchy [and] they developed these codes in a process of contestation between women and men that makes the notion of "a" culture of common gender values a half-fiction."¹ By examining the ways that the men and women of colonial New Mexico co-opted and negotiated their honor/virtue in relationship to sex, we can better grasp the honor code's contextual determination throughout Latin America.

In order to secure the bonds of matrimony and the spiritual salvation of the participants, The Council of Trent outlined specific procedures for marriage and betrothal to which everyone had to adhere in order to righteously enter into the sacrament of holy Catholic matrimony. Prior to Trent, the *Siete Partidas* described marriage thusly: "The reasons for which marriage was established are primarily two: the first is to make children so as to increase the lineage of men, and for this did God establish marriage, first in paradise, and the other to save men from the sin of fornication."² The purpose of marriage was thus procreation and to prevent concupiscence, given that sexual intercourse was only considered legitimate by the Church if it occurred between husband and wife.

¹ Steve J. Stern, *The Secret History of Gender: Women, Men, and Power in Late Colonial Mexico* (Chapel Hill: University of North Carolina Press, 1995), 19.

² Spain et al., *Los Códigos Españoles Concordados Y Anotados*, vol. 3 (Madrid: A. de San Martín, 1872), 413. *Siete Partidas*, Cuarta Partida, Título 2, Ley 4. "E las razones por que el casamiento fue establescido mayormente son dos. La una para fazer fijos, e a crescer el linaje de los omes: e por esto establescio Nuestro Señor Dios el casamiento en el Parayso primeramente, segund que es sobredicho. La otra, para guardarse los omes de pecado de fornicio."

The *Partidas* recognized two types of *desposorios* (engagements), those made in the future tense, and those made in the present tense. Promises to marry voiced in a future tense had the following legitimate expressions: 1 & 2) Articulating the intention to marry, i.e., “I will take you as my husband.”³ 3) Making a promise to marry while holding a Bible, a crucifix, a rosary, etc. 4) Exchanging gifts along with the marriage promise. 5) Exchanging marriage promises as well as rings.⁴ Marriage promises made in the present tense, “I take you as my husband now and forever,” were more straightforward, and for all intents and purposes couples who exchanged such promises were, under the eyes of God and Church, married.⁵

Marriage promises made in the future tense were only revocable if no intercourse had taken place between the couple; marriage promises made in the present tense were only revocable IF the marriage was unconsummated AND at least one of three criteria was met. 1) The bride or groom died; 2) the couple was found to share a prohibitive degree of consanguinity or affinity; and/or 3) either the bride or groom chose to take religious vows and enter either the clergy or a nunnery.⁶

Along with re-enforcing the right to free will in one’s choice of marriage partner (as we saw in Chapter 1), Tridentine Reforms also sought to further regulate marriage and sexual behavior by addressing what they believed the problem of clandestine marriages. According to Roman law and tradition marriage was legitimate as long as both parties consented freely to the union; neither a public ceremony nor witnesses to such an agreement were required. When consent no longer existed between the couple, the marriage was dissolved and physical separation followed. While the Roman Catholic Church conformed to this practice for the first

³ “Yo te recibiré como mi esposo.”

⁴ Spain et al., *Los Códigos Españoles Concordados Y Anotados*, 3:403. Cuarta Partida, Título1, Ley 2.

⁵ “Yo te tomo como mi marido, ahora y por siempre.”

⁶ Spain et al., *Los Códigos Españoles Concordados Y Anotados*, 3:405–6. Cuarta Partida, Título 1, Ley, IV.

eight centuries of its existence, afterwards a distinction between legitimate and illegitimate marriage was deemed necessary by the Church.⁷

The exchange of *palabras de casamiento* (marriage promises) as the first step towards sacramental marriage was codified in Spain by the *Siete Partidas*. Prior to the *Partidas* in 1179, Pope Alexander III recognized the exchange of *palabras de casamiento* as an unconsummated marriage, declaring that if sexual intercourse took place after the promise was spoken the couple was bound in matrimony. *Palabras de casamiento* could only be revoked if the prospective union remained unconsummated.⁸ The *Siete Partidas* did not require witnesses to be present for the exchange of marriage promises, and so often times *palabras de casamiento* were exchanged privately or in secret, leading to several problems in the eyes of the Church.

Because the exchange of a verbal promise to marry often marked the start of a couple's sexual relationship, it was understood by many to be an irrevocable commitment. "Righteous is the marriage made in the present tense, and the other one made with words and solidified by deeds, so says the law."⁹ Men could, and did, offer women false promises of marriage in an attempt to bed them, revoking their vow once they achieved their ends. In this way men could collect a number of "conquests," leaving not only possible heartbreak but shame in their wake, for sex outside of marriage meant a loss of virtue and honor not only for the woman involved, but also for her family.

The significance of honor to the hierarchical structure of societies in colonial Spanish America has long been acknowledged. Notions of honor and virtue dictated the lives of all

⁷ Gutiérrez, *When Jesus Came, the Corn Mothers Went Away*, 248.

⁸ Asunción Lavrin, "Introduction: The Scenario, the Actors, and the Issues," in Lavrin, *Sexuality and Marriage in Colonial Latin America*, 5..

⁹ Spain et al., *Los Códigos Españoles Concordados Y Anotados*, 3:406. Cuarta Partida, Título I, Ley V. "Verdadero es el casamiento que se faze por palabras de presente, e el otro que se faze por palabras, e se cumple de fecho, segund dize en la ley ante desta."

Spaniards, both in the Iberian Peninsula and its colonies, and these attitudes were long believed to have been internalized by subsequent generations of *criollos* (Spaniards born in Latin America); the different *castas* (castes) that emerged as a result of intermarriage, concubinage, and sexual assault; and to the indigenous peoples once they were conquered.¹⁰ This elite code of honor was, “strictly defined in gender[ed] terms.”¹¹ Women were considered to possess honor if they embodied the ideals of *verguenza*, or shame, which required that women be timid, shy, obedient to their fathers and/or husbands, virginal until marriage, faithful afterwards, and celibate as widows. Men were considered to possess honor if they acted courageously, were self-assured and asserted authority over women and male inferiors. In the hierarchy of Spanish colonial society, peninsulars and *criollos* believed that only they possessed honor since only they could boast *limpieza de sangre* (purity of blood). Though over time relationships between the different castes “blurred cultural and racial boundaries,” the colonial elite continued to assert that honor was “uniquely associated with European and Christian origins,” the markers of *limpieza de sangre*.¹²

More recent scholarship has focused on inconsistencies and spaces for maneuver within this elite code, contributing to “a heightened awareness of the manifold ways that Latin American women, as living social participants, engaged in activities and maneuvers that deviated in small or large ways from the stereotypes enshrined in the ideal code of female comportment.”¹³ Scholars increasingly questioned the monolithic nature of the honor code, as it had so far been presented, in the late 1990s when the historiography took a post-modern turn

¹⁰ For more on this see Ramón A. Gutiérrez, “Honor Ideology, Marriage Negotiation, and Class-Gender Domination in New Mexico, 1690-1846,” *Latin American Perspectives*, Vol. 12, No. 1 (Winter, 1985): 81-104.

¹¹ Geoffrey Spurling, “Honor, Sexuality, and the Colonial Church: The Sins of Dr. González, Cathedral Canon,” in Lyman L. Johnson and Sonya Lipsett-Rivera, eds., *The Faces of Honor: Sex, Shame, and Violence in Colonial Latin America*, 1st ed, Diálogos (Albuquerque, NM: University of New Mexico Press, 1998), 45.

¹² Johnson and Lipsett-Rivera, eds., *The Faces of Honor*, 5

¹³ Stern, *The Secret History of Gender*, 18.

with works such as that of Steve J. Stern, which was heavily influenced by the work of Michel Foucault and his focus on the study of norms.¹⁴ Stern's 1995 study, The Secret History of Gender: Women, Men, and Power in Late Colonial Mexico, challenged what he called the conformity/deviance paradigm, which he described as accepting of the elite code of honor.¹⁵

Through the study of nearly 800 violence and morality episodes in the cities of Morelos, Oaxaca, and Mexico City, Stern observes that, "on the question of gender right in female-male relations, one finds not a single normative code and deviation from the code, but contending normative codes and interests within the social body."¹⁶ Stern focuses most specifically on how concepts of patriarchy were internalized by plebeians (mostly in Morelos) and how they navigated those concepts. He asserted that while plebeian men claimed their patriarchal rights implicitly, plebeian women acquiesced only conditionally. In other words, women would only afford men their "rights" as patriarchs when they fulfilled their obligations to provide economic security, respect, restraint in the use of violence, and discretionary infidelity.

The eight scholars contributing to the anthology, The Faces of Honor: Sex, Shame, and Violence in Colonial Latin America (1998), explore the intricacies of the honor code through a gendered and class lens. Of particular importance is that together the authors assert that there is no one singular definition of the honor code, but rather that it varied according to time, place, and social status.¹⁷ In her contribution to this scholarship, Ann Twinam argued that the colonial elite understood honor as an "elastic commodity" that could be negotiated, lost or gained.¹⁸

¹⁴ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, (New York: Pantheon, 1977).

¹⁵ Stern, *The Secret History of Gender*, 17–20. Stern describes the conformity/deviance paradigm as one that focuses on the accepted gender construct and women who either conformed to this construct or deviated from it.

¹⁶ *Ibid.*, 110.

¹⁷ Johnson and Lipsett-Rivera, *The Faces of Honor*, 6.

¹⁸ Ann Twinam, "The Negotiation of Honor: Elites, Sexuality, and illegitimacy in Eighteenth-Century Spanish America," in *Ibid.*, 81.

A woman's position in the hierarchy of colonial society was thus primarily dependent on two factors: 1) her race and 2) her relationships with men. Women at the bottom of the caste hierarchy were often considered sexually available by Spanish men, thus creating a pool of eligible partners with whom to engage in pre or extra-marital sex. This had the consequence of devaluing legitimate wives at the top of that hierarchy, and ultimately reinforced gender inequality.¹⁹ In an effort to control the various ethnic groups which arose as a result of relationships between the castes, "peninsular authorities imposed policies in Spain's new territories that were intended to domesticate the bodies and souls of both stubborn natives and Europeans."²⁰

Sexual intercourse and human weakness were thus a constant preoccupation for the Catholic Church, its priests and theologians. They discussed and established what was within and outside the normative bounds of "acceptable sexuality," what was blessed and condemned, and through religious writings, confessional manuals and homilies they created a "discourse on sin [which was] accessible and intimately familiar."²¹ They understood the human soul to be at the mercy of two opposing forces, the spiritual and those of the flesh, and men and women could only control the demands of their bodies by exercising free will, a choice that was central to salvation.

Outside of marriage men and women were to exercise restraint and abstinence when it came to their sexual urges.²² In his 1738 work, *Destierro de ignorancias: En orden al más acertado y fácil uso de los santos sacramentos*, Father Juan Antonio de Oviedo opined that, "failure to exert the mechanism of self-control over the weaker parts of ourselves, and giving in

¹⁹ Mannarelli, *Private Passions and Public Sins*, 68.

²⁰ *Ibid.*, xi.

²¹ Lavrin, "Introduction," in Lavrin, *Sexuality and Marriage in Colonial Latin America*, 7.

²² Asunción Lavrin, "Sexuality in Colonial Mexico: A Church Dilemma," in *Ibid.*, 53.

to the desires of the flesh, [is] the source of human misery: it lost divine grace for men and women and endangered the salvation of their souls...it made them hate each other and alienated them from God.”²³ Sex outside of marriage was described by the men and women of this period as *copula illicita* (illicit copulation), *amistad illicita* (illicit friendship), or *mala amistad* (bad friendship), and when people participated in these relationships they often blamed a fragile nature.

Within the bounds of marriage, however, sex, was not only acceptable but encouraged, not only for the purposes of procreation, but also to prevent concupiscence and adultery. Married couples owed each other a *débito matrimonial* (marital debt), and were thus required to satisfy their partner’s sexual desire. Not doing so was a mortal sin.²⁴ Sexual intercourse between couples was expressed canonically in terms of a contract, and ecclesiastical authorities sought to define what was considered just. Justice in terms of the sexual act was acquired by balancing request and payment, which should be tempered by both parties. Excessive requests for conjugal rights were considered sinful, as were repeated denials; both were also believed to impair sexual function. The *débito* could only be justifiably denied under certain conditions: if payment endangered one’s life, or in the case of pregnant women, the life of the fetus; or if it led to mortal or venial sin.²⁵ As discussed in Chapter 1, denying one’s spouse sex, or *vida maridable*, was grounds for ecclesiastical intervention, and possibly annulment of the union. Sex was to be exclusively an expression of conjugal love.

In an effort to combat the negative consequences of clandestine marriages as understood by the Church, the Council of Trent imposed new rules which had to be adhered to in order for a Catholic marriage to be legitimate. One of the most significant was the requirement of witnesses

²³ Oviedo, *Destierro*, 39. As paraphrased in Lavrin, “Sexuality in Colonial Mexico,” 53.

²⁴ Lavrin, “Sexuality in Colonial Mexico,” in Lavrin, *Sexuality and Marriage in Colonial Latin America*, 53.

²⁵ *Ibid.*, 73-74.

to the exchange of *palabras de casamiento* in order for a betrothal to be binding and valid. Theoretically, couples were no longer permitted to exchange these promises in private, but rather in front of family members who could later testify that the couple's intentions were genuine. Additionally, publicizing the intentions of the betrothed through the use of marriage banns, or *amonestaciones* posted on three successive feast days, was also required by Tridentine reforms. The couple also had to declare its intention publicly during mass. The necessity of informing the community about a couple's intention to marry had been codified as early as the *Siete Partidas*, but these new requirements sought to ensure that the community was informed of the couple's intention so should there be any impediment to their wishes it could be brought to light.²⁶

When the sexual exploits of the residents of New Mexico were exposed, the women were subjected to much greater scrutiny than their male counterparts. This meant that seeking ecclesiastical relief for lost honor could result in even further damage to a woman's reputation if the judge did not rule her way. When in 1705 Juana de Guadalupe of Santa Fe asked ecclesiastical authorities for help once her intended, Antonio Velásquez, withdrew his marriage promise after consummating their relationship, she was met with resistance. She asked for "justice in favor of my honor, which Antonio Velásquez owes me," and assured the ecclesiastical judge that it was only under the promise of marriage, made under the sacred cross and in the name of St. Gertrudis, that she agreed to consummate the relationship with Antonio, a soldier in the presidio.²⁷ Antonio, however, was looking to wed another girl, Juana Rodríguez, and in a bid to ensure his preferred marriage went through, he admitted to having sex with Juana Guadalupe, but not to exchanging marriage promises with her in order to bed her.

²⁶ Spain et al., *Los Códigos Españoles Concordados Y Anotados*. Siete Partidas, Cuarta Partida, Título 3, Ley 1.

²⁷ AASF 60, DM 1705, F# 428, "paresco ante vuestra paternidad mui reberenda pidiendo padre nuestro hoy justicia en favor de mi onra la cual me debe Antonio Belasques, soldado de este presidio I fue con cargo de se casaria con migo debajo de juramento a la santa cruz y a santa gertrudes.... Ise su gusto fiada en la palabra de casamiento."

He went further and accused Juana Guadalupe of having slept with other men in addition to him, including “un *Indio Mariquita*.” By suggesting that Juana Guadalupe had slept not only with other men but also men far below her caste, in this case an indigenous male, he was challenging her honor and virtue to the ecclesiastical authorities in charge of dispensing a verdict. He insisted that Juana Guadalupe had no evidence to prove her claim, and that if she had any respect for ecclesiastical justice as well as her own honor, she would not air her grievances publicly and thus defame herself. Finally he accused Guadalupe of being a *perdida* (harlot) without remedy, and declaring that her memory should be cast out into oblivion.²⁸

When she was made aware of Antonio’s claims Juana Guadalupe reiterated her prior testimony, but declared that she no longer wished to marry Antonio. He had threatened her, Juana Guadalupe now claimed, and she feared living a *mala vida* should they be wed.²⁹ Antonio was questioned again as well, and he too reiterated his prior claims, this time adding that he owed Juana Guadalupe nothing, not even a *limosna* (alms); that he had discharged his conscience as a good Catholic; and, could his petition to marry Juana Rodríguez please go through because he had waited a long while already.³⁰ In his judgement the ecclesiastical judge sided with Antonio. He concluded that Juana Guadalupe had no proof that Antonio Velásquez had given her a marriage promise, and that Antonio was entitled to justice against her claims. Antonio married

²⁸ AASF 60, DM 1705, F# 366. “Como hombre fragil segui a enamorar a la dicha Juana Guadalupe despues de haber sabido que estaba en illicita amistad con ...el Indio Mariquita-...Y otros que no espresso por no ser ...en cuya conformidad...sin darle palabras de casmaineto como ella dize. A demas si ella se...A darmeprobanza que la halla desflorado...si la dicha Juana de Gualaupde tubiera...y respeto a la justicia eclesiastica no...iera a disponer en publico como su misma honra para quedar desfamada. Soy christiano y como tal me...A las leyes de consciencia...porque se ve perdida y sin remedio....sepulcrarla en el sero del olvido.”

²⁹ Ibid. “Esta ratificada en lo que tiene dicho y que no quiere casarse con Antonio Velasquez porque teme la mala vida por las amenazas que le a hecho y maltratamiento que le hizo.”

³⁰ AASF 60, DM 1705, F# 368

Juana Rodríguez on July 25th, 1705.³¹ Women could thus place their honor and reputation at risk merely by participating in their own defense.

Fear of this type of reprisal might explain why Juana Rodríguez looked the other way when her fiancé was accused by Juana Guadalupe, for she had been in Guadalupe's same position just a few months earlier. In 1705 Sebastián Lujan of Santa Fe appealed to ecclesiastical authorities in his quest to marry Juana Tereza Herrera Trujillo, the legitimate daughter of Spanish parents from Mexico City.³² When his marital intentions became public, Juana Rodríguez came forward, claiming that Sebastián had taken her virginity after promising to marry her.³³ After making her statement to the ecclesiastical authority, Rodríguez and Juana Trujillo were placed in *depósito*.³⁴ Sebastián then presented several witnesses who testified against Rodríguez, all of whom claimed that she had given her marriage promise to not one, but two other men besides Sebastián, and that it was to one of those men that Rodríguez had lost her virginity.³⁵

Rodríguez's mother, Juana Valencia, jumped to her defense, making statements to both the ecclesiastical judge and the *alguacil* (sheriff), accusing Sebastián of raping Rodríguez. She assured the ecclesiastical judge that Sebastián had asked her for her daughter's hand in marriage and named several witnesses who could attest to that fact, imploring him to bring those individuals in for questioning. She demanded justice for her daughter and asserted that Sebastián's marriage to Trujillo could not possibly go forward under the current circumstances. "You must declare null, void, and without effect what Sebastián Lujan pretends to accomplish with Juana Tereza, because divine and human law cannot allow that they be wed because of the

³¹ AASF 60, DM 1705, F# 367-368.

³² AASF 60, DM 1705, F# 374.

³³ AASF 60, DM 1705, F# 376.

³⁴ AASF 60, DM 1705, F# 376-377.

³⁵ AASF 60, DM 1705, F# 380.

forced rape my daughter suffered after receiving a marriage promise.”³⁶ In fact, she went so far as to ask for the death penalty for Sebastián. Obviously, Juana Rodríguez was unsuccessful in her attempts to force Sebastián to follow through with his promise to her, and the accusations publicly made against her may have influenced her decision to marry Antonio Velásquez (despite his own checkered past) a few short months later, for fear of her prospects in the New Mexican marriage market.

Impugning a prospective bride’s reputation was a tactic often used by prospective grooms who wanted to rescind their marriage promises. A woman’s clout and power in the face of colonial and Church authorities was mostly dependent on her reputation for honor and virtue; their determination as to whether or not a woman had been unfairly disgraced, as well as any reparations she might be entitled to in the face of that disgrace, was evaluated based on that reputation. Women who could be proven to have transgressed the sexual norm were argued to be less deserving than those who exemplified a Spanish, Catholic modesty appropriate to women, and could therefore receive fewer protections from ecclesiastical authorities meant to protect them.

In February of 1717 Antonio Martín applied for a license to wed Gertrudis Sanches. Gertrudis was a twenty-seven year old widow, had been born in New Mexico, and was a *vecina* in Santa Fe. Well regarded by important *Españoles* in her community, one of the witnesses providing information on her behalf as part of the prenuptial investigation was *Maestro de Campo* Roque de Madrid.³⁷ On February 13 both Gertrudis and Antonio gave their depositions to the ecclesiastical judge. Both depositions were standard in that both pledged that they wanted to

³⁶ AASF 60, DM 1705, F# 382. “Declarando por nulo y de ningun valor ni efecto lo que el dicho Sebastián Lujan pretende y por no parte a la dicha Juana Tereza pues por ley divina y humana no se puede permitir que se pongan en estado los dos dichos por haverse ejecutado en mi hija el estrupo forzado debajo de la palabra de casamiento.”

³⁷ AASF 61, DM 1717, F# 358.

marry of their own free and spontaneous will, and that neither was being forced through violence or coercion to enter into the holy sacrament of marriage. It was all in keeping with the mandates of the Council of Trent.³⁸

By Valentine's Day, however, Antonio's relatives had begun an offensive against Gertrudis. First Juan Martín, Antonio's twenty three year old cousin, came forward to the ecclesiastical judge to "clear his conscience" after reading one of the *amonestaciones* announcing the marriage. He claimed to have engaged in an illicit friendship with Gertrudis and that he felt compelled to tell the truth. The ecclesiastical judge asked Juan whether it was his intention to put a stop to the impending union, but Juan answered again that he was only trying to do what was right.³⁹ Four days later, two more of Antonio's relatives came forward with the same allegation. This time it was Juan's father, Antonio's fifty year old uncle Francisco, and another of Antonio's cousins, twenty-eight year old Diego. Both claimed an illicit relationship with Gertrudis and that their only motivation in coming forward was to tell the truth.⁴⁰

Why all of this "truth telling" did not occur prior to Antonio and Gertrudis exchanging their marriage promises and applying for an ecclesiastical license to wed can only be left to speculation. However, the likelihood that Juan, Francisco and Diego all had intercourse with Gertrudis without Antonio knowing is slim. Most problematic of all is the possibility that all three men, knowing Antonio's intention to marry, would wait until after the bureaucratic process had begun to come forward with information of a past relationship with the bride. Publicly branding Antonio a cuckold would have been detrimental to his honor, and therefore had their motive been truly honest or honorable they most likely would have warned Antonio in private and quickly. The most likely explanation is that Antonio asked his family members to paint

³⁸ AASF 61, DM 1717, F# 359.

³⁹ Ibid.

⁴⁰ AASF 61, DM 1717, F# 360.

Gertrudis as a woman without virtue in order to create an acceptable excuse to withdraw his marriage promise.

Sometimes, merely the suggestion of improper behavior could jeopardize a woman's prospective marriage. Nicolás de Espinosa of Santa Cruz asked Josepha de la Cruz to marry him in 1697; Nicolás was legitimate and Josepha was of unknown parentage. Not long after his proposal, however, Nicolás withdrew his request. When he did, the license had already been applied for, witnesses had been deposed, and two of the three *amonestaciones* had been read. In other words, the couple's intention to marry and their efforts to that end were quite public. Not long after the second bann was read, however, Nicolás claimed that he heard in Santa Fe that Josepha was living in "*mala amistad*" with another man.⁴¹ The wedding was called off. Nicolás no longer felt that Josepha was an appropriate match for him for he now believed her to be without honor.

By July of that year, however, Nicolás was once again petitioning the ecclesiastical court to marry Josepha, testifying that he now knew the gossip against her to be to be "false through experience."⁴² What "experience" caused him to believe that his intended bride had in fact been a virgin can only be left to the imagination, but assuredly Josepha had to find a way to prove her virtue to her intended after the gossip he heard threatened their union. It is significant to note that Nicolás and Josepha were both illegitimate, yet clearly Nicolás still felt a sense of his own honor, and that this had been harmed by his potential bride's behavior. In order to recover from that loss, he ended the engagement. A sense of honor, therefore, was evidenced by more than just legitimate Spaniards in the Americas.

⁴¹ AASF 60, DM 1697, F# 69.

⁴² AASF 60, DM 1697, F# 68.

Both men and women often sought redress from ecclesiastical authorities in cases of revoked marriage promises, and most of them demanded that the Church ensure such promises were fulfilled. In cases where women did not make such demands they sought financial compensation, oftentimes in the form of a dowry which would serve as the price of her lost virginity, and which she could then use to attract a desirable husband despite the stain on her virtue. Exactly how much a woman's virginity was worth was often determined by her social status and position in the community.⁴³

In 1702 Bentura de Esquivel, an *Español* and a resident of Santa Fe, applied for a license to marry Bernadina Rosa, an *Española*. The license was granted, the prenuptial investigation conducted, and the *amonestaciones* announcing the wedding posted.⁴⁴ Once the banns became public, a witness came forward citing an impediment. Juana Lujan, a *mestiza* (Spanish and indigenous American parents), wrote to the ecclesiastical judge, informing him that she had read the banns and had information which should stop the union.⁴⁵ Juana claimed that Bentura had given her his marriage promise, and as a result she had given him her honor in the form of her virginity.⁴⁶ Juana's cousin, Ana, was called to testify as to the validity of Juana's claims, and asked if she had heard whether or not Bentura had given Juana a marriage promise. Ana answered that she heard it from Bentura himself when she overheard a heated argument between Bentura and his brother, who was opposed to the marriage to Juana. Bentura's brother told him that if he married her he would suffer.⁴⁷ Bentura responded, "I don't care about damnations. First I must serve my soul or else I'll lose it to the devil."⁴⁸

⁴³ Lavrin, "Sexuality in Colonial Mexico," in Lavrin, *Sexuality and Marriage in Colonial Latin America*, 63.

⁴⁴ AASF 60, DM 1702, F#261-265.

⁴⁵ AASF 60, DM 1702, F# 265.

⁴⁶ AASF 60, DM 1702, F# 267.

⁴⁷ AASF 60, DM 1702, F#273. "Lo habia de confundir a maldiziones [sic] y abia [sic] de morder la tierra."

⁴⁸ Ibid.

However, Bentura had no intentions of marrying Juana. In his testimony he admitted to an illicit relationship with her, but also asserted that she had not been a virgin at the time as she had led him to believe. He named various other men to whom Juana had supposedly also given her marriage promise, and declared that his wish was to marry Bernadina, for Juana had no *verguenza* (virtue) while Bernadina was a *doncella* (maid) and an *Española*, and thus his equal. Juana was not.⁴⁹ When she was questioned again Juana was presented with Bentura's testimony and again asserted her virginity prior to her relationship with him. She took God as her witness and recalled a shirt and handkerchief that had been stained with blood, proof of her virtue. Her cousin Phelipa had caught her trying to wash these, and while she admitted to being honest with Phelipa about what had transpired with Bentura, she ultimately threw the items in the river so that they, "would not serve as witness to my fragility."⁵⁰

She went on to tell the priest that in terms of honor and status she was just as worthy as Bentura's intended bride. As a *mestiza*, she felt she had no less honor than Bernadina, an *Española*, and that her lost virtue was just as valuable, at least to her, despite her position in the caste hierarchy, thus exemplifying that honor was a multivariate and malleable concept that informed the gamut of the ethnic hierarchy created by Spaniards in Latin America. Juana Lujan had decided, however, to withdraw her request for Bentura to follow through with his marriage promise. Instead, she asked only that Bentura make right the damage he caused to her honor, illustrating its significance to her, and asked the ecclesiastical judge to determine the amount of the reparations.⁵¹ Ultimately the ecclesiastical judge ruled in favor of Juana. Bentura was fined 200 pesos by the Church and publicly condemned by the magistrate. He was, however, allowed to marry Bernadina, his new beloved, as long as the resulting investigations revealed no other

⁴⁹ AASF 60, DM 1702, F# 278.

⁵⁰ AASF 60, DM 1702, F# 279.

⁵¹ *Ibid.*

impediments.⁵² Bentura and Bernadina were married in the end, but Juana's claim to her honor was also recognized by Church authorities.

In another deflowerment case in June of 1687, Phelipa de Gamboa, a resident of New Mexico, appealed to ecclesiastical authorities to repair her honor and virtue. She had learned that Francisco de Torres, nineteen years old, had married Angela Trujillo after making a marriage promise to her, and after consummating their union under the guise of that promise. She informed the ecclesiastical judge that she and Francisco had exchanged *palabras de casamiento* seven or eight months prior, and that as a result Francisco's marriage to Angela Trujillo must be declared null and void and "and without value."⁵³ She wrote, "I made him the master of my honor, as my legitimate husband."⁵⁴

Phelipa's mother, forty year-old Lucia Martín, was deposed first and asked whether she knew Francisco; if he had indeed given Phelipa a marriage promise; if there had been any witnesses to the *palabras de casamiento*; if she knew whether Phelipa and Francisco had consummated their relationship; and if so, when. She answered that she had known Francisco almost since he was born and that Francisco had come to her house to ask for Phelipa's hand in marriage, to which Phelipa had said yes. Moreover, she declared that the marriage had been encouraged and welcomed by both families. As to whether or not the relationship had been consummated, she claimed not to know. Another of Phelipa's witnesses corroborated Lucia's testimony, claiming that she had served as an intermediary for the couple and that she had knowledge that Francisco had asked Phelipa to marry him.

When Francisco was deposed, he confirmed Phelipa's story unreservedly. He was posed the same questions as Lucia and he answered that he had known Phelipa for five years, had, in

⁵² AASF 60, DM 1702, F# 281.

⁵³ AASF 59, DM 1687, F# 163.

⁵⁴ Ibid. "Le hiso dueño de su honra como a su legitimo marido."

fact, asked her to marry him and given her his marriage promise in return—once in private and once in front of Phelipa’s mother, Lucia. He confirmed he and Phelipa had consummated their relationship thereafter, not only once but three times, and that he knew he had taken her virginity. He characterized it as having sinned carnally.

Faced with this evidence, the ecclesiastical judge sent notice to Angela Trujillo of the proceedings. Her reply was swift. Angela claimed that Francisco had given her a marriage promise ten months earlier, and thus before he had given his promise to Phelipa. She urged the ecclesiastical judge to declare her marriage valid, and insisted that her marriage had followed all of the requirements demanded by the Council of Trent. Her wedding had taken place in front of witnesses, and both she and Francisco had been asked in public and in private whether or not they were entering into the marriage of their own free will, void of any impediments that might affect the validity of the union. In other words, Francisco had been given the opportunity to bring to light his relationship with Phelipa and had failed to so do.⁵⁵

After receiving Angela’s statement Francisco was again deposed. Once again he did not object to the description of events. He testified that everything Angela had declared was true, including having given her his marriage promise ten months prior. He also claimed that fear caused him to forget the marriage promise he had made to Phelipa when he married Angela. Faced with Francisco’s blanket admission the ecclesiastical judge had a difficult decision to make. Ultimately, it was determined that because Francisco and Angela had exchanged *palabras de casamiento* first, their marriage was the legitimate union. For the “ratification and remedy of the said Phelipa Gamboa,” in other words the loss of her virginity, and thus her honor/virtue, Francisco was fined 200 pesos.⁵⁶ An incidence such as this represented the best case scenario.

⁵⁵ AASF 59, DM 1687, F# 167-168.

⁵⁶ AASF 59, DM 1687, F# 162-170.

The reported “lothario” admitted to seducing Phelipa and to marrying Angela, without disputing any of their claims as to the events in question. Phelipa’s honor was compensated in the form of currency which she could later use as a dowry, and her “attacker” publicly admitted to having deceived her in order to acquire her virtue.

In 1725 Manuela de Armijo of Albuquerque also sought help from the ecclesiastical judge when her intended, Juan Lovato, failed to follow through on his marriage promise after having consummated their relationship.⁵⁷ Manuela, however, faced greater resistance from the man she denounced. Manuela accused Juan Lovato of taking her virginity after he gave her a marriage promise. She pleaded with the judge, declaring that only after he swore in the name of the Virgin that he would marry her did she “concede to his pleasure,” believing him to be her legitimate husband.”⁵⁸ Following her accusation, Manuela was placed in *depósito* in the house of Sebastián de Vargas as the investigations were carried out, and warned that she could not speak to her family, including her father, under threat of excommunication. Juan, meanwhile, was placed under arrest in Santa Fe. The ecclesiastical judge traveled there to depose Juan, and under threat of excommunication Juan was asked whether it was true that he had, “violated Manuela’s Virginity, purity and honor.”⁵⁹

Manuel answered that it was true, as a “fragile and miserable man” he had had intercourse with Manuela in September of 1724, while the festival for the coronation of the new Bourbon King was taking place; Louis I had just been crowned at the end of August. But Juan also insisted that he had not convinced Manuela to have sex with him under the pretext of *palabras de casamiento*, perhaps in a bid to impugn Manuela’s honor and thus absolve himself of some responsibility. When asked whether he had given any other women a marriage promise

⁵⁷ AASF 61, DM 1725, F# 545-564 & F# 952-954.

⁵⁸ AASF 61, DM 1725, F# 952.

⁵⁹ AASF 61, DM 1725, F# 596.

he replied that he had, an *Española* named Francisca Silva whom he later described as having great virtue. When asked if he violated her as well, Juan answered that he had not.⁶⁰ When he was deposed again the following month, he reiterated his previous testimony but added that he was at Manuela's feet.⁶¹

Manuela was also deposed by the ecclesiastical judge, and he made note that as he placed her under oath, "because she is a woman the gravity of the oath [was] explained to her as well as the penalties for lying."⁶² She reaffirmed her complaint and asserted that before consenting to wed him, she had asked Juan whether he had given his marriage promise to another. He assured her he had not and that he was a good man who wanted to marry and take care of her, all of which he promised in the name of the Virgin Mary. Only after this did she agree to marry him and give him her virginity.

Francisca Silva was also deposed, the woman to whom Juan claimed he had given a marriage promise. She was asked whether Juan Lovato had promised to marry her, and if so whether or not she had given him her virginity afterwards. She answered that she had only seen him around town once, but that she had never spoken with him. Furthermore, she had not given a marriage promise to anyone and her virginity was as intact as the day she was born.⁶³

In light of Juan's admission that he had taken Manuela's virginity, and given the fact that Juan had not given a marriage promise to another, the ecclesiastical judge ultimately found in favor of Manuela. He ordered Juan Lovato to pay Manuela de Armijo 200 pesos and to donate two pounds of wax to the church in Albuquerque.⁶⁴ When he was made aware of the judgment,

⁶⁰ AASF 61, DM 1725, F# 596.

⁶¹ AASF 61, DM 1725, F# 558.

⁶² AASF 61, DM 1725, F# 557.

⁶³ AASF 61, DM 1725, F# 561.

⁶⁴ AASF 61, DM 1725, F# 562.

Juan agreed to obey and comply. Thus, even at times when a woman's reputation was sullied by the man she accused, the Church could be counted on to lend help and aid.

The architecture of Spanish cities in the Americas also often helped to cloister women and segregate them from men, thus helping to ensure that they maintained their honor and virtue. In seventeenth century Lima, for example, enclosed balconies overlooking the streets and the *Plaza Mayor* allowed women to observe religious festivals, carnivals and public punishments. Men did not mingle with women, and priests warned fathers and husbands of the dangers of allowing the women under their care and charge to visit public spaces such as the *corrales de comedias*, or the public theaters.⁶⁵

In New Mexico, women were kept under the watchful eye of their families, and their testimony was sometimes required to defend a woman's virtue. In 1694 Bentura de Apodaca, a soldier in the presidio of Santa Fe, saw banns posted for the marriage of Bernardino Fernández and Ynez Gonzales. Bentura wrote to the ecclesiastical judge objecting to the union because one year earlier Ynez had promised her hand in marriage to him. Bentura swore he could provide witnesses to this exchange of marriage promises, and so an investigation into the possible impediment began.⁶⁶

While Bentura claimed that he and Ynez had exchanged not only marriage promises but gifts (a ring for him, a rosary for her), in front of witnesses no less, Ynez insisted that there was no marriage promise between them.⁶⁷ Instead, she asserted that Bentura had sent her a crucifix, and that she sent him a gift in return as a thank you, with a woman whom Ynez knew Bentura was having an illicit relationship.⁶⁸ In doing so she was calling Bentura's honor, and thus his

⁶⁵ Mannarelli, *Private Passions and Public Sins*, 30–31.

⁶⁶ AASF 59, DM 1694, F# 520.

⁶⁷ AASF 59, DM 1694, F# 518.

⁶⁸ AASF 59, DM 1694, F# 520.

credibility, into question. Bentura denied such a relationship and went even further, insisting that he and Ynez had consummated their relationship.⁶⁹ Inez objected vehemently, asserting that it was impossible, for she slept in the same room as her *abuela* (grandmother) and was constantly under her watch.⁷⁰ Bentura countered, explaining that while this was normally true, in the Summer months Ynez slept in another part of the house (the *azotea*), in much closer proximity to his own quarters.⁷¹

Bentura's witnesses, however, turned out to be less than credible. María Monteño de Apodaca, who was supposed to serve as a witness to the exchange of gifts, was declared unreliable for she was Bentura's niece. Sebastiana Rodríguez, who not only supposedly witnessed the exchange of marriage promises but also caught Bentura and Ynez in an illicit embrace, was also declared unreliable due to a long history of erratic behavior.⁷² When he was confronted with these objections, Bentura folded like a house of cards. He admitted that he had asked for Ynez's hand in marriage but that the petition had never really come to anything.⁷³ The ecclesiastical judge then cleared Ynez and her marriage to Bernardino free of impediments and married the couple.⁷⁴ In this case, Ynez's close physical relationship to her grandmother in moments when Bentura alleged to have been with her, protected her from Bentura's accusations and secured her intended marriage.

Constant vigilance was often paramount to securing a woman's virtue, given that close relationships between the residents, particularly those who identified themselves as Spaniards, and frequent contact in public spaces made discovering unsanctioned sexual behavior relatively

⁶⁹ AASF 59, DM 1694, F# 517.

⁷⁰ AASF 59, DM 1694, F# 520.

⁷¹ AASF 59, DM 1694, F# 517.

⁷² AASF 59, DM 1694, F# 522.

⁷³ AASF 59, DM 1694, F# 522.

⁷⁴ AASF 59, DM 1694, F# 523.

easy. An unmarried couple is seen frequently together at the market; a man is observed arriving and departing a woman's home at inappropriate times; a man takes over financial responsibility for an unmarried woman's laundry; detection and gossip were all but inevitable.

That gossip was just as prevalent in New Mexico as elsewhere is evidenced by the warnings of the ecclesiastical judges. In 1715, Francisco Montoya of La Isleta applied for a license to marry Micaela Romero. There was a problem, however, in that Francisco had previously made a marriage promise to another, and had even gone so far as to "take hands" with her during an engagement ceremony. The previous engagement had been properly annulled, but the ecclesiastical judge knew that there would be gossip anyway. He warned the priest responsible for the witness depositions, and eventually marrying the couple should no impediment come to light, to make sure that the banns were read and properly posted. Given Francisco's history, he urged the priest to do so, "so that the fools will not assume something else."⁷⁵

Additionally, members of the clergy often visited barrios and parishes for unannounced inspections in an effort to discover and root out illicit sexual relationships and behavior. This was particularly true after the decrees of the Tridentine Council.⁷⁶ In colonial Latin America, the Catholic Church acted in public spaces in an effort to dictate and monitor sexual behavior and mores in the private sphere. In some instances, however, ecclesiastical authorities all but inserted themselves in a couple's bed. In March of 1707, just after midnight in Albuquerque, Felix de la Candelaria ran to the ecclesiastical authorities when he found his sister, María de la Rosa, at his home in bed with a soldier, Alonso García.⁷⁷ It is doubtful the encounter came as a shock to Felix, for Alonso had given María his marriage promise quite some time earlier, and the

⁷⁵ AASF 61, DM 1715, F# 164.

⁷⁶ Mannarelli, *Private Passions and Public Sins*, 60. In Lima.

⁷⁷ AASF 60, DM 1707, F# 488-492.

relationship had already produced two children. Most likely what aggravated Felix was their continued concubinage, though what finally provoked him that night is lost to the historical record. What we do know is that together with a priest, the *Alcalde Major* (mayor), and another witness, Felix went back to his home that night and together with his party found María and Alonso in bed, or as the priest described it, “*in flagrante delicto.*”⁷⁸ Felix demanded that they be wed, and after the priest asked both Alonso and María if that was also their wish and they agreed to marry each other using the present tense, he joined them in holy matrimony, right there and then.⁷⁹

Though the Catholic Church through the decrees of the Council of Trent, and other endeavors discussed above, tried to curtail, and in theory cease all together, sex outside of marriage, as the above cases illustrate the Church was not altogether successful. Even though the actors of these deflowerment cases clearly internalized an understanding that sex outside marriage was forbidden, exemplified through their use of language to describe their activities as “illicit,” “sinful” and in “bad friendship,” and a recognition that giving in to sexual urges outside of marriage meant giving in to a “human fragility,” incidences of pre and extra marital sex were higher than ecclesiastical authorities wished. The number of illegitimates getting married in New Mexico who also cited the northern province as their birth place (discussed in Chapter 2), also reflect a higher incidence of pre and extra-marital sex. Furthermore, of the seventy four prenuptial investigations under review for this study, 21 percent were at least temporarily delayed, if not abandoned all together, as a result of an objection from a third party who claimed

⁷⁸ AASF 60, DM 1707, F# 490.

⁷⁹ AASF 60, DM 1707, F# 488.

to have intimate knowledge of one of the betrothed, or as a result of a degree of affinity between the bride and groom due to a past sexual relationship.

In a geographic space where migration is high and therefore one's connections to the locale are transitory, pre-marital sex is more likely to be high. In seventeenth century Lima, for example, when the city's position as an important bureaucratic and mercantile center meant Spanish administrators, military authorities, and merchants were constantly entering and exiting the city, it was difficult, and depending on imperial restrictions illegal, to establish permanent familial bonds.⁸⁰ The lure of silver, colonial administration and a nod to adventure prompted men to travel to Lima as often as poverty, administrative transfers and disappointment prompted their exit. Circumstances such as these contributed to the prevalence of sexual activity outside of marriage and thus a higher incidence of out-of-wedlock births.

The circumstances which contributed to the increased incidence of pre-marital sex in seventeenth century Lima are in many ways mirrored in New Mexico at the turn of the eighteenth century. A large segment of the male population was in residence in New Mexico in service of the local presidios. Of the seventy four cases under review twenty four grooms were soldiers of varying rank, another six grooms who were not soldiers themselves had fathers who served in the military, as were the fathers of twelve brides. The possibility of economic gain or royal patronage was also sought after by migrants to New Mexico, and their fortunes, whether profitable or miserable, often dictated decisions about marriage choice.

That some degree of fortune or achievement was expected by the settlers of Santa Fe can be assessed by some of its more cosmopolitan residents. Pedro Meusmier applied for a marriage license to wed Lusía Madrid in 1699. He had made the voyage across the Atlantic in 1684 in the

⁸⁰ Mannarelli, *Private Passions and Public Sins*, 35. Certain administrative positions required men to acquire permission to wed their intended bride.

company of General Monsieur de la Safe, and then continued on to New Mexico. Pedro had been entrusted to de la Safe by his father, Luis Meusmier, who served as treasurer to the King of France, thus Pedro was in an excellent position to seek an advantageous appointment. Significantly, Pedro had to prove more than most grooms. His witnesses had to testify not only on Pedro's marital status, but also whether or not he was a Christian and whether they knew his parents to be Christians. Several of Pedro's witnesses were also Frenchmen, and they had to testify that Pedro was not hiding a wife back home in France.⁸¹

While New Mexico held a great deal of promise, moving there was definitely a gamble and men headed north from central Mexico knew that. Joseph de Santiago had agreed to marry Gertrudis Barrara of Mexico City before he decided to travel north. When he made his decision, he wrote to Gertrudis' mother, telling her, "I am going to New Mexico. I do not know what will become of me there or where I will end up, so you should marry your daughter if you can find someone to whom to marry her."⁸² Once in New Mexico Joseph found a different woman to marry and applied for a license.⁸³ Economic depression, as experienced by many of the settlers of New Mexico, tended to delay marriage age, which in turn led to higher rates of illegitimacy, and in conjunction experienced rising rates of pre-marital/extra-marital sex.⁸⁴

A shift in the ideology and in the understanding of sex could also explain why the residents of New Mexico were often sexually active prior to marriage, despite the negative consequences that could result from such behavior. Edward Shorter argues that a sexual revolution occurred in Europe beginning in the mid seventeenth century, and that while it was not radical it still evoked "a touch of saucy rebelliousness." Specifically, young men and women

⁸¹ AASF 60, DM 1699, F# 183-186.

⁸² AASF 59, DM 1693, F#337.

⁸³ AASF 59, DM 1693, F# 334.

⁸⁴ Mannarelli, *Private Passions and Public Sins*, 74.

were shedding their parents' sexual mores regarding premarital intercourse and creating new ones of their own. In his words, there was "a sudden rejection by a whole generation of young people of their parents' values" in this arena.⁸⁵ He goes so far as to argue that they were ridding themselves of sexual repression by embracing, "an increasingly romanticized, individualized popular culture" ideal of sexuality and "happiness."⁸⁶ As a result, concerns of sexual morality deeply divided towns and villages.⁸⁷

Shorter supports his thesis by relying on quantitative data that marks both the number of illegitimate births and the number of births which were the result of pre-marital conception (children born eight months or less after their parents' marriage). He argues that a rise in the birth of both types of children indicated a rise in the number of couples engaging in premarital sex *in toto*, and that this in turn indicates a softening of strict sexual mores.⁸⁸ He divides those who engaged in premarital sex into two camps: manipulative and expressive. The former included those who engaged in intercourse to achieve a particular end, such as acquiring land, money or power by way of marriage. Those who engaged in the latter did so, "as an integral component of their humanity...[it is] a way of expressing the wish to be free."⁸⁹ According to Shorter, those who engaged in expressive sex engaged in it often, while those who engaged in manipulative sex much less so.⁹⁰

In a community with few material resources and where the modes of wage earning were divided by gender, women in New Mexico did seek out marriage as an economic safety net and

⁸⁵ Edward Shorter, "Bastardy in South Germany: A Comment," *The Journal of Interdisciplinary History* 8, no. 3 (January 1, 1978): 459.

⁸⁶ *Ibid.*, 466.

⁸⁷ *Ibid.*, 467.

⁸⁸ Edward Shorter, "Illegitimacy, Sexual Revolution, and Social Change in Modern Europe," *The Journal of Interdisciplinary History* 2, no. 2 (October 1, 1971): 240.

⁸⁹ *Ibid.*, 241.

⁹⁰ *Ibid.*, 242.

thus did engage in a form of “manipulative sex.”⁹¹ While Spanish women enjoyed more legal rights than did their English-speaking counterparts, they still required a male presence to assert economic or political agency; one’s choice of husband, therefore, was of paramount importance. A woman’s sexuality was often times her only weapon in her search for a spouse, especially women with limited family ties or economic opportunities.⁹² When women in colonial New Mexico engaged in premarital sex it was not because they were embracing their sexuality and therefore “expressive sex,” as Shorter would argue, but rather because it was their best chance at obtaining economic stability.

Premarital sex was also used by couples as a strategy to circumvent opposition to their unions, either due to familial objections or canonical obstacles, and thus they too engaged in a form of “manipulative sex.”⁹³ In 1707 Luis de Chaves petitioned the ecclesiastical court for a marriage license to wed Leonor Montaña. In his application he also asked for a marital dispensation, for Luis and Leonor were related by a degree of consanguinity, a canonical impediment. Luis made clear, however, that if the court did not allow the marriage to go forward there could be “notable scandal,” as he and his bride had already consummated their union.⁹⁴ Luis placed himself at the mercy of the ecclesiastical judge and offered to suffer whatever penance the judge felt appropriate. The judge ultimately granted the dispensation.⁹⁵

The fact that ecclesiastical authorities themselves were engaging in illicit sexual behavior throughout the Americas, and that they too faced the might of the Inquisition, also did not help to instill a rigid code of “sexual propriety” among the faithful. “The popular perception that

⁹¹ Robert McCaa and Mario Zamudio Vega, “Gustos de Los Padres, Inclinaciones de Los Novios Y Reglas de Una Feria Nupcial Colonial: Parral, 1770-1814,” *Historia Mexicana* 40, no. 4 (April 1, 1991): 608.

⁹² *Ibid.*, 609.

⁹³ For more on the use of pre-marital sex as a tactic used by couples to assure marriage, see: Seed, *To Love, Honor, and Obey in Colonial Mexico*.

⁹⁴ AASF 60, DM 1707, F# 466.

⁹⁵ *Ibid.*

authorities were corrupt diminished the influence and rigor of religious rhetoric about the expected sexual conduct of laypeople.”⁹⁶ A shift in attitudes regarding pre and extra marital sex is evidenced by the prospects of those women who were abandoned by their paramours after engaging in pre-marital sex.

Evidence of a previous sexual history was not always prohibitive to a woman’s marriage prospects. Ramón de Medina, a thirty year old soldier serving in the presidio of Santa Fe, requested a dispensation from ecclesiastical authorities in his 1718 application to marry twenty two year old Balentina de Montes. Balentina had slept with one of Ramón’s cousins, and so the couple faced an impediment to their marriage due to prohibitive degrees of affinity.⁹⁷ Several witnesses were aware of Balentina’s indiscretion, discussing it in their depositions to the Church notary.⁹⁸ In his review of the matter, the ecclesiastical judge considered the bride’s “*copula illicita*” and decided that due to her great poverty he thought it in the interest of justice to provide the dispensation and allow the marriage to move forward.⁹⁹ The couple was ordered to pay a fine, and after the banns had been posted and no more impediments were discovered, Ramón and Balentina were married.¹⁰⁰ Ultimately, Balentina’s previous relationship with Ramón’s cousin did not impede her from making a match with Ramón, who was obviously aware of her sexual history.

As we saw also in the case of Juana Rodríguez, discussed earlier, while claims of a past sexual history could hurt a woman’s prospects in the face of an ecclesiastical judge when demanding reparations for lost virtue, it did not necessarily result in spinsterhood. While Juana was unsuccessful in her suit against Sebastián Lujan, and her marriage prospects may have been

⁹⁶ Mannarelli, *Private Passions and Public Sins*, 53.

⁹⁷ AASF 61, DM 1718, F# 388.

⁹⁸ AASF 61, DM 1718, F# 389.

⁹⁹ AASF 61, DM 1718, F# 388.

¹⁰⁰ AASF 61, DM 1718, F# 391.

negatively affected by her suit, it did not impede her from contracting a marriage with Antonio Velásquez. Josepha de la Cruz may have also suffered a setback in her plans to marry Nicolás de Espinosa as a result of gossip against her, but it was ultimately not significant enough to prohibit the union. Had Nicolás felt Josepha's honor was beyond repair he would not have vowed to marry her once more.

—

The deflowerment cases under review for this study exemplify the challenges, problems and adversities that New Mexicans endured when they engaged in pre-marital sex and ran afoul of ecclesiastical authorities. It also illuminates the limits of ecclesiastical authority over the behavior of the faithful in its role as “codifiers of behavior,” and the spaces men and women exploited to maneuver within that code to their benefit.¹⁰¹ While they often manipulated the Church's expectations to their advantage, either by emphasizing their virtue or accusing the other party of a lack thereof (as defined by the Church), they just as often flouted these conventions.

Of those women who engaged in pre-marital sex and were subsequently abandoned by their partners, many went on to marry well, despite the stain the encounter left on their honor. Those who sued their scheming intendeds were rarely successful in forcing their hands in marriage, though some were awarded monetary sums of 200 pesos to make up for their lost honor. These funds could later be used as dowries to attract another mate. Furthermore, the fact that women appealed to ecclesiastical authorities in cases of deflowerment reveals a belief that these authorities would protect them in such situations. Their trust in Church authorities, however, only bore fruit if they met expectations for honor and virtue dictated by that body.

Women who were not awarded, or did not seek, compensation from the Church also found ways to recover from scandal. They found men in their communities who were, if not

¹⁰¹ Lavrin, “Sexuality in Colonial Mexico,” in Lavrin, *Sexuality and Marriage in Colonial Latin America*, 48.

unfazed, at least less troubled by their sexual history. While sexuality may not have been understood as an essential element of humanity outside of marriage at this time, or even understood as a conscious desire, an increased sense of self was burgeoning, breaking down allegiances to past sexual customs.¹⁰² This new sense of self-awareness contributed to the attitudes men and women harbored about pre-marital sex in colonial New Mexico and informed their decisions not only to consummate their relationships, but the ways in which they evaluated their prospective marriage partners.

¹⁰² Shorter, "Illegitimacy, Sexual Revolution, and Social Change in Modern Europe," 242, 252–53.

Chapter 3:

Legitimacy and Kinship

How important were legitimacy and kinship to the residents of New Mexico when choosing a spouse? According to Ann Twinam, it was critical: “Legitimacy was a fundamental marker of social and material status, for only legitimate births, the post hoc marriages of the unwed, or civil legitimations securely transferred family honor and property from one generation to the next.”¹ As a marker of honor, legitimacy was considered when choosing an appropriate partner. Like was meant to marry like, therefore a marriage between a legitimate person and an illegitimate person meant that the legitimate partner was marrying beneath his/her status. This could result in negative repercussions not only for the couple, but for their families. However, choosing a spouse involved a myriad of considerations, and the various components that made up one’s honor all had to be considered. An illegitimate suitor with Spanish parents could prove more advantageous than a legitimate *mestizo* (Spanish and indigenous American parents) to a Spanish girl. In this chapter I will examine the importance of legitimacy and kinship, respectively, in the selection of spouses in New Mexico in the aftermath of the Pueblo Revolt.

The most influential work on the topic is Ann Twinam’s study of 244 legitimation petitions originating from all corners of the Spanish Empire’s American dominions.² Put forward by illegitimate individuals seeking to legally change their birth status, the process of legitimation was difficult both materially and emotionally, as it required payment in varying sums as well as the written testimony of various witnesses familiar with the applicant’s

¹ Ann Twinam, *Public Lives, Private Secrets: Gender, Honor, Sexuality, and Illegitimacy in Colonial Spanish America* (Stanford, Calif: Stanford University Press, 1999), 50.

² Twinam, *Public Lives, Private Secrets*.

genealogy and circumstances. Finding these witnesses could also prove costly and challenging, sometimes impossible, and once found their testimony required them to summon old ghosts, gossip, and possibly scandal.

The testimony provided for these petitions is enlightening as it was often packed with feelings of shame regarding the applicant's legitimacy status and the myriad ways in which it negatively affected his/her livelihood. "Illegitimates vividly described the embarrassments and frustrations that marked their lives, and they sometimes provided specific references to those humiliating incidents that had finally motivated them to seek a decree. The testimony could span several generations as witnesses not only commented on the plight of the lovers but also on that of their illegitimate children, and even their grandchildren."³ Yet the rewards of legitimacy for the 244 applicants Twinam studies clearly offset any pain that the process of the application might cause.

Attitudes regarding illegitimates in Spain and Latin America were historically varied, and went far beyond material concerns. A national identity had been created around the rejection of the "other," and individuals who could not prove a Spanish-Catholic heritage, or *limpieza de sangre* (purity of blood), were that "other." In order to prove *limpieza de sangre* one had to provide a genealogy which spanned several generations, and given the secrecy inherent in most illegitimate births many of those who were born out-of-wedlock could not provide this information. As a result, illegitimacy was often associated with a lack of *limpieza de sangre* or honor and therefore legitimacy has been understood to rank as a significant factor when choosing a spouse.

Ideals regarding *limpieza de sangre* in the Iberian Peninsula were articulated during the 700 year long *Reconquista* (Reconquest), and were brought to the Western Hemisphere by

³ Ibid., 6.

Spanish and Portuguese colonists where, “the discriminatory racial and cultural exclusions traditionally associated with the concept of *limpieza de sangre* [italics added] were expanded to include new groups of presumed social inferiors-Indians, Africans, and later, mixed populations,” in addition to Jews, Muslims, and *conversos* (converts).⁴ At its genesis in the mid fifteenth century, to have *limpieza de sangre* meant one did not have any Jewish or “heretic” ancestry. The *Sentencia-Estatuto*, one of the first statutes on *limpieza de Sangre*, was decreed in Toledo, Spain in 1449 and banned Jews and their descendants from assuming public office. Those who supported the decree argued that it was necessary for good Catholics to protect themselves from heresy, to ensure that those in power shared their religious beliefs.

Conversos, or those who had only recently converted to Catholicism, were also targets of ostracism and segregation, as religious authorities worried that their continued attachment to old cultural and religious practices, as well as continued contact with family and friends who had not renounced Judaism or Islam, could corrupt the rest of society. By the 1460’s support for an ecclesiastical inquisition had grown, and by 1478 Pope Sixtus IV granted Isabella of Castile and Ferdinand of Aragon a Papal Bull to found The Spanish Inquisition, its primary purpose being to root out apostasy.⁵ The end of the Spanish *Reconquista* in 1492, when the Catholic Kings declared victory over Granada, only exacerbated rancor towards Jews, and in March of that year all those who did not convert to Catholicism were expelled from Castile and Aragon. Muslims were similarly deported from Castile in 1502 and from Aragon in 1526.⁶

In Spain’s American colonies, however, as colonists began to co-mingle with Africans and Indigenous Americans politically, economically, and sexually, *limpieza de sangre* came to

⁴ Johnson and Lipsett-Rivera, *The Faces of Honor*, 5.

⁵ María Elena Martínez, *Genealogical Fictions: Limpieza de Sangre, Religion, and Gender in Colonial Mexico*, (Stanford, Calif: Stanford University Press, 2008), 29–33.

⁶ *Ibid.*, 35.

mean one had Spanish blood, and illegitimates could not prove beyond doubt that their bloodlines were “pure.” Though still informed by religious affiliation in the Americas, the Spanish *sistema de castas* (caste system) had evolved and changed since its inception in Castile, as the latter “did not produce an elaborate system of classification based on blood proportions as it did in the colonies.”⁷

Beginning in-utero, illegitimate children could expect to be treated differently than their legitimate counterparts. They were subject to a higher rate of stillborn births, a higher infant death rate, breast fed for less time, and in some cases the Catholic Church refused to baptize them in a bid to avoid being financially responsible for them. Even when illegitimates knew who their parents were, they were often treated differently than their legitimate siblings and granted fewer opportunities.⁸ By the first half of the sixteenth century, *limpieza de sangre* statutes had garnered even more royal and papal support, and so they gained momentum. It had to be established to get work, hold elected office, join the clergy or earn a university degree.

Laws barring illegitimates from serving on royal councils were as old as the *Siete Partidas* and were observed well into the fifteenth century and beyond. In 1492 a Royal Pragmatic required petitioners to prove their status as *hidalgos* (nobility) by providing genealogies that investigated their fathers and grandfathers. In 1501 another Royal Pragmatic listed more than forty offices that could only be occupied by those who could prove their *limpieza* and legitimate birth, creating more limitations than those outlined in the *Partidas*. Every civil post was included in this new decree: judges in *audiencias* (local magistrates), chancelleries, secretaries, *alcaldes* (mayor), *alguaciles* (sheriff), *corregidores* (chief judicial officer), *regidores* (town councilor), and *mayordomos* (chief steward). In 1530 the Cathedral of

⁷ Ibid., 2.

⁸ Shorter, “Bastardy in South Germany,” 468.

Córdoba instituted another two generation rule for determining *limpieza de sangre*, a practice subsequently adopted by most universities, military regiments, and as a requirement to ecclesiastical positions, though some required genealogies that went back seven generations. By 1679 any man who wished to become a notary also had to provide proof of legitimacy, and as time passed so did lawyers, surgeons, pharmacists and assayers.⁹ “By the eighteenth century the link between *limpieza*, legitimacy, and honor was fully institutionalized.”¹⁰

It was during eighteenth century that illegitimacy rates soared in Europe and Anglo-America, leading demographers and historians to dub this period the “century of illegitimacy.” Prior to this, Spain and Latin America had consistently higher rates of out-of-wedlock births, and while precise numbers are hard to come by, Mexican data suggests it fluctuated from 7 percent to 50 percent in the seventeenth century. However, the 1700’s brought about an interesting change as these rates stabilized and began to trend downward to between 7 percent and 35 percent. When demographic data for Mexico in this century is broken down by caste, we find that *Españoles* shared similar rates of illegitimacy with Europe in large cities and in towns, while rates dropped for *mestizos* and “*mulatos*” (Spanish and African parents).¹¹

In her study of *gracias al sacar* (legitimation) petitions, Ann Twinam argues that this data suggests, “a social and racial consolidation as the colony passed through a third century,” and that an increase in legitimation petitions points to an increase in discrimination against illegitimates as the century wore on, rather than an increase in out-of-wedlock births.¹² This increase in discrimination, Twinam argues, was meant as a bid by those with Spanish blood to

⁹ Twinam, *Public Lives, Private Secrets*, 43–47.

¹⁰ *Ibid.*, 47.

¹¹ *Ibid.*, 7 & 11–12.

¹² *Ibid.*, 11 & 14.

close ranks and maintain power in the face of a rapidly growing, increasingly heterogeneous society.

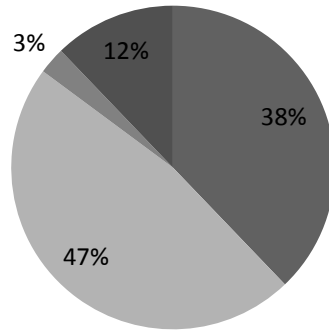
However, institutional discrimination and the real-life obstacles faced by illegitimates were rarely consistent given the, “Hispanic propensity to create social space for individual mobility through informal passing.”¹³ Illegitimacy meant different things to different groups of people, and its stigma was further affected by geography and time. Gender, social status, race, migration patterns, gender ratios and average age of marriage are just some of the factors which determined to what degree illegitimate children transgressed the norm in a given community, and therefore the consequences they faced as punishment for being the personification of that transgression.

A close inspection of the prenuptial investigations of couples in New Mexico between 1681 and 1730 indicates that the residents of this area were not greatly concerned about legitimacy as a marker of honor and status when it came to choosing a spouse, as marriages between legitimate and illegitimate persons were fairly common. Of the seventy four prenuptial investigations under review for this study, twenty eight marriages took place between a legitimate bride and groom, two between an illegitimate bride and groom, and two were unknown. The largest group, thirty five marriages or almost half, took place between one legitimate partner and one illegitimate partner.

¹³ Ibid., 49.

Figure 1: Marriage & Legitimacy

■ Legitimate and Legitimate ■ Legitimate and Illegitimate
■ Illegitimate and Illegitimate ■ Unknown



When the brides and grooms are separated by legitimacy, fifty one grooms were determined to be legitimate, sixteen were illegitimate and seven were unknown. Forty four of the seventy four brides were also determined to be legitimate, twenty four were illegitimate, and six were unknown.

Figure 2: Legitimacy of Grooms

■ Legitimate ■ Illegitimate ■ Unknown

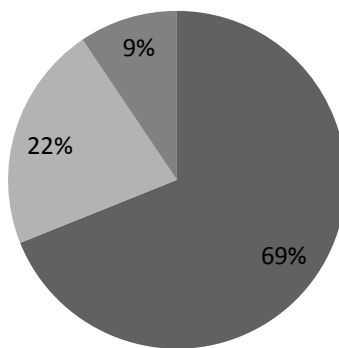
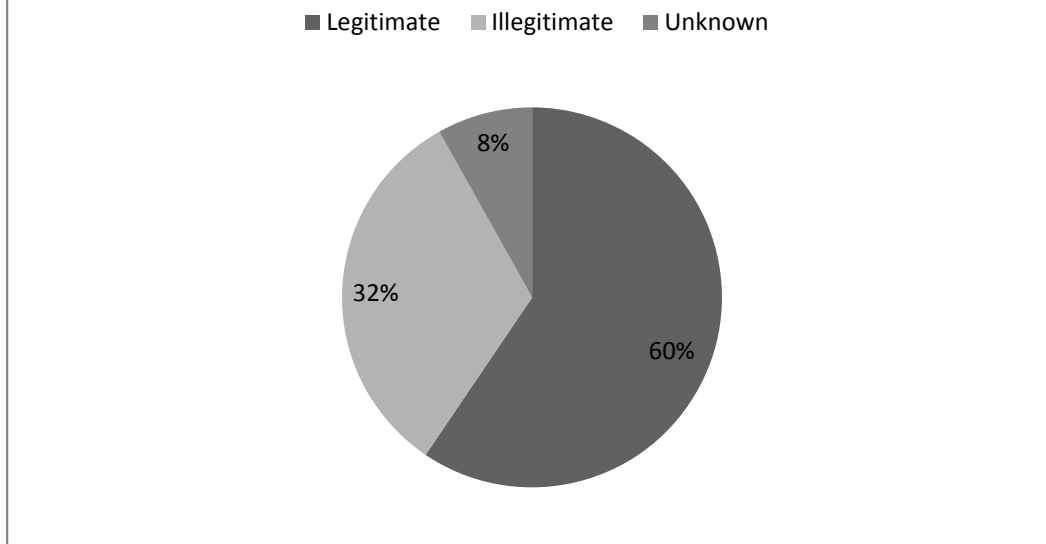


Figure 3: Legitimacy of Brides



Of the sixteen grooms that were illegitimate, all but two went on to marry legitimate brides. Of these brides, four were the daughters of military captains, another the daughter of a *sargento mayor* (major sergeant), and still another the daughter of an *ayudante* (aid de camp). Of the twenty four brides that were illegitimate, all but three went on to marry legitimate grooms. Of these, five brides went on to marry the sons of military captains, one the daughter of a *regidor*, another the son of an *ayudante*, and still another the son of a *sargento*. Illegitimate status, therefore, did not necessarily hinder the possibility of contracting an advantageous marriage in colonial New Mexico.

Take, for example, the children of Captain Diego Montoya; in a society concerned with endogamy and where legitimacy is understood to be a marker of status and honor, one would expect that his legitimate children would marry legitimate partners while his illegitimate daughter would marry someone of lower status and honor than her legitimate siblings. In fact,

however, the opposite was true. Both of Captain Montoya's legitimate children married illegitimate partners, while his illegitimate daughter married a legitimate groom.

In 1710 Miguel de San Juan, a seventeen year old *vecino* in Bernalillo and an illegitimate son of *padres no conocidos*, applied for a license to wed Isabel Montoya, the legitimate fifteen year old daughter of Captain Montoya and Isabel Ynales. Miguel's witnesses included twenty seven year old Joseph de Quintana, a notary, who said he had known Miguel since he was a child; Isabel's witnesses included forty year old Captain Juan Gonzales and a seventy year old *vecino* named Joseph Lopes, both of whom testified they had known her since she was a child as well. In her own deposition, Isabel provided no more information than what was standard to the questionnaire; she affirmed that she was marrying Miguel of her spontaneous will, and that her parents had not persuaded her in favor or against the match. Miguel echoed her sentiments when he was questioned by ecclesiastical authorities. There being no canonical impediments to prevent the union, Miguel and Isabel were married on May 5, 1710.¹⁴

Six years later nineteen year old Cristóbal Thomas de Balensuela, also of Bernalillo, applied for a license to marry sixteen year old Josepha Montoya, Captain Montoya's illegitimate daughter. While Cristóbal was legitimate, Josepha was clearly listed as a "*bastarda*" (bastard).¹⁵ Joseph Quintana, Miguel de San Juan's witness for his marriage application to wed Isabel Montoya, Josepha's legitimate half-sister, served as the notary for the ecclesiastical investigation.¹⁶ Both of Cristóbal's witnesses were listed as *Españoles*, though neither one could sign his name; Joseph Lopes once again served as a witness, this time for Josepha, testifying that he had known her since she was four years old, as did Ignacio de Aragoyes, who testified he had known Josepha since she was ten or eleven. Neither Joseph's nor Ignacio's classification in the

¹⁴ AASF 60, DM 1710, F# 630-633.

¹⁵ AASF 61, DM 1716, F# 298.

¹⁶ AASF 61, DM 1716, F# 299.

sistema de castas was listed, but both men could sign their names. Cristóbal and Josepha affirmed that they wanted to wed of their own free will and they too were married, on February 5, 1716.

Finally in 1717, Captain Montoya and Isabel Ynales' twenty year old legitimate son, Marsial Montoya, applied for a license to wed seventeen year old María Baca of Bernalillo, an illegitimate daughter of *padres no conocidos*. Joseph de Quintana once again served as the ecclesiastical notary. Ignacio de Aragoyes served as a witness for Marsial, as did a Captain, Manuel Baca. For her part, María offered as one of her witnesses Captain Cristóbal Arellano, an *alcalde mayor* who testified he had known María since she was born. Marsial and María expressed their desire to marry to the ecclesiastical judge, and on June 24 of 1717, they were wed.¹⁷ Marsial and Isabel, Captain Montoya's legitimate children, were thus matched with illegitimate partners while his illegitimate daughter married a legitimate groom, the inverse of what dominant historiography on marriage choice and the characteristics that informed endogamous unions would lead us to expect.

Significantly, unlike in the English-speaking world, there was no strict dichotomy between legitimate and illegitimate in colonial Hispanic society.¹⁸ Instead, the latter observed degrees and types of illegitimacy. An *hijo natural* (a child born of concubinage) would be legitimized once her parents wed, and enjoy all of the rights and privileges of a child born after wedlock; a *niño expósito* (a child abandoned at birth at an orphanage, or at the home of a member of the elite) or a child of *padres no conocidos* (parents unknown), while still illegitimate, bore less social stigma than illegitimate children who were the product of an adulterous or sacrilegious relationship. These "intermediate positions" were well established in

¹⁷ AASF 61, DM 1717, F# 382-386.

¹⁸ Scotland is an exception.

both common law and popular custom, revealing an inherent flexibility in the order of the social structure.¹⁹

In her study of the Rio de la Plata region in the late 18th century, Susan Socolow argues that illegitimacy was quite common in colonial Argentina, and that there was a recognized distinction between illegitimate children who were *hijos naturales*, and truly illegitimate children whose parents either faced a canonical impediment to legitimate marriage or were unknown.²⁰ Though children of unknown parents often suffered from greater social stigma than *hijos naturales*, there were some advantages to being a *niño expósito*. *Niños expósitos* or of *padres no conocidos* who appeared Spanish were listed as such in the parish registers, regardless of whether or not they would have been considered such if their parents were known. Additionally, a Papal Bull issued by Gregory XVI decreed that abandoned children were to be considered legitimate, and could thus enjoy the same privileges as legitimate children.²¹ This would potentially allow children born out of wedlock to one day join the priesthood, attend university, or hold colonial administrative office. Ultimately, in a race conscious society, being listed as a child of *padres no conocidos* could prove more advantageous than being an *hijo natural* whose ancestry could be proven to include African or American blood.²²

The crown, too, made allowances where legitimacy was concerned to aid in the assimilation of a rapidly growing *mestizo* population in the Americas, and thereby the success of the colonies, when in 1591 it authorized the viceroys of New Spain and Peru to legitimize all “natural and bastard children of mixed blood.”²³ These children were thus allowed to inherit the

¹⁹ Twinam, *Public Lives, Private Secrets*, 26.

²⁰ Susan M. Socolow, “Acceptable Partners: Marriage Choice in Colonial Argentina, 1778-1810,” in Lavrin, *Sexuality and Marriage in Colonial Latin America*, 220.

²¹ Mannarelli, *Private Passions and Public Sins*, 130.

²² *Ibid.*, 226

²³ Thomas Calvo, “The Warmth of the Hearth: Seventeenth-Century Guadalajara Families,” in Lavrin, *Sexuality and Marriage in Colonial Latin America*, 299.

encomiendas of their *conquistador* fathers. The measure was not rescinded in New Spain until 1625, at which point illegitimate children began to be characterized in baptismal records as children of *padres no conocidos*.²⁴ Not much is known about the effects of this decree, but it may have led to a more flexible understanding of legitimate status.

Robert McCaa addressed the characteristics that informed marriage choice and endogamy in his essay, “Calidad, Clase, and Marriage in Colonial Mexico: The Case of Parral, 1788-90,”²⁵ wherein he analyzed, “the relative impact of race, occupational standing and racial drift on nuptial choices.”²⁶ While Parral had once been a prosperous mining center in northern Mexico, by the 1780’s it had faced crop failures and epidemics and it entered a long period of decline. Nevertheless, “the community remained an important settlement on the northern frontier,” with a population of nearly 5000.²⁷ The chief source of information for the brides and grooms in McCaa’s study are the parish marriage books—which list the ceremonies, their participants, and information on those participants—and a manuscript census which antedated these marriage ceremonies.²⁸ By linking these two sources of data, McCaa sought to paint a more accurate picture of the couple’s *calidad* and *clase*, and thus the factors that influenced marriage choice in late colonial Mexico. In total, McCaa studied 174 marriages in Parral between 1788 and 1790 and the actors involved, including the couple’s parents. Seventy five percent of these were then linked back to a manuscript census from January of 1788 through the bride or groom, or both.²⁹

According to McCaa, *calidad* generally referred to one’s race but was also influenced by occupation, wealth, place of origin and purity of blood. He also included honor and integrity in

²⁴ Twinam, *Public Lives, Private Secrets*, 52.

²⁵ Robert McCaa, “Calidad, Clase, and Marriage in Colonial Mexico: The Case of Parral, 1788-90,” *The Hispanic American Historical Review* 64, no. 3 (August 1, 1984): 477–501.

²⁶ *Ibid.*, 478.

²⁷ *Ibid.*, 480.

²⁸ While the quality of the information varied, the census listed names, relation to head of family, sex, age, marital status, race, occupation, place of birth, and residence.

²⁹ McCaa, “Calidad, Clase, and Marriage in Colonial Mexico,” 483.

this list, but these were malleable concepts and umbrella terms that were in themselves influenced by the previously noted characteristics.³⁰ *Clase* referred to one's occupation and socioeconomic position.³¹ He asserts that "like" had to marry "like" in order to maintain the hierarchical structure, but that, "if homogamy was the rule, it was both relative and multidimensional, including elements of social values and behavior."³² Definitions of *calidad* and *clase* were not static, but differed from one community to another in significant ways. His study of the roles and expectations for women and men provided further insight into the foundation of the hierarchical system, but it failed to consider crucial elements, particularly the significance of legitimacy.

Nearly 120 occupations were listed in the records used by McCaa, with miner being the most common. "To facilitate analysis, this profusion of occupations is reduced to two categories: lower class and upper class."³³ McCaa's determination of *clase* is based on this dichotomy, and while he asserts that legitimate children were 1.75 times more likely to be listed than illegitimate children in the 1788 census (and therefore legitimacy was a factor he could have included in his determinations), he does not discuss the impact of legitimacy on *clase*, nor is this characteristic represented in any of the statistical data he presents in his study.³⁴

What is significant is McCaa's assertion that while like married like when it came to race (*calidad*), class (*clase*) was more often variable between the bride and groom in Parral. As in

³⁰ Ibid., 477–78.

³¹ For more on *calidad* and *clase*, including debates as to its application see Magnus Mörner, *Race Mixture in the History of Latin America*, (Boston: Little Brown & Company, 1967). See also, John K. Chance, *Race and Class in Colonial Oaxaca*, (Stanford, Calif.: Stanford University Press, 1978). Robert McCaa, Stuart B. Schwartz and Arturo Grubessich, "Race and Class in Colonial Latin America: A Critique," *Comparative Studies in Society and History*, Vol. 21, No. 3 (Jul., 1979): 421-433. Patricia Seed, "Social Dimensions of Race: Mexico City, 1753," *HAHR*, 62 (Nov. 1982): 569-606.

³² McCaa, "Calidad, Clase, and Marriage in Colonial Mexico," 480.

³³ Ibid., 482.

³⁴ Ibid., 484.

New Mexico, what mattered most was Spanish blood and it was the primary consideration. Once an appropriate groom had been chosen, Spanish women could improve their social standing through marriage by choosing someone of higher status. Spanish men, however, did not enjoy the same opportunities, and rarely married someone they considered their inferior. Of the two, women ran a higher risk of losing *clase* if they married someone beneath their social status.³⁵ This supports the data from the New Mexican prenuptial investigations, in which fewer illegitimate men married legitimate women, while several of the illegitimate brides married “up.”

That some elite New Mexican families were less concerned with legitimacy than race is evidenced by two generations of the Trujillo family. At the age of forty four Captain Joseph Trujillo of Santa Cruz found himself a widower and father to a daughter. In 1710 he applied for a license to marry seventeen year old Antonia López, an illegitimate *vecina* also from Santa Cruz.³⁶ As witnesses he presented Pedro de Peralta, fifty five years old from Valladolid, and Sebastián Durán, thirty three years old from New Mexico, both of whom testified that they knew Captain Trujillo to be a widower and that he intended to marry Antonia. For her part Antonia put forward two witness who testified that they had known her since she was a child and were aware of her intention to marry; thirty two year old Joseph de Atienza and twenty five year old Joachin de Atienza, both from Mexico City.³⁷ Captain Trujillo and Antonia were married on October 6, 1710.³⁸

Nine years later twenty year old Cristóbal de la Joya of Santa Cruz applied for a license to wed Captain Trujillo’s legitimate daughter from his previous marriage, María. Like María’s

³⁵ Ibid., 493–500.

³⁶ AASF 60, DM 1710, F# 642.

³⁷ AASF 60, DM 1710, F# 641. While the record does not indicate the relationship of these witnesses to each other, it is likely that they were related in some way. Since the record lists Antonia as having been born in New Mexico, and that Joachin and Joseph knew her when she was little, it is likely they had emigrated to New Mexico several years earlier.

³⁸ AASF 60, DM 1710, F# 640-642.

step-mother, Antonia, Cristóbal was also illegitimate, listed as the son of *padres no conocidos*.³⁹ Thirty eight year old Diego Marques of New Mexico and thirty five year old Cristóbal de Castro of Sombrerete served as witnesses for Cristóbal. Sixty year old Domingo Martín and thirty seven year old Lorenzo Griego, both of New Mexico, testified on behalf of María, both testifying that they had known her since she was little. María and Cristóbal asserted that they were marrying of their own free will, and so they were wed in July of 1719.⁴⁰ Had legitimacy been important to the residents of New Mexico when assessing the *clase* of a prospective spouse, Captain Trujillo's choice of an illegitimate partner could be attributed to the fact that it was his second marriage and that he was already a man of high status, but it does not explain why he would have allowed his legitimate daughter to marry an illegitimate groom. That he did allow it, and that he chose an illegitimate spouse for himself, suggests again that race was more significant than legitimacy when choosing a spouse in New Mexico.

The higher rate of illegitimacy in New Mexico could explain why illegitimates were more readily accepted as suitable marriage partners. Thomas Calvo's study of Guadalajara, which he describes as, "urban, creole, mestizo, Afro-Mexican, [and] at the outer edge of New Spain," much like New Mexico, examines some 200 families between 1666 and 1675 in order to assess family composition.⁴¹ Giving priority to parish records from Guadalajara's main Cathedral, particularly the baptismal and marriage records, Calvo identified 52 percent as *Españoles* and asserts a high rate of illegitimacy in this region. He concluded that, "because of

³⁹ AASF 61, DM 1719, F# 533.

⁴⁰ AASF 61, DM 1719, F# 531-533.

⁴¹ Thomas Calvo, "The Warmth of the Hearth," in Lavrin, *Sexuality and Marriage in Colonial Latin America*, 287–288.

the mixing it fosters, the promiscuity it imposes, and the fundamental imbalance it creates between men and women, the urban milieu itself spawns illegitimacy.”⁴²

Using the baptismal records of the Archivo Sagrario Metropolitano of Guadalajara (ASMG), Calvo reports an illegitimacy rate of 48.6 percent between 1690 and 1699. Using the same records for the years of 1692-1693 and 1698-1702, he determined that of the 674 births by *Españoles*, 411 were legitimate. For mestizos, 124 of 217 births were legitimate, and for other *castas*, thirty-one of fifty-three births were legitimate. Calvo attributes this high rate of illegitimacy in Guadalajara to a numerical imbalance between women and men and a high number of Afro-Mexican female slaves. According to his study, illegitimacy began to decline in the 1720s and 1730s, when Tridentine reforms to the marriage ritual were more readily observed.⁴³

No accurate census exists for New Mexico for the years prior to 1749, as there was no accurate count of the indigenous peoples living in the area, including those who had either been conquered or struck peace accords with Spanish authorities. Records do indicate that when Juan de Oñate first settled Santa Fe for Spain in 1610 he brought with him 129 heads of families who by 1680 had grown to a total of 2900 people.⁴⁴ Another census in 1693 claimed 25% of the population was Spanish, and another from 1749 shows roughly the same numbers, as the Spanish population at that time was 27% of the whole. In 1744 a report written by Fray Miguel de Menchero on the subject of the entire province of New Mexico numbered its population at nearly ten thousand persons. Of these, an estimated 2,500 were categorized as Spaniards, sixty percent

⁴² Ibid., 303.

⁴³ Ibid., 293-298.

⁴⁴ Jones, *Los Paisanos*, 119.

of which resided in one of three of the official *villas* in New Mexico, Santa Fe, Albuquerque or Santa Cruz.⁴⁵ For none of these, however, are the demographics broken down by gender.

Racial mixing, or *mestizaje*, coupled with geographic mobility resulted in high rates of illegitimacy and a large number of people who were less easily categorized in racial terms. Additionally, unlike the heart of the Mexican colony—which included Mexico City, Veracruz, Tlaxcala and Puebla—where the percentage of married persons between the ages of twenty-five and forty reached 80 percent, in the far north that figure was closer to 65 percent in the last quarter of the eighteenth-century.⁴⁶ All of these characteristics affected New Mexican choice and what the men and women of this region considered important to maintain their honor when choosing a spouse.

A limited number of “ideal” spouses for Spaniards seeking to marry in New Mexico not only meant that illegitimates were considered suitable, but it also led several New Mexican *vecinos* to marry relatives or partners with whom they shared a spiritual kinship. According to the canons of the Catholic Church, kinship was a *diriment impediment* established by links of either consanguinity or affinity. Sharing links of consanguinity meant that the couple was related by a blood tie, such as a common grandparent. Ties of affinity spoke to a close spiritual relationship between the couple and a third party, such as a godparent. A degree of affinity would also exist if a sexual relationship between the bride or groom and a third party occurred, if that third party had blood ties to the couple.

For example, if the groom had sexual relations with the prospective bride’s sister, this would create an unacceptable degree of affinity which would require canonical dispensation.

⁴⁵ *Ibid.*, 123.

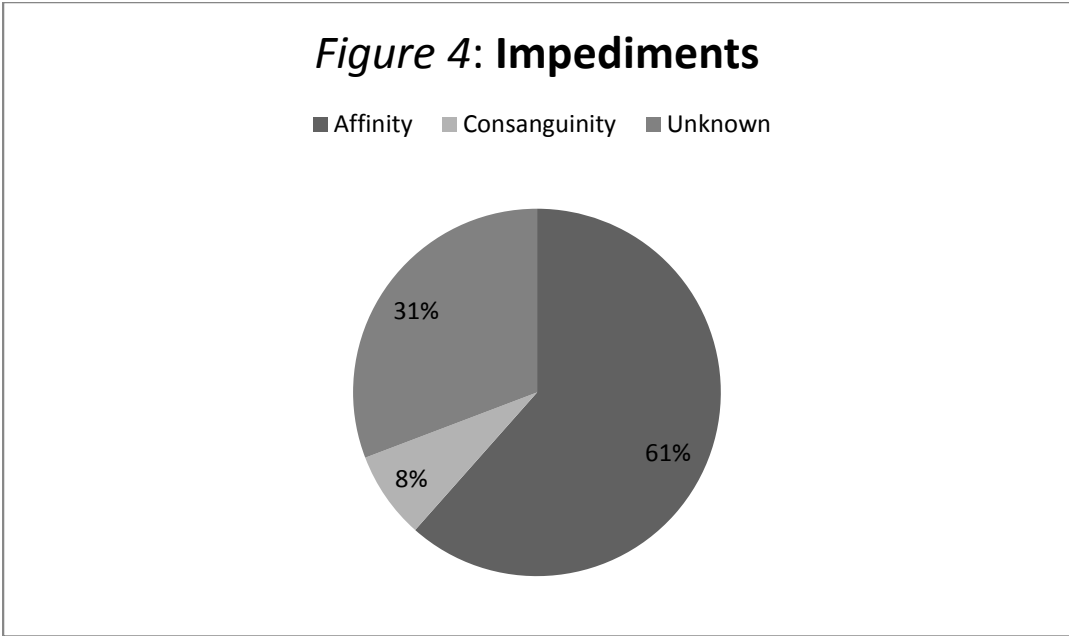
⁴⁶ McCaa and Vega, “Gustos de Los Padres, Inclinaciones de Los Novios Y Reglas de Una Feria Nupcial Colonial,” 584.

One of the best known historical examples is Henry VIII of England, who required a papal dispensation to wed Anne Boleyn after having engaged in an affair with her sister, Mary Boleyn; a dispensation which was denied and thus became one of many contributing factors to England's break with Rome. Dispensations of such impediments were vital, for without them such a marriage could be considered invalid, and any children produced by that union declared illegitimate.

Ramón Gutiérrez identified eighty seven consanguinity cases between 1700 and 1799 which were granted dispensation in his study, and ten which were granted dispensation due to affinity. He does not identify the number of couples who faced these impediments but were not granted a pardon. Proportionally speaking however, degrees of affinity between marriage applicants were much more common in the eighteenth century than afterwards. In none of the consanguinity cases reviewed by Gutiérrez was the prospective couple related in the first degree of consanguinity; most were related in the fourth degree of consanguinity, while most cases of affinity were related in the third degree.⁴⁷

Of the seventy four premarital investigations examined for this study, thirteen faced an impediment due to a shared degree, or the possibility of a shared degree, of consanguinity or affinity. Of these thirteen, eight faced an affinity impediment, one a consanguinity impediment, and in four cases the relationship is unclear.

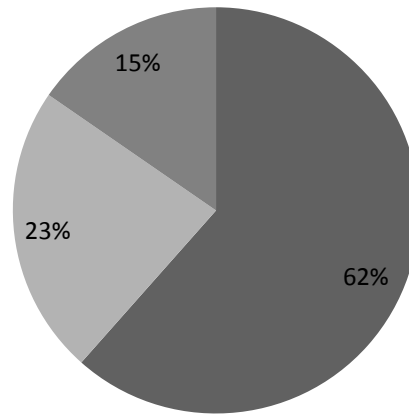
⁴⁷ Gutiérrez, *When Jesus Came, the Corn Mothers Went Away*, 244–45.



Of these thirteen, eight involved marriages in which both the bride and the groom were legitimate, three involved marriages between one legitimate and one illegitimate party, and two are unknown. This is significant in that it further illustrates how little New Mexicans considered legitimacy when choosing a spouse. Illegitimates did not have to rely on the charity of a relative in order to enter into advantageous marriages; instead unions which required canonical dispensation due to a *diriment impediment* were mostly entered into by legitimate parties.

Figure 5: Impediments & Legitimacy

■ Legitimate Bride and Groom ■ Legitimate and Illegitimate ■ Unknown



Interestingly in New Mexico, in cases in which a legitimate party sought to marry an illegitimate partner, it was not always the legitimate party who was characterized as the savior. In 1718 Antonio de Luna, born in New Mexico and a *vecino* in the village of Bernalillo, requested a dispensation so that he could marry fourteen year old Doña Jacinta Pelaez, originally from Albuquerque and the legitimate daughter of a captain. Jacinta’s father was deceased and Antonio referred to her as a poor orphan, in danger of falling victim to an “unequal” marriage, as had happened to various daughters from good families.⁴⁸ What makes this case revealing is Antonio’s background. An illegitimate son of *padres no conocidos*, strictly speaking Antonio should not have been an appropriate match for Jacinta, the daughter of an officer. Yet it is he who illustrates Jacinta’s predicament. Despite his illegitimate status he still considered himself not only worthy of “poor” Jacinta, but in a position to act as her savior from the dangers of a

⁴⁸ AASF 61, DM 1718, F# 452. “Alegando a mi favor por causa motiva el ser la suso dicha pobre huerfana de padre...y el peligro de casar con desigual.”

marriage outside of her *calidad* and *clase*. Antonio and Jacinta were allowed to wed as long as they paid a fine and provided fabric for both the churches of Bernalillo and Albuquerque.⁴⁹

Ecclesiastical judges considered several factors when assessing impediments posed by kinship, including the size of the community in which the applicants lived, and therefore the desirability of the applicants' accessible marriage pool. In a small community it could prove difficult for a woman to marry a man of her own social status unless she married a relative. Additionally, a poor woman of honorable status might marry a relative to mitigate a small or non-existent dowry, thus permitting her to wed her (perceived) social equal.⁵⁰ These were the reasons most often cited by marriage applicants in New Mexico who wished to be granted kinship dispensations. In order to maintain the honor status and *limpieza de sangre* of both parties, marriage to each other was the only option. To bolster their applications and to illustrate the significance of their position in their community, couples who sought these dispensations also often cited their work for the crown and the added hardship it entailed.

When in 1691 Captain Juan Madrid requested a dispensation to marry María Martín Barba, a woman with whom he shared a third degree of affinity, he cited his twenty five years of service to the crown and the holy Catholic faith as reason to grant the waiver. He reminded the ecclesiastical authorities that he had been one of the first to return to the provinces of New Mexico after the Pueblo Revolt to "reduce" the number of apostates that roamed the land, and that thanks to these efforts 600 souls now found themselves living righteously and following Catholic doctrine.⁵¹ The appeals succeeded, and he and María were wed.

⁴⁹ AASF 61, DM 1718, F# 452-456.

⁵⁰ Lavrin, "Sexuality in Colonial Mexico: A Church Dilemma," in Lavrin, *Sexuality and Marriage in Colonial Latin America*, 56.

⁵¹ AASF 59, DM 1691, F# 269-70.

In 1707 Melchor de Herrera, a soldier in the presidio of Nuestra Señora de los Remedios, wanted to marry Catalina Griego, a *vecina* from Santa Cruz. Melchor required an ecclesiastical dispensation for having *copula illicita* with one of Catalina's relatives, an act which made the couple related by degrees of affinity. They were granted the dispensation on the condition that Melchor donate six books of wax each to the churches in Santa Fe, and the new village of Santa Cruz.⁵²

In 1713 Francisco Durán y Chaves, the legitimate son of a captain, applied to wed fourteen year old Juana Baca.⁵³ He required a dispensation, as he and Juana were related in the third degree of consanguinity, and in doing so he cited Juana's poverty. This also serves as an example of a marriage applicant who though listed as illegitimate of *padres no conocidos*, clearly knew who her relatives were. Francisco asked the ecclesiastical judge, "for the love of God," to grant the dispensation because it was Francisco's will to, "protect this poor *doncella*, who because of her poverty is in danger of being lost or marrying another who is not her equal."⁵⁴ Many of the applications put forward by prospective grooms like Francisco, who sought to wed a poor, illegitimate, Spanish woman, employed this same tactic—appealing to ecclesiastical authorities for the well-being of the lady in question and the horrific possibility that she might marry someone of a lower *casta*, thereby endangering the purity of the top tier of the hierarchy.

In 1718 Antonio de Chaves, a legitimate son of a captain and a *vecino* of Albuquerque applied to marry fifteen year old Antonia Baca of Bernalillo, an illegitimate daughter of *padres*

⁵² AASF 60, DM 1707, F# 486.

⁵³ AASF 61, DM 1713, F# 85-89.

⁵⁴ AASF 61, DM 1713, F# 85. "Mi voluntad es servir a Dios y amparar esta pobre doncella la qual por razon de su pobreza esta Al peligro de perderse o de casarse con disigual suyo."

no conocidos.⁵⁵ Antonio and Antonia faced two significant obstacles. First, Antonio claimed to be related to Antonia in the third degree of consanguinity. Second, he also shared a degree of affinity with Antonia, for he had slept with one of her relatives. He used language standard to such petitions, citing Antonia's poverty and the danger of her marrying someone of lower status, particularly because her caretakers were all deceased.⁵⁶

Caring for orphaned or abandoned children believed to possess pure Spanish blood was a constant concern of Church and colonial authorities, and institutions were created to care for them materially and spiritually throughout the colonies. One such institution was the Casa de Niños Expósitos, Hospital de los Niños Huérfanos de Atocha, founded in 1603 in the viceroyalty of Peru. By 1643 it was taking in 6000 pesos per year and by 1648 it employed seventy wet nurses and three teachers. Between forty and fifty children were admitted to the hospital each year, and another eighty were cared for by wet nurses outside of the hospital; these nurses could expect payment of seven to eight pesos per month.⁵⁷ The protection of Spanish orphans was such a significant cause that the residents of Lima often bequeathed money to organizations that dedicated themselves to sheltering parentless children in their wills.⁵⁸ That there were so many illegitimates to care for also illustrates the high incidence of illegitimacy throughout the Spanish colonies.

In a further effort to control the reproductive lives of orphaned Spanish girls—who if they married below their *casta* might endanger the integrity of the hierarchy, and subvert the strength of the top tier—dowries were made available to those who proved honorable and virtuous. Virginity before marriage and sexual decorum afterwards was a standard requirement

⁵⁵ AASF 61, DM 1718, F# 416-420.

⁵⁶ AASF 61, DM 1718, F# 416. “La suso dicha Antonia Baca muy pobre y que fallcidos y falliesiendo las personas a suyo cargo esta queda expuesta al peligro de perderse y a lo menos casarse con desigual.”

⁵⁷ Mannarelli, *Private Passions and Public Sins*, 134–36.

⁵⁸ *Ibid.*, 132 & 141.

of any girl who sought to be granted a dowry, either to marry or to enter a convent, and any recipients who misbehaved could be asked to return the funds provided by charitable organizations such as religious confraternities.⁵⁹ In this way, individuals who fell outside of the proscribed societal ideology, illegitimate Spaniards, could be closely monitored by ecclesiastic and colonial authorities, and controlled via economic incentives. Resources such as these were less readily available to the residents of New Mexico than they were to residents of urban centers such as Lima and Mexico City, and this may have influenced ecclesiastical authorities when deciding whether or not to grant waivers to the residents of this borderlands area when assessing kinship impediments.

In his discussion of honor in New Mexico, and what was most important to its definition, Ramón Gutiérrez asserts that the mentality of the *Reconquista* that informed honor constructs in the Iberian Peninsula similarly informed New Mexicans as they conquered, and re-conquered, the Pueblo residents of the territory. “Honor, socially validated as fame and glory, existed in Spanish New Mexican society only because of the presence of Indians who were dishonored and infamous.”⁶⁰ What was most significant to a Spaniard’s honor in this frontier society was Spanish blood, and this meant that characteristics such as illegitimacy and kinship were overlooked much more readily than they were in urban centers, like Mexico City or Lima, when considering whom to marry.

Much of what was considered Spanish culture [in New Mexico] gained its meaning in opposition to and as an exaggeration of what it meant to be an Indian or a *genízaro*. What the Spaniards were, the Puebloans and *genízaros* were not. Negative stereotypes of the other, that is, of the defeated and fallen Indian within Hispano society and outside of it, defined the boundaries between “them” and “us,” between the dishonored and the honored.⁶¹

⁵⁹ Ibid., 104–5.

⁶⁰ Gutiérrez, *When Jesus Came, the Corn Mothers Went Away*, 178.

⁶¹ Ibid., 180.

Genízaros were “detrribalized Indians” living in Spanish towns who served mostly as slaves or servants to Spanish *vecinos*, and who performed the most menial and unwanted tasks. After the Pueblo Revolt of 1680, they mostly consisted of indigenous captives acquired via warfare with, or purchased from, the Apache, Navajo or the Comanche, though some Pueblo Indians continued to face enslavement, particularly if they were labeled apostates.⁶² “The enemy within, that is, the *genízaro* Indians residing in Spanish households and towns, became convenient targets for Spanish racial hatred during the eighteenth century.”⁶³ The presence of a significant number of *genízaros*, Pueblo Indians, and constant contact (both advantageous and violent) with the Comanche, Navajo and the Apache, all groups who shared no genealogical ties with Hispanic society, meant that New Mexicans guarded their honor by defining it most substantially through *limpieza de sangre*.⁶⁴ “Spaniards, whatever their estate, were men of honor in comparison to the vanquished [and unvanquished] Indians.”⁶⁵

A similar context is described by Verena Stolcke (formerly Martinez-Alier) in her study of marriage and class in Cuba. While interracial marriages had been mostly accepted prior to the Haitian Revolution, afterwards judicial authorities more strictly prohibited these unions. “The adjustment and balance of the social order in nineteenth-century Cuba required discrimination for functional reasons. Interracial marriages were to be restricted, if not outright prohibited, because the ‘equilibrium’ of the society demanded it.”⁶⁶ Slaves and their descendants were understood to lack honor, and they needed to be segregated from respectable Spanish society for both its communal and economic well-being.

⁶² Ibid., 150–51; James Brooks and Omohundro Institute of Early American History & Culture, *Captives & Cousins: Slavery, Kinship, and Community in the Southwest Borderlands* (Chapel Hill [N.C.]: Published for the Omohundro Institute of Early American History and Culture, Williamsburg, Virginia, by the University of North Carolina Press, 2002).

⁶³ Gutiérrez, *When Jesus Came, the Corn Mothers Went Away*, 179.

⁶⁴ Ibid., 188.

⁶⁵ Ibid., 190.

⁶⁶ Martinez-Alier, *Marriage, Class and Colour in Nineteenth-Century Cuba*, 75.

While endogamous marriage represented an ideal for the men and women of New Mexico, the characteristics that determined who one's equal was were informed by the limitations of the available partners. What was most important for the Spanish *vecinos* of New Mexico was to marry other Spanish *vecinos*, and this meant that illegitimates and partners with whom one shared degrees of familial or spiritual kinship became part of the acceptable marriage pool.

The upward mobility of lower castes in Spanish America in the eighteenth century threatened the hegemonic power of the upper tiers of the colonial hierarchy, and so the latter closed ranks as best it could by more rigidly enforcing old and new discriminatory practices. However, this did not occur unilaterally or uniformly, instead it was informed by the distinct circumstances of each community. In the case of New Mexico between 1681 and 1730, legitimacy did not significantly inform one's honor, as well connected legitimate brides and grooms entered into what they considered endogamous marriages with illegitimates.

Chapter 4:

Endogamy and the *Sistema de Castas*

No other part of the world has experienced the kind of large scale race mixture which began in Latin America in 1492. In order to maintain their grip on power in the face of this *mestizaje*, Spanish colonial authorities created the *sistema de castas*, a system of racial categorization based on the hereditary rights and privileges of those with the most Catholic and Spanish blood running through their veins—a continuation of *limpieza de sangre*. Neither wholly Spaniard, Indian or African, the *castas* were the products of *mestizaje* and members of an intermediate group which Imperial authorities considered predatory to Spanish hegemony. As explained in the previous chapter, blood was understood to be the vehicle through which important characteristics such as virtue, honor and shame were passed on from one generation to the other, and (theoretically) the more “pure” one’s blood, the higher one’s position in the caste system. Spaniards born in the Iberian Peninsula, known as *peninsulares*, were the top tier of this system followed by *criollos*, or Spaniards born in the Americas. *Criollos* were considered to be beneath the dignity of the *peninsular* because of their place of birth; simply being born in the Americas meant that you had already, automatically, been tainted. Most of the *castas* made up the middle tiers of the system followed by *indios*, and lastly Africans and African slaves, who by virtue of their enslavement were considered the most inferior group. A great deal of time, money and effort was spent by the Spanish Crown in order to clearly identify and segregate the *castas*, Africans and *indios* from the elite class, and to justify their subordinate status.¹

¹ While numerous laws were passed by the crown requiring that *Españoles*, the *castas* and *indios* each live apart from the other, these attempts were mostly fruitless throughout the Spanish colonies. This did not, however, mean that the intention was not time consuming or expensive.

Colonial authorities were so concerned with the proper labeling of the various *castas* that by 1711 the viceroy of New Spain commissioned a painting that would illustrate the result of different manifestations of *mestizaje*.² In time, *casta* paintings became a genre unto themselves, depicting family vignettes that included a mother of one race, a father of another, and which defined their child as a member of a third, different race entirely—the result of mixing two different kinds of blood. They were meant to make the *castas* more easily identifiable to the general public and to clearly assert the boundaries between those with power and those without access to it.

The system, however, was convoluted and at times confusing. By following the blood lines upon which the *sistema de castas* was based, when an *Español* had a child with an *india*, for example, their child was categorized a *mestiza*. When a *mestiza* then had a child with an *Español*, their child was categorized a *castiza*. But when a *castiza* had a child with an *Español*, that child was an *Español*. Thus, even based on blood, there were imperfections. Furthermore, the potential number of mixed groups was endless, and in practice most areas recognized no more than six or seven groups. For this reason, one must be careful not to take the *casta* paintings literally, for as Magnus Mörner put it they are “artificial, being the products of a few intellectuals and artists...characteristic rather of eighteenth century exoticism and rococo than of a serious effort to present the social reality of the Indies.”³ More importantly, in practice blood alone did not determine every person’s position in the *sistema*. Nevertheless, they do reflect the Empire and the elite class’s manic desire to link access to power to a Christian, European ancestry.

² Martínez, *Genealogical Fictions*, 229.

³ Magnus Mörner, *Race Mixture in the History of Latin America* (Boston: Little, Brown, 1967), 59.

This chapter utilizes the prenuptial investigations of *casta* and indigenous marriages in colonial New Mexico in order to better understand how the *sistema de castas* informed marriage choice and endogamy. After the Pueblo Revolt of 1680, wherein over 400 colonists and twenty one missionaries were killed, and the remaining colonists were forced to flee, elites considered a clear separation between the Spanish settlers and the Pueblos more important than ever before in order to maintain Spanish hegemony in the area. While the vignettes that follow do not paint the entire picture of race relations in New Mexico, when carefully considered they do provide a more sophisticated understanding of how the *sistema* informed the social structure of this region, and how race was constructed in the province at the turn of the eighteenth century. Ultimately, the inherent flexibility of the Spanish caste system allowed the settlers of New Mexico to redefine what it meant to be an honorable Spaniard, focused on the rights and privileges of the *criollo* instead of the *peninsular*, while still maintaining a boundary between themselves and the *indios* and *castas* that was informed mostly by racial constructs.

At the start of the conquest period the sociopolitical division envisioned by the Spaniards was twofold and included the *República de Españoles* and the *República de Indios*; two separate groups of people defined by their status as Christians and by their race, each governed by a unique set of laws and administrators. Informed at its core by the statutes and ideals of *limpieza de sangre*, this simple Spanish-Indian dichotomy was clearly defined and understood in the early sixteenth century. Nevertheless, in the face of the *mestizaje* of the early colonial period, it was quickly rendered insufficient on its own as a method of imperial control.

During the initial stages of conquest, elite indigenous women were sought as marital partners for the *conquistadores* for various reasons, including acquiring the best land, access to

labor, lust and love. Politically, marriages between Spaniards and the daughters of indigenous royalty, or *caciques*, cemented alliances between the conquerors and the conquered, maintaining imperial power. Inca Garcilaso de la Vega, explained the advantages of such unions thusly: “as soon as the Indians saw that a woman had been begotten by a Spaniard, all the kinsfolk rallied to pay homage to the Spaniard as their idol and to serve him because they were now related to him. Such Indians were of great help during the Conquest of the Indies.”⁴ The scarcity of white women in Latin America at this time also spurred Spanish men to contract marriages with *indias* who were not members of the elite class.

Even more significant demographically, relationships between Spanish men and indigenous women also occurred outside of marriage, both consensually in the form of concubinage and by force. As Mörner explained in his assessment of race mixture in colonial Latin America, “the Spanish conquest of the Americas was a conquest of women.”⁵ Though it is impossible to account for the total number of rapes perpetrated by Spanish *conquistadores* and settlers during the colonial era, that indigenous women suffered at their hands in significant numbers is without question. Many Spanish men believed that due to their paganism, engaging in sexual liaisons with indigenous women was not a sin, often leading them to participate in sexual relationships with many of them at once.⁶ Women were also presented to Spanish men as slaves and gifts, the embodiment of newly created alliances between indigenous tribes and Spanish interests.

Marital unions between Spaniards and indigenous people were permitted in colonial Latin America by the Spanish King in 1501, and in 1503 Governor Ovando of Santo Domingo

⁴ Ibid., 24.

⁵ Ibid., 22.

⁶ Karen Vieira Powers, *Women in the Crucible of Conquest: The Gendered Genesis of Spanish American Society, 1500-1600*, Diálogos (Albuquerque: University of New Mexico Press, 2005), 95–97.

was instructed to ensure that some of the indigenous peoples there were married to Spaniards to facilitate cultural interactions between the two groups, including the Christianization of the *indios*. In the first decades of the colonization period, *mestizos* were even allowed to inherit the *encomiendas* of their Spanish fathers, as many of them had played a crucial and decisive role in later stages of conquest.⁷

Early signs of animosity towards exogamy, however, are evident in the response of the local governors. Colonial authorities in Latin America were, for the most part, none too pleased with the command, and had to be pressured to adhere to it by ecclesiastical authorities. As to the residents of Santo Domingo themselves, only 171 of the 689 Spaniards living there married in 1514. Of these unions 107 were endogamous, as Spaniards there expressed that they would rather marry a white prostitute than an *india*. Evidently for Spanish men in the early sixteenth century, the color of their sexual partner was often of little to no importance, but the color of their spouse was carefully considered in an effort to maintain *pureza de sangre*.⁸

As Spanish women became more available in the colonies towards the end of the sixteenth century, Spanish men more often rejected indigenous women in favor of Spanish spouses. Their numbers increased in two ways: First, the influx of women arriving in Latin America from Spain reduced the necessity for, and therefore the acceptability of, an indigenous bride. To illustrate this point, in Lima in the 1550's there were eight Spanish men for every one Spanish woman; by the seventeenth century their numbers were practically even. An eventual surplus of Spanish women available for marriage in the colonies coupled with growing concerns over the threat a polyethnic society posed to the hegemony of the Spanish elite, led to a mounting preference for endogamous unions among those who identified as *Españoles*. One estimate of

⁷ Mörner, *Race Mixture in the History of Latin America*, 28.

⁸ *Ibid.*, 26–27.

marriage patterns in colonial Latin America asserts that Spaniards were endogamous to a rate of 90 percent.⁹

Second, the available pool of *Española* spouses increased not just from women born in the Iberian peninsula, but the addition of *criollas* and the *mestiza* daughters of early Spanish settlers who had been raised in, and accepted into, the elite Spanish milieu. “The first half of the sixteenth century saw concerted Spanish efforts, both private and public, to ensure that they would be raised (or transformed into) cultural Spaniards. This was owing to the shortage of Spanish women and the need to reproduce Iberian society, both biologically and culturally, in the New World.”¹⁰ The boundary created between the *Repúblicas* was, therefore, proved flexible in the Americas from its inception there.

As the conquest period drew to an end, Latin American society at the hands of the Spanish Empire became more and more complex. The two Republics were no longer an adequate system on their own for categorizing and creating boundaries between different racial groups, as the *mestizaje* of the early decades had created various intermediate categories. *Mestizos*, *mulatos* and the other *castas* faced increased scrutiny by Spaniards and *criollos* precisely because of this intermediate status. Neither Spanish nor Indigenous nor African, they fell into an intermediate and possibly dangerous space. As Mörner explains, “many people of color in the Americas became marginal men, rejected by both parental stock or themselves refusing to join the parental stock considered ‘inferior.’”¹¹ In order to continue asserting its hegemony, the Empire sought to adjust its definition of who was, and who was not, *gente de razon*, by means of the *sistema de castas*. As R. Douglas Cope argues, “by making finer racial distinctions among plebeians, elite

⁹ Powers, *Women in the Crucible of Conquest*, 88–90.

¹⁰ *Ibid.*, 82.

¹¹ Mörner, *Race Mixture in the History of Latin America*, 6.

Spaniards could hope to render the Spanish-casta boundary less permeable.”¹² Meanwhile, *castas* who moved into the elite class automatically became Spaniards.

Unlike the Indigenous peoples of the Americas who were classified, governed and “protected” by a separate system of laws, the *República de Indios*, the *castas* had no such unique status, as they belonged to the much larger *República de Españoles*. Additionally, the indigenous peoples of the Americas could exploit social and economic partnerships, and at times rely on hereditary leaders, to mediate their relationship with the Spanish bureaucracy, as well as maintain cultural traditions significant to their psychological and emotional well-being. *Castas* in Latin America could not exploit such benefits. “They, unlike the Indians, lived in an essentially Hispanic milieu, speaking Castilian, working in a European-style economy for Spanish employers, and facing the full panoply of judicial and religious authority. [Moreover] their mechanisms of solidarity, such as *compadrazgo* and *cofradías*, were themselves Spanish in origin.”¹³ Ideally the *República de Indios* was created and structured to meet the needs of the indigenous people, while the *República de Españoles* was meant to do the same for Spaniards. *Castas* belonged to a system created expressly against their needs and interests.

Stereotypes of, and disdain for, *mestizos* as marginalized individuals in society began early during the conquest period and were used as justification for their inferior status. *Mestizos* were often characterized as lazy vagabonds, disorderly men and women who could potentially corrupt both upstanding Spaniards and susceptible *Indios* by imparting their “disgusting” habits and customs. By 1549 Charles V had forbidden *castas* from receiving *encomiendas* or holding public office without a special royal license. They were also perpetually forbidden from bearing arms unless they had special permission, joining artisan’s guilds, and sumptuary laws restricted

¹² R. Douglas Cope, *The Limits of Racial Domination: Plebeian Society in Colonial Mexico City, 1660-1720* (Madison, Wis: University of Wisconsin Press, 1994), 24.

¹³ *Ibid.*, 6.

their dress.¹⁴ In 1609 a royal decree inquired of the viceroy of Peru, “how these people can be drawn off and the harm caused by their increase and bad ways diminished.”¹⁵ As late as the mid-nineteenth century, by which point crafts and trades were practiced almost in equal measure by Spaniards and *castas* in Cuba, the fact that *mulatos* engaged in these professions made them unacceptable to most Spaniards. “As one young man remarked, ‘in this country to be a tailor diminishes the white man who takes up such an occupation.’”¹⁶

When relationships or encounters, both forced and consensual, between indigenous women and Spanish men yielded children outside of marriage, these infants were often taken away from their *india* mothers. They were considered unfit to raise cultural Spaniards due to their perceived religious and racial “inferiority,” particularly in the case of their *mestiza* daughters. Indigenous women were often characterized as licentious and promiscuous, and in the face of Spanish ideals of *verguenza* this was considered justification for labeling them unfit role models and caretakers.¹⁷

Interaction between the *castas* was manipulated at all levels. Relationships between Africans (including their descendants) and *indios*, for example, were actively discouraged by colonial authorities, as they believed that the latter was in danger of being corrupted by the former; indeed engaging in these types of relationships could result in very violent outcomes. In the Viceroyalty of Peru, for example, municipal ordinances in the sixteenth century went so far as to castrate African men who lived in concubinage with indigenous women.¹⁸

As Frederik Barth explains, in areas where different cultures—or in this case *castas*—meet repeatedly and continually, a “structuring of interaction” is required. “What can be made

¹⁴ *Ibid.*, 15–16.

¹⁵ Mörner, *Race Mixture in the History of Latin America*, 42.

¹⁶ Martinez-Alier, *Marriage, Class and Colour in Nineteenth-Century Cuba*, 85.

¹⁷ Powers, *Women in the Crucible of Conquest*, 78.

¹⁸ Mörner, *Race Mixture in the History of Latin America*, 40.

relevant to interaction in any particular social situation is prescribed... The goal being to insulate themselves [Spaniards] from “confrontation and modification.”¹⁹ In colonial Latin America, the *sistema de castas* was the framework through which to supply these scripts of interaction, sustained by colonial law and custom, thereby cementing Spanish control over the colonies and its inhabitants for Imperial benefit.

One’s racial designation within the *sistema de castas*, however, was not necessarily static; as social constructions of the Spanish elite, labels like *mestiza* or *mulata* could change for one person in a moment or in a lifetime, and the stereotypes associated with these labels (that *mestizos* are lazy and inappropriate marriage partners for anyone above a *castiza*) also changed and conformed to local needs and exigencies. As Cope explains, “ethnic status is not fixed permanently at birth, by official fiat, but constitutes a *social* identity that may be reaffirmed, modified, manipulated, or perhaps even rejected—all in a wide variety of contexts.”²⁰ Additionally, these labels were often contested and resisted by Non-Spaniards as they pursued their own desires.

Casta designations were not only not self-evident, but they might also not be formally attributed to an individual in some cases until adulthood. *Libros de Bautizo* in Mexico City, for example, did not begin to record the infant’s racial classification until the early eighteenth century.²¹ A racial category was most often assigned when an individual joined the work force or married, thus formally coming into contact with imperial and religious bureaucracies.²² However, even these momentous events did not guarantee a *casta* definition.

¹⁹ Fredrik Barth and Universitetet i Bergen, eds., *Ethnic Groups and Boundaries. The Social Organization of Culture Difference. (Results of a Symposium Held at the University of Bergen, 23rd to 26th February 1967.)*, Scandinavian University Books (Bergen, London: Universitetsforlaget; Allen & Unwin, 1969), 16.

²⁰ Cope, *The Limits of Racial Domination*, 5.

²¹ Dennis Nodin Valdés, “The Decline of the Sociedad De Castas in Mexico City” (Ph.D., University of Michigan, 1978), 24.

²² Cope, *The Limits of Racial Domination*, 55.

As Barth explains, a factor critical to boundary maintenance is the, “dichotomization of others as strangers, as members of another ethnic group...[It] implies a recognition of limitations on shared understandings, differences in criteria for judgement of value and performance, and a restriction of interaction of sectors of assumed common understanding and mutual interest.”²³ Indeed colonial authorities believed the *castas* to be *gente sin razon*, or people without reason, and clearly restricted their access to power. But does the fact that that the *sistema de castas* was obviously a flexible and permeable system mean that it is an obsolete lens through which to study the sociopolitical and economic organization of the Spanish colonies? Particularly in an area like New Mexico, far removed from centers of Imperial power and economically peripheral in the organization of the viceroyalty of New Spain? No. In fact, its inherent flexibility is what made the *sistema de castas* a consistent, hegemonic framework for imperial authorities.

Maintaining a distinct ethnic group such as the one to which the Spaniards aspired also depended on what Barth describes as a, “social process of exclusion and incorporation whereby discrete categories are maintained *despite* changing participation and membership in the course of individual life histories.”²⁴ In other words, despite the possibility of changing one’s *casta* designation during one’s lifetime (as could be the case in colonial Latin America), and despite close interactions between groups.²⁵

As José Cuello argues in his analysis of Northern Mexico and, in particular, Saltillo, the *sistema de castas* in colonial Latin America was more flexible than is currently understood. The historiography points to the decline and ineffectiveness of the *sistema* by making two observations. First are the numerous incidences of men and women categorized as either

²³ Barth and Universitetet i Bergen, *Ethnic Groups and Boundaries. The Social Organization of Culture Difference. (Results of a Symposium Held at the University of Bergen, 23rd to 26th February 1967.)*, 15.

²⁴ *Ibid.*, 10.

²⁵ *Ibid.*

castizos, *indios* or *mulatos* who were able to change their racial categorization once or more in their own lifetimes. The second is the economic mobility of the *castas* as they became artisans and merchants, coupled with large numbers of *criollos* engaged as day laborers and servants.²⁶

In the Spanish borderlands of Northern Mexico, the inapplicability of the *sistema de castas* as a method of socioeconomic control is further attributed to widespread instances of “passing,” a result of frontier exigencies.²⁷ Yet, as Cuello asserts “the perceived weakness of the *sistema de castas* in the Spanish settlements on the northern rim of the empire and its comparative strength in more central locations were, in reality, manifestations of the highly successful adaptation of the same organizing principle to different environments.”²⁸ Ultimately, the socioeconomic organization of people via race by the Spanish Empire in Latin America was not only informed by phenotype, but also by geography, time, and space—a flexible system of social control that was informed by, and adapted to, 300 years of colonial experience.

Much like some *mestizos* (both men and women) were actively included and accepted into a greater Spanish milieu in the early sixteenth century due to the dearth of a “legitimate” Peninsular Spanish presence, *criollos* and some *mestizos* made up the “elite” Spanish class in colonial New Mexico in the wake of the Pueblo Revolt; boundaries between this elite New Mexican class and the *castas* of this area continued to be drawn largely on racial lines. Fears that *mestizos* or *genízaros* would ultimately betray the Spanish settlers, despite ties of kinship such as *compadrazgo*, were acutely exaggerated in the borderlands of New Mexico after 1680, further curtailing social and cultural bonds, and more importantly trust, between those who identified as Spanish New Mexicans and the *castas*. As Gutierrez points out, “the presence of significant

²⁶ Cuello, “Radicalized Hierarchies of Power in Colonial Mexican Society,” in Jesús F. de la Teja and Ross Frank, eds., *Choice, Persuasion, and Coercion: Social Control on Spain’s North American Frontiers* (Albuquerque: University of New Mexico Press, 2005), 204.

²⁷ *Ibid.*

²⁸ *Ibid.*, 205.

numbers of *genízaro* slaves and *criados* in Spanish towns and villages who had no genealogical ties to the Hispano community, who were dishonored by their status as thralls, and who were deemed socially dead amid men and women of honor generated negative stereotypes of what it meant to be an Indian.”²⁹

Despite their distance and isolation from the Imperial seat of power and culture in Mexico City, colonial New Mexicans still considered themselves *Españoles*, with rightful membership in the elite class as a result. Much like the Norwegian mountain farmers studied by Jan-Petter Blom, who believed that they retained membership in a larger Norwegian ethnic group despite the distinct circumstances and way of life dictated by their environment and occupation, *Nuevo Mexicanos* held on to their self-evaluation as members of the dominant group.³⁰ The majority of the inhabitants in New Mexico who identified as Spaniards, and thereby members of an elite class based on race and Christian origins, were *criollos*. This is reflected in the full name of Santa Cruz de la Cañada, New Mexico’s third established *villa*, The New Villa of Santa Cruz of Mexican Spaniards of Our King Charles II. The Spanish settlers of New Mexican cities after the Pueblo Revolt were mostly drawn from other northern frontier societies in the viceroyalty of New Spain, and as the eighteenth century wore on from New Mexico itself. The early settlers of Santa Fe after the reconquest, who were not survivors of the original colonial project there, hailed mostly from Nueva Viscaya. Santa Fe once again became an established *villa* with an attached presidio in 1693, followed shortly thereafter by Santa Cruz de la Cañada in 1695. Settlers for the latter came mostly from Santa Fe. Finally, the *villa* of Albuquerque was founded in 1706.³¹

²⁹ Gutiérrez, *When Jesus Came, the Corn Mothers Went Away*, 188.

³⁰ Barth and Universitetet i Bergen, *Ethnic Groups and Boundaries. The Social Organization of Culture Difference. (Results of a Symposium Held at the University of Bergen, 23rd to 26th February 1967.)*, 74–85.

³¹ Jones, *Los Paisanos*, 114–16.

In his assessment of life in New Mexico, Oakah Jones sums up the circumstances of the area thusly: “Physical isolation, community ties, the ever present danger of Indian attack, the rigors of everyday life, and royal grants of land, tools, seeds, and privileges to settlers all influenced the development of a society in which class rivalry and distinction has little place except for statistical purposes... ‘Spaniard’ came to mean anyone of Spanish heritage or of ‘civilized’ life style.”³² To further support this assertion, Jones argues that “when the struggle for Mexican independence occurred, there was little if any class conflict between *peninsular* and *criollo*.”³³ Jones’ argument regarding a lack of class distinctions in this area should be interpreted within a grander apparatus that first considered race. Differences in class within racial groups—*peninsulares* vs. *criollos*, for example—were less pronounced, and at times outright ignored, to create one class of *Españoles* in a geographic area where they were radically outnumbered, isolated and under constant threat, much like in the early conquest period of the sixteenth century. However, perceived differences between racial groups—*Españoles* vs. *Indios*—continued to inform the boundaries that dictated economic, political and social opportunities. While it did at times prove easier for *castas* to move up one or two classifications in the *sistema de castas* in the frontier regions of the viceroyalty of northern New Spain, especially given the shortcomings of the elite class in this region in the face of textbook definitions of Spanish racial purity, “the fluidity of racial identities on the rim of the empire should not obscure the power of the constructed Spanish identity in organizing colonial society in locations like Texas, New Mexico, and California.”³⁴

³² Ibid., 246.

³³ Ibid.

³⁴ Cuello, “Radicalized Hierarchies of Power in Colonial Mexican Society,” in Teja and Frank, *Choice, Persuasion, and Coercion*, 213.

Imperial and ecclesiastical concerns over the marriage of women who were categorized as Spaniards is easily understood when considered through the lens of the racial hierarchy these authorities created in order to justify and maintain their control over the colonies and its inhabitants. Only Spanish women could give birth to Spanish babies, their “bodies would be the vessels through which the white nobility, with all its attendant privileges, would be reproduced.”³⁵ If women were routinely allowed to procreate with the *castas*, the greater number of racially “impure” peoples which would be the result, would threaten the boundaries of the social/racial order. Ensuring that Spanish women bore Spanish children was vital in the bid to preserve an elite Spanish status and all its privileges.

Endogamy was important to the colonists of New Mexico in the fifty years after the Pueblo Revolt because even poor Spaniards benefited from being categorized as members of the elite class. Their lighter skin afforded them opportunities that included relationships with wealthy Spanish landowners that could yield economic success, a legal system stacked in their favor, they were more likely to find profitable employment and to acquire land and water rights (of crucial importance in the desert). “Upward advancement in the social hierarchy was blocked by an interlocking complex of power and privilege that could only be unlocked by a number of codes that were inaccessible to the common person.”³⁶ Endogamy in colonial New Mexico was an important method by which to keep the codes restricted.

When *castas* in New Mexico tried to wed Spanish partners, they could face significant obstacles. In 1689, at the age of thirty two, Sebastián Rodríguez applied for a license to wed Antonia Naranjo, a Spanish *vecina* of legitimate parentage. What made the request unusual was Sebastián’s position as a *negro*. Intermarriage between Spaniards and Africans, free or enslaved,

³⁵ Powers, *Women in the Crucible of Conquest*, 114.

³⁶ Cuello, “Radicalized Hierarchies of Power in Colonial Mexican Society,” in Teja and Frank, *Choice, Persuasion, and Coercion*, 212–13.

and their descendants carried a different stigma than intermarriage with *indios*. As Martinez-Alier explains, antagonism towards Africans and their descendants, “was not directed against people of colour because of their colour as such, but because their colour indicated that they were, or had origin in, slaves.”³⁷ In Santo Domingo in 1687, for example, after the town council complained to the king that Spanish officers were entering into marriages with black women, men who entered into such unions were excluded from further promotion.³⁸ Free Africans and *mulatos* also faced additional burdens, as their shared history with Spaniards bred entrenched prejudices, and hence they were required to pay tribute to the crown. Their geographic movement was also more closely monitored and limited. Even the adjective *negro* meant evil, and Africans and *mulatos* were believed to be dense, senseless and in need of regulation. Significantly, there was a constant concern that they, along with African slaves, would revolt against their Spanish masters.³⁹

Sebastián’s parents were *negros bozales* from Angola, and at the time of his marriage application he was a domestic servant to an *alguacil* named Pedro Reneros de Pozada.⁴⁰ When Sebastián expressed his wish to marry to his boss in front of several witnesses, Pedro conveyed his congratulations and enthusiasm for the union. However, after some consideration, Pedro had second thoughts and submitted testimony to the ecclesiastical judge in charge of the investigation asserting that Sebastián had already been wed while they had been stationed in Veracruz.⁴¹ More witnesses were called forward by the ecclesiastical judge, including the son of Captain Juan Luis, who testified that Pedro had initially blessed the union but later on had a change of heart. Pedro

³⁷ Martinez-Alier, *Marriage, Class and Colour in Nineteenth-Century Cuba*, 75.

³⁸ Mörner, *Race Mixture in the History of Latin America*, 38.

³⁹ Cope, *The Limits of Racial Domination*, 17.

⁴⁰ AASF 59, DM 1689, F# 177.

⁴¹ AASF 59, DM 1689, F# 180.

told Juan Luis, also the name of the captain's son, that he was not about to lose a good servant.⁴² Sebastián was charged with proving that he had not been wed in Veracruz and with producing witnesses to that effect, all of which he offered to provide, but ultimately the investigation proved to be too much of a strain on the prospective couple. Sebastián had asked Antonia to marry him in 1686, and in 1689 the investigation into the supposed impediment was still going strong. Their union was effectively blocked.

Two years later, in 1691, Sebastián applied to marry again and was once again required to prove that he had not been previously wed, evidence that the issue had not yet been resolved. This time the bride's name was Isabel Olguin and she too is listed in the archival documents as a Spaniard.⁴³ Her legitimacy is not established, and most of the investigation for this marriage is not available in the records, however in 1697 Sebastián submitted a third marriage application in which he declares himself Isabel's widower, and a *soldado tambor* in the presidio of Santa Fe.⁴⁴ Due to the absence of any more documentation on this union the circumstances surrounding Isabel and Sebastián's relationship, and why their union was, in the end, possible, must be left to conjecture. Perhaps by this point Sebastián had mostly resolved the uncertainty regarding his marital status, making the process less onerous for the bride, or perhaps his new position in the imperial army made the match more socially permissible. Perhaps Isabel's economic position or reputation within their community was what led colonial governors to "look the other way." In any case their marriage was short lived. By May 12th of 1697 Sebastián was wed to Juana de la Cruz, a *coyota* of unknown parentage. The marriage application was standard and the ensuing

⁴² AASF 59, DM 1689, F# 181.

⁴³ AASF 59, DM 1691, F# 253.

⁴⁴ AASF 60, DM 1697, F# 24.

prenuptial investigation was conducted swiftly and without incident, there being little objection to the union of a *negro* and a *coyota*.⁴⁵

Unions between Spaniards and indigenous peoples were also closely monitored in New Mexico. In 1695 Cristobal de Gamboa, a *criollo* born in New Mexico and at the time of his petition a presidio soldier, applied for a license to wed Antonia Lopes, “*La Manza*” (from the Mansos of Southern New Mexico). Antonia was an *India* and to marry her, Cristobal required an ecclesiastical dispensation, for he and Antonia were related in the 2nd degree of affinity. Antonia and Cristobal were not blood relatives, but rather Antonia had shared a previous sexual relationship with Cristobal’s cousin, Pedro Madrid.⁴⁶ Pedro and Cristobal were both good Catholics, as Cristobal explained in his application, so he reported the impediment to “alleviate his conscience.” Pedro also discussed the relationship openly in his testimony to ecclesiastical authorities for the same reason. Both of their depositions were brief and to the point, and neither was asked probing questions about the liaison.⁴⁷

Antonia, on the other hand, was faced with embarrassing consequences for her transgression. She was called before an ecclesiastical judge, a notary, and two additional witnesses to provide detailed testimony about her relationship with Pedro. Once in the presence of the Captain and Procurer of the area, Cpt. Lazaro de Misquia, and his wife, Doña Maria, Antonia was compelled to admit to her “*copula illicita*,” effectively confessing and atoning for her sin, a line of questioning characteristic of Spanish stereotypes of indigenous women as debauched and licentious.⁴⁸ Antonia and Cristobal were finally granted a dispensation and allowed to marry, but on their wedding day the boundary between Spaniard and *India* was

⁴⁵ AASF 60, DM 1697, F# 24-26.

⁴⁶ AASF 59, DM 1695, F# 557.

⁴⁷ ASSF 59, DM 1695, F# 556-7.

⁴⁸ AASF 59, DM 1695, F# 557.

clearly visible. Her attire had been the source of much discussion among ecclesiastical authorities as Antonia was forbidden from wearing a Spanish dress and threatened with serious punishment should she attempt it.⁴⁹ Antonia was required by colonial and ecclesiastical authorities to wear traditional Indian garb.⁵⁰

Endogamy rates throughout colonial Latin America were high. In Mexico City at the turn of the eighteenth century, more than ninety percent of men and women who were classified as Spaniards chose to enter into endogamous marriages; more than any other group.⁵¹ In colonial Saltillo, Cuello describes the Spanish population as “a fortress of endogamy;” 89 percent of marriages contracted by Spaniards there were with other Spaniards. The indigenous population closely followed in this area, as their rate of endogamy was 66 percent.⁵²

While in theory the Church and the Spanish crown had a vested interest in promoting marriage among all of the inhabitants of Latin America, they were most concerned with the unions of Spanish women. Moreover, people of either indigenous or African descent did not face the same level of expectation to wed. That most *castas* chose not to participate in legitimate marriage, as understood by ecclesiastical and imperial authorities, is supported by the high rate of illegitimacy for this group throughout the colonial period, amounting to nearly two thirds of all births in large colonial cities.⁵³

As a Spanish Catholic ritual, marriage was often shunned by *castas* in favor of concubinage. In Mexico City, “casta illegitimacy rates of over 50 percent in the second half of

⁴⁹ AASF 59, DM 1695, F# 555.

⁵⁰ AASF 59, DM 1695, F# 557.

⁵¹ Cope, *The Limits of Racial Domination*, 79.

⁵² Cuello, “Radicalized Hierarchies of Power in Colonial Mexican Society,” in Teja and Frank, *Choice, Persuasion, and Coercion*, 218.

⁵³ Powers, *Women in the Crucible of Conquest*, 113.

the seventeenth century suggest the prevalence of such nonmarital unions...[and] while the authorities occasionally cracked down on 'notorious' cases, concubinage enjoyed general social acceptance."⁵⁴ However, most *castas* who did choose to participate in this sacrament did so seriously.

Castas in colonial Latin America operated within a code of honor despite elite assertions that they possessed none. As Richard Boyer explains, "plebeians viewed themselves as possessing honor and competing for it. Much as did elites, they thought of honor as concerned with reputation and character."⁵⁵ While only elites could publicly proclaim to have honor without ridicule, and *castas* avoided using the word "honor," they were also as "sensitive to the experiences of shame and humiliation as elite members of Spanish American society."⁵⁶ Of those *castas* that chose to marry in colonial New Mexico, many presented Spanish *vecinos* to testify on their behalf for the marriage application, signifying what could be close economic, political or cultural ties with Hispano society, as well as the impact of the cultural hegemony of the Spanish Empire.

In 1696 twenty five year old Nicolas Ramires of Santa Fe sought a marriage license to wed nineteen year old Isabel de la Rea, a *mulata* of unknown parentage from Charcas. Nicolas was originally from Zacatecas and identified himself as a *mulato*.⁵⁷ On April 22, 1696, once the investigations were ordered and approved, the appointed judge was tasked with conducting the prenuptial investigation, posting the necessary banns, and should no impediment result, ensuring the couple was wed and their union recorded in the book of *mulato* marriages, *el libro de*

⁵⁴ Cope, *The Limits of Racial Domination*, 69.

⁵⁵ Richard Boyer, "Honor Among Plebeians: *Mala Sangre* and Social Reputation," in *The Faces of Honor: Sex, Shame and Violence in Colonial Latin America*, ed. by Lyman L. Johnson and Sonya Lipsett-Rivera, (Albuquerque: University of New Mexico Press, 1998), 156.

⁵⁶ Lyman L. Johnson, "Dangerous Words, Provocative Gestures, and Violent Acts: The Disputed Hierarchies of Plebeian Life in Colonial Buenos Aires," in *The Faces of Honor*, 128-130.

⁵⁷ AASF 59, DM 1696, F# 600.

casamientos de mulatos.⁵⁸ Nicolas and Isabel jointly presented witnesses including twenty one year old Tenorio de Alba and nineteen year old Antonio Duran de Armijo, both previously from Zacatecas. Tenorio claimed to know Nicolas since they were little, and Isabel for the past six years, while Antonio claimed to know Nicolas for the last ten years and Isabel for the last three. Both Tenorio and Antonio were Spanish *vecinos* and both were literate.⁵⁹ Neither Nicolas nor Isabel could sign their names. The couple faced no impediments and were wed May 3, 1696.⁶⁰

Unlike Spanish and even *mestizo* marriage applicants, Nicolas and Isabel presented a total of only two witnesses who each testified on behalf of both the bride and the groom; whiter applicants each had to present a minimum of two for each the bride and the groom, and these witnesses were often asked more detailed questions in addition to those mandated by the Council of Trent. Tenorio and Antonio each testified only to the bare minimum. Shorter investigations and fewer witnesses were typical of *casta* prenuptial investigations in colonial New Mexico. Fabian Naranja and Micaela Cruz's marriage application went much like that of Nicolas and Isabel. Fabian was a *mulato* born in New Mexico and Micaela was an illegitimate *India* of unknown parentage. In December of 1711 they jointly presented two Spanish witnesses, both of whom could sign their name—again, unlike the bride and groom—and each witness was only asked the standard questionnaire.⁶¹ The entire investigation is complete in two pages when the investigations of Spanish unions are at minimum six pages.

For some *castas* the dangers of frontier life informed their decision to cement links with colonial institutions. Nicolas de Ortega, twenty seven and born in San Felipe, was the legitimate son of *mulato* parents when he sought a license to wed twenty six year old Juana Garcia, a

⁵⁸ AASF 59, DM 1696, F# 601.

⁵⁹ AASF 59, DM 1696, F# 601.

⁶⁰ AASF 59, DM 1696, F# 600-602.

⁶¹ AASF 61, DM 1711, F# 32-33.

legitimate daughter of *coyotes* from Zacatecas and the widow of Francisco Hernandes. Francisco had died rather tragically about seven months prior to Nicolas' application, and though the circumstances surrounding his death are rather vague the manner of his death was not. Francisco had been scalped in Santa Fe.⁶² In late July of 1696 witnesses were presented by Nicolas and Juana jointly including Luisiano Gomes, thirty years old and formerly of Guanajuato, and Christobal de Cuellon, thirty nine years old and from Granada, Spain, both Spanish *vecinos*. Luisiano claimed to have known Nicolas for about six years and Juana for just over one year; Christobal testified to the same. Both also testified that they knew Juana to be Francisco Hernandes' widow, how Francisco lost his life, and that he was buried in the village cemetery. Nicolas and Juana faced no impediments to their union.⁶³

While *castizos* and *mestizos* did not face the same level of scrutiny as their Spanish counterparts while submitting to prenuptial investigations, their applications were more carefully considered than those of *mulatos* or *indios* given their closer racial proximity to the *Españoles*. In Guadalupe del Paso in June of 1681 Juan de la Cruz Fresco, an *Indio* from the jurisdiction of Isleta and the legitimate son of Diego Fresco of the Jumana Nation and of Beatris Barela of the Apache nation, sought to marry Maria de Leon.⁶⁴ Maria was the legitimate daughter of a *castiza* and a *padre incognito*. The marriage application conformed to the standard requirements in that Juan attributed following the precepts of the church as his motivation to marry, and he expressed he intended to do so according to the decrees of the Council of Trent. Unlike applications between Spaniards, however, witnesses had to testify that the bride and groom were both Christians (most likely a reflection of concern informed by the violence of the Pueblo Revolt less than a year earlier), and that they both came from Christian families. This in addition to the

⁶² AASF 59, DM 1696, F# 621, "murio apeloteado en esta villa de Santa Fe."

⁶³ AASF 59, DM 1696, F# 620-622.

⁶⁴ AASF 59, DM 1681, F# 63-66.

standard questions about religious vows, previous marriages and the possibility one of the betrothed had made a marriage promise to another.

Juan de Noriega Garcia, a literate *vecino* from Sandia who had known Juan de la Cruz since he was eight years old served as a witness for Juan; twenty six year old Diego Barela was presented as a witness for Maria, testifying that he had known her for many years and that she was a Christian from an old Christian family.⁶⁵ Pedro Lopes, a twenty eight year old from Isleta, and a Señor Ortega served as witnesses for both the bride and the groom, both of whom confirmed that Juan and Maria were Christians. Unlike the depositions of Spanish women, however, Maria was asked only one question: was she entering into the marriage freely? She confirmed that no one was forcing her to wed Juan.

In 1712, Joseph de Onalla of Santa Fe, an *Indio* from the Apache Nation, submitted a marriage application to wed twenty year old María de Molina, a *mestiza* of unknown parentage.⁶⁶ Joseph and Maria each presented two witnesses for a total of four, and three of these could sign their own names.⁶⁷ On March 18, 1712, the first depositions were recorded, including those of Diego Velasco and Juan Manuel Chirinos, each of whom claimed to have known Joseph for more than fifteen years. Unlike his witnesses Joseph was illiterate, and unlike his whiter, also illiterate counterparts in lieu of a signature he was asked to cross himself in the presence of the ecclesiastical judge.⁶⁸ Unlike other applications involving an *Indio*, this union included a *mestiza* bride, and therefore somewhat greater care was taken in the deposition of the witnesses.

⁶⁵ AASF 59, DM 1681, F# 66.

⁶⁶ AASF 61, DM 1712, F# 59, “de la nasión apacha.”

⁶⁷ AASF 61, DM 1712, F# 59-61.

⁶⁸ AASF 61, DM 1712, F# 60, “y por no saber firmar hizo la señal de la cruz con dicho Padre Juez Comisario ante mi el infrascripto notario.”

The inherent flexibility of the *sistema de castas* is what made it such an effective means of control and boundary maintenance throughout colonial Latin America. It did not look the same at all times in all places, but its basic framework buttressed a Spanish sociopolitical hegemony for centuries of Spanish rule. From 1680 to 1730, settlers in New Mexico who identified as *Españoles* clung to the myth that their Christian ancestry and European blood set them above the indigenous peoples and *castas* of this frontier region. The social categories they constructed were self-serving and self-perpetuating and therefore critically informed marriage choice in New Mexico.

Much of the current historiography argues that the *sistema de castas* was either much less relevant to matters of social, economic and political opportunity in Northern Mexico, or that “passing” as a Spaniard was more prevalent there as a result of its isolation from the imperial centers of New Spain. However, I find Barth more compelling in his assessment of the maintenance of boundaries, that “we must expect to find that one ethnic group, spread over a territory with varying ecological circumstances, will exhibit regional diversities of overt institutionalized behavior which do not reflect differences in cultural orientation.”⁶⁹ Though the elite class in New Mexico was made up mostly of *criollos* rather than *peninsulares* who fit the textbook definition of an *Español* with *pureza de sangre*, they still defined themselves in contrast to the indigenous, pagan population that surrounded them in order to secure and justify control. That the rights and privileges of *peninsulars* extended to *criollos* in New Mexico does not mean that there did not exist a nearly inviolate boundary between Spaniards and *castas*, as is evidenced by the former’s preference for endogamy.

⁶⁹ Barth and Universitetet i Bergen, *Ethnic Groups and Boundaries. The Social Organization of Culture Difference. (Results of a Symposium Held at the University of Bergen, 23rd to 26th February 1967.)*, 12.

Conclusion

The preceding chapters have sought to paint a clearer picture of marriage in New Mexico between 1681 and 1730 by considering the multivariate factors that informed it. For *Españoles* in this frontier region, love, individual will, family obligations and opinions, economic gain, honor constructs, imperial hegemony, and Catholic faith were all important considerations when selecting a spouse. In turn, each of these dialogues was informed by the desires, machinations, achievements and failures of powerful institutions, most significantly the Spanish Crown and the Roman Catholic Church. Because these dialogues were in constant communication, it is necessary to consider the strength and structure of each individually and as a collective, for as Michel Foucault so eloquently put it, “we must not imagine a world of discourse divided between accepted discourse and excluded discourse, or between the dominant discourse and the dominated one; but as a multiplicity of discursive elements that can come into play in various strategies.”¹

Endogamy had the power to create an inviolate boundary between *Españoles* and everyone else in Latin America, and so it was an important weapon in the Spanish Crown’s arsenal as it sought to exercise absolute economic, political and cultural control. Theoretically, if Spaniards married only each other the strength of Castilian and Aragonese blood would pass on to future generations undiluted, and result in the continuation of the Empire. Understanding how successful this scheme was in different parts of the colonies helps us to not only grasp its practical strength, but to discern the characteristics which most effectively impacted it.

¹ Michel Foucault, *The History of Sexuality*, Vintage Books Edition, 1990, vol. I: An Introduction (Vintage Books, 1978), 100.

The *sistema de castas* and the racial stereotypes that informed it proved an efficacious framework through which to promote endogamy. “When defined as an ascriptive and exclusive group, the nature of continuity of ethnic units is clear; it depends on the maintenance of a boundary.”² While individual cultural features and organization may change, what is most important to the continuation of the ethnic group is its dichotomization. Such is the case in colonial New Mexico.

As José Cuello explained, “The organizing principle [of the *sistema de castas*] created comparable patterns of culture across the regional variations of Spanish colonial society.”³ Honor constructs constituted one of these patterns and it was especially important in colonial Latin America for both men and women. For women, maintaining honor meant protecting their virginity until marriage. “The protection of feminine sexual honor was, indeed, one of the very few social values that enjoyed nearly universal respect and consideration, and it followed that, in marriage conflicts, protecting a young woman’s reputation was accorded precedence over the wishes of parents.”⁴ This preoccupation with virtue afforded women the means to exert leverage over their patriarchs in instances where men refused to marry their sexual partners, both on imperial and ecclesiastical authorities. In this sense, women were accorded considerable social power in the sixteenth and seventeenth centuries, as there existed considerable recourse for those who felt that their honor had been ruined, or for those who wished to marry men not of their parent’s choosing.⁵

² Barth and Universitetet i Bergen, *Ethnic Groups and Boundaries. The Social Organization of Culture Difference. (Results of a Symposium Held at the University of Bergen, 23rd to 26th February 1967.)*, 14.

³ Cuello, “Radicalized Hierarchies of Power in Colonial Mexican Society,” in Teja and Frank, *Choice, Persuasion, and Coercion*, 205.

⁴ Seed, *To Love, Honor, and Obey in Colonial Mexico*, 64.

⁵ *Ibid.*, 69–74.

It is also important to recognize the power of that choice. In a patriarchal society like that of colonial Latin America, where women's choices and rights were limited and expectations could be onerous, confining and unreasonable, a woman's right to choose whom she married, whom she loved, was monumental. A woman's husband had the right to choose where his wife lived, who her friends were, what she wore—indeed, the number of children to whom she gave birth. But before any of those choices were made a woman had the power to *choose* her husband, and that choice was supported by the might of the Catholic Church. In numerous instances ecclesiastical authorities in New Mexico after the Pueblo Revolt championed the free will of marriage applicants and either put an end to the proceedings when a union was unwanted by the bride, as was the case with Josepha Domínguez, or married couples who faced reprobation or physical harm at the hands of their families as a result of their choice, as was the case with the three Marías. Certainly a number of scripts informed the choice women made when it came time to decide on a spouse, sometimes even in ways they did not realize or understand, but it is still important to recognize that throughout the various stages of the marital process women had the right to say, “No” or “I choose you,” and there would be people there to help her and to support her decision.

The various hierarchies at play in the Spanish colonial world, social, ethnic and economic, produced a number of codes which informed and regulated women's conduct and opportunities. These in turn were further affected by time and geography.

In 1794, when New Mexican Governor Fernando de la Concha was preparing to surrender his post, he wrote a list of instructions for his successor, Lt. Col. Don Fernando Chacón. In them, Concha detailed the activities and behavior of the Spanish population of the

province, and his overall assessment was rather unflattering. He accused the *vecinos* of behaving rather indecorously, of being thieves and liars, and blamed it all on the circumstances of life on the frontier, under constant threat of attack. “The dispersion of the establishments, the poor education that results from this, and the proximity and dealings with the Barbarous Nations in which they find themselves immersed...is the origin that preserves and makes those vices propagate more every day.”⁶ In other words, the standard for appropriate and accepted *vecino* behavior was still measured against stereotypes of what it meant to be an *indio*.

Concha also warned Chacón about the power of ecclesiastical authorities in New Mexico. Their significance to the men and women of the province is made clear when Concha writes, “They have an absolute sway over the inhabitants...In a word, their influence upon every one [sic] is such that the general expression used in the country is ‘If the Father says it is so, there can be no doubt.’”⁷ Even allowing for some hyperbole on Concha’s behalf, as there was always tension between Imperial and Church authorities that may have colored his assessment, it still points to a persistent and influential relationship between priest and parishioner.

Concha’s opinions were indicative of the sentiments that permeated the Bourbon era—specifically a general concern among colonial authorities that Hispanic society had been polluted by the *castas* to an untenable degree, and that the power of the Church needed to be effectively checked. In 1776 Charles III, the new Bourbon King of Spain, issued the *Real Pragmática* that drastically altered the doctrinal rights and privileges of those wishing to enter into the holy sacrament of marriage, in an attempt to put a stop to *mestizaje*. Extended to Spain’s American colonies in April of 1778, the *Pragmática* required all Spaniards up to the age of twenty five to acquire the approval of their parents as to their intended spouse before they were allowed to wed.

⁶ As quoted in Ross Frank, “They Conceal a Malice Most Refined”: Controlling Social and Ethnic Mobility in Late Colonial New Mexico,” in Teja and Frank, *Choice, Persuasion, and Coercion*, 79.

⁷ Ross Frank, “They Conceal a Malice Most Refined,” in *Ibid.*, 88.

Primary among the acceptable reasons for parental opposition was a perceived inequality between the prospective bride and groom; specifically inequality expressed through race, economic class, social background, or morality. Though race was the most frequent inequality cited, only African blood legitimately qualified as unequal, usually in the form of a *mulato* ancestor. Social inequality was also born of illegitimacy.⁸

In the eyes of the Bourbon king allowing men and women to choose their marital partners freely had resulted in a chaotic and inferior society for which universal endogamy was the best remedy. Marriage between those who were unequal was declared offensive to God, damaging to the family, and upset “the proper ordering of society.” With one decree, the Crown went against centuries of royal and Catholic jurisprudence and tradition which defended and recognized the rights of the individual in matters of marriage choice.

To what degree the *Pragmática* was enforced throughout the colonies is beyond the scope of this study, but that the new law required repeated reinforcement is made clear by the three royal *cédulas* issued between 1778 and 1787, and another in 1805, all of which reiterated the precepts of the 1776 decree.⁹ Additionally, another *Real Pragmática* was issued in 1803 reaffirming the need for parental consent, and which now included not only *Espanoles* but also *castas* to the list of groups that required such consent. Most significantly, the 1803 *Pragmática* no longer required parents to specify their objections to a marriage, nor did it require that such arguments be judged rational; any opposition would do. Clearly, the 1776 decree required “more teeth.”

Susan Socolow’s study of marriage patterns in colonial Buenos Aires appears to support the conclusion that parents still faced substantial obstacles when trying to impose their will on

⁸ Susan m. Socolow, “Acceptable Partners: Marriage Choice in Colonial Argentina, 1778-1810,” in Lavrin, *Sexuality and Marriage in Colonial Latin America*, 219.

⁹ *Ibid.*, 211-212.

their children when it came to matters of matrimony in Latin America, despite the orders of the *Pragmáticas*. In her study of 131 marriage opposition cases in the Rio de la Plata region between 1778 and 1810, Socolow observes the various ways in which legislation was applied to resolve marriage opposition disputes after the *Pragmática* was issued, to further “our understanding of marriage, colonial society and the role of women.”¹⁰ Specifically, she focuses on cases originating in the urban and “traditional” city of Córdoba, and in the commercial capital of the viceroyalty, Buenos Aires. Socolow demonstrates that the majority of cases brought before the lower courts were decided in favor of the engaged couple rather than the opposing parents.¹¹

The last decades of the eighteenth century were a dramatic period in the history of New Mexico as the province experienced economic and demographic shifts. The *vecino* population was growing, successful peace treaties with the Comanches, Navajos and Utes meant more opportunities for trade and animal husbandry, there were improvements in agricultural production, and all of this led to increased trade with the southern provinces of Nueva Viscaya and Sonora as well. After generations of hostilities between these nations, a system of alliances instigated by New Mexican Governor Juan Bautista de Anza opened up a myriad of economic opportunities and markets, all of which impacted the lives of the settlers. A smallpox epidemic that hit the frontier in 1780-1781 also furthered economic growth. It made available more land to less people, and created a surplus in the settler population, growth which allowed for an even stronger *vecino* society separate from the Pueblos.¹²

In his assessment of sociopolitical and economic categories in New Mexico at the close of the century, Ross Frank argues that,

¹⁰ *Ibid.*, 210

¹¹ *Ibid.*, 218-219.

¹² Ross Frank, *From Settler to Citizen: New Mexican Economic Development and the Creation of Vecino Society, 1750-1820* (Berkeley: University of California Press, 2000), 55.

“Counterpoised with the ‘pagan’ and ‘barbarous Indians, who nonetheless served as valuable allies and trading partners, Spanish officials in New Mexico contrasted unfavorable vecino behavior with that of the Puebloans, creating two discursive and subjective categories of Indian difference that helped to define and discipline *vecinos*. More inclusive? Yes, but the process of constructing difference represented no less of a tool for social control on the New Mexican frontier of New Spain.”¹³

Power is not unidirectional, emanating from those in positions of authority to those it sought to control, but rather processes of power are multidirectional and multidimensional. Power is everywhere and comes from everywhere.¹⁴ Even those elements of society, or processes, which seem to exist only in resistance to power, are “never in a position of exteriority in relation to power.”¹⁵ Patriarchy, marriage, and honor are all important subjects that must be addressed when discussing the history of Colonial Latin America, as they are all constitutive elements of that society—the lenses through which we determine relationships of power. These elements were in turn all informed by gender dynamics and gendered discourse, and so we must also consider them in order to achieve a true understanding of the period. “Reading for gender sheds crucial light on social, state-society, and elite-subaltern relations, demonstrating how fundamentally constructions of gender and sexuality shape the mechanism of power.”¹⁶

The prenuptial investigations reviewed for this study illustrate both the rights and loopholes women and could, and did, avail themselves of as they maneuvered through the prescriptive race and gender codes which informed marriage in Spanish Catholic society. Their zealous participation in favor of their own interests both when they felt they had been dishonored, as was the case with incidents of deflowerment, or when they were determined to

¹³ Ross Frank, “They Conceal a Malice Most Refined,” in Teja and Frank, *Choice, Persuasion, and Coercion*, 92.

¹⁴ Foucault, *The History of Sexuality*, 93.

¹⁵ *Ibid.*, 95.

¹⁶ Elizabeth Quay Hutchinson, “Add Gender and Stir? Cooking up Gendered Histories of Modern Latin America,” *Latin American Research Review*, Vol. 38, No. 1 (2003): 269.

marry the man of their choosing despite vigorous objections from their parents, challenges the stereotype of Spanish women as meek and submissive. It also problematizes our understanding of patriarchy over both time and space in the Spanish colonies, as well as contributes to our appreciation of its hierarchical nature.

BIBLIOGRAPHY

BIBLIOGRAPHY

Archival Sources

Archives of the Archdiocese of Santa Fe (AASF)
Diligencias Matrimoniales

Archivo General de Indias (AGI)
Escribania

Printed Primary Sources

Spain, Gregorio Lopez de Tovar, Gregorio López, Francesco de Paula Díaz y Mendoza, Pedro Gómez de la Serna, Fermín de la Puente y Apezechea, Joaquín Francisco Pacheco, and Castile (Kingdom). *Los Códigos Españoles Concordados Y Anotados*. Vol. 3. Madrid: A. de San Martin, 1872.

Vega, Lope de. *La Discreta Enamorada*. Valencia: Ediciones Tilde, 2008.

Vega, Lope de. *Nadie Se Conoce*. BiblioBazaar, 2007.

Secondary Sources

Alonso, Ana María. *Thread of Blood: Colonialism, Revolution, and Gender on Mexico's Northern Frontier*. Hegemony and Experience. Tucson: University of Arizona Press, 1995.

Alonzo, Armando C. *Tejano Legacy: Rancheros and Settlers in South Texas, 1734-1900*. 1st ed. Albuquerque: University of New Mexico Press, 1998.

Arrom, Silvia Marina. *The Women of Mexico City, 1790-1857*. Stanford, Calif: Stanford University Press, 1985.

———. *The Women of Mexico City, 1790-1857*. Stanford, Calif: Stanford University Press, 1985.

Bannon, John Francis. *The Spanish Borderlands Frontier, 1513-1821*. Histories of the American Frontier. Albuquerque : University of New Mexico Press, 1974.

Barth, Fredrik, and Universitetet i Bergen, eds. *Ethnic Groups and Boundaries. The Social Organization of Culture Difference. (Results of a Symposium Held at the University of Bergen, 23rd to 26th February 1967.)*. Scandinavian University Books. Bergen, London: Universitetsforlaget; Allen & Unwin, 1969.

- Bolton, Herbert Eugene, and John Francis Bannon. *Bolton and the Spanish Borderlands*. Norman: University of Oklahoma Press, 1964.
- Bouvier, Virginia Marie. *Women and the Conquest of California, 1542-1840: Codes of Silence*. Tucson: University of Arizona Press, 2001.
- Boyer, Richard E. *Lives of the Bigamists: Marriage, Family, and Community in Colonial Mexico*. 1st ed. Albuquerque: University of New Mexico Press, 1995.
- Brooks, James, and Omohundro Institute of Early American History & Culture. *Captives & Cousins: Slavery, Kinship, and Community in the Southwest Borderlands*. Chapel Hill [N.C.]: Published for the Omohundro Institute of Early American History and Culture, Williamsburg, Virginia, by the University of North Carolina Press, 2002.
- Chance, John K. *Race and Class in Colonial Oaxaca*. Stanford: Stanford University Press, 1978.
- Cohen, Elizabeth S. "Honor and Gender in the Streets of Early Modern Rome." *The Journal of Interdisciplinary History* 22, no. 4 (April 1, 1992): 597-625.
- Cope, R. Douglas. *The Limits of Racial Domination: Plebeian Society in Colonial Mexico City, 1660-1720*. Madison: University of Wisconsin Press, 1994.
- Cruz, Gilberto Rafael. *Let There Be Towns: Spanish Municipal Origins in the American Southwest, 1610-1810*. 1st ed. College Station: Texas A&M University Press, 1988.
- Espinosa, Aurelio M. "Spanish Folk-Lore in N. Mex." *New Mexico Historical Review* 1, no. 2 (April 1, 1926): 135-155.
- Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. 2nd Vintage Books ed. New York: Vintage Books, 1995.
- . *The History of Sexuality*. Vintage Books Edition, 1990. Vol. I: An Introduction. Vintage Books, 1978.
- Frank, Ross. *From Settler to Citizen: New Mexican Economic Development and the Creation of Vecino Society, 1750-1820*. Berkeley: University of California Press, 2000.
- Galgano, Robert C. *Feast of Souls: Indians and Spaniards in the Seventeenth-Century Missions of Florida and New Mexico*. Albuquerque: University of New Mexico Press, 2005.
- Gallegos, Bernardo P. *Literacy, Education, and Society in New Mexico, 1693-1821*. 1st ed. Albuquerque: University of New Mexico Press, 1992.
- Gilmore, David D. "Anthropology of the Mediterranean Area." *Annual Review of Anthropology* 11 (January 1, 1982): 175-205.

Gutiérrez, Ramón A. "Honor Ideology, Marriage Negotiation, and Class--Gender Domination in New Mexico, 1690-1846." *Latin American Perspectives* 12, no. 1 (Winter 1985): 81–104.

———. *When Jesus Came, the Corn Mothers Went Away: Marriage, Sexuality, and Power in New Mexico, 1500-1846*. Stanford: Stanford University Press, 1991.

Johnson, Lyman L., and Sonya Lipsett-Rivera, eds. *The Faces of Honor: Sex, Shame, and Violence in Colonial Latin America*. 1st ed. Diálogos. Albuquerque: University of New Mexico Press, 1998.

Jones, Oakah L. *Los Paisanos: Spanish Settlers on the Northern Frontier of New Spain*. 1st ed. Norman: University of Oklahoma Press, 1979.

———. *Pueblo Warriors & Spanish Conquest*. Norman: University of Oklahoma Press, 1966.

Knaut, Andrew L. *The Pueblo Revolt of 1680: Conquest and Resistance in Seventeenth-Century New Mexico*. Norman: University of Oklahoma Press, 1995.

Lavrin, Asunción, ed. *Sexuality and Marriage in Colonial Latin America*. Lincoln: University of Nebraska Press, 1989.

Mannarelli, María Emma. *Private Passions and Public Sins: Men and Women in Seventeenth-Century Lima*. Diálogos. Albuquerque: University of New Mexico Press, 2007.

Martínez, María Elena. *Genealogical Fictions: Limpieza de Sangre, Religion, Andgender in Colonial Mexico*. Stanford: Stanford University Press, 2008.

Martinez-Alier, Verena. *Marriage, Class and Colour in Nineteenth-Century Cuba: A Study of Racial Attitudes and Sexual Values in a Slave Society*. Rep Sub edition. Ann Arbor: University of Michigan Press, 1989.

McCaa, R., S. B. Schwartz, and A. Grubessich. "Race and Class in Colonial Latin America: A Critique." *Comparative Studies in Society and History* 21, no. 3 (1979): 421–33.

McCaa, Robert. "Calidad, Clase, and Marriage in Colonial Mexico: The Case of Parral, 1788-90." *The Hispanic American Historical Review* 64, no. 3 (August 1, 1984): 477–501.

McCaa, Robert, and Mario Zamudio Vega. "Gustos de Los Padres, Inclinaciones de Los Novios Y Reglas de Una Feria Nupcial Colonial: Parral, 1770-1814." *Historia Mexicana* 40, no. 4 (April 1, 1991): 579–614.

Moorhead, Max L. *The Presidio: Bastion of the Spanish Borderlands*. Norman: University of Oklahoma Press, 1975.

Mörner, Magnus. *Race Mixture in the History of Latin America*. Boston: Little, Brown, 1967.

- Parma Cook, Alexandra, and Noble David Cook. *Good Faith and Truthful Ignorance: A Case of Transatlantic Bigamy*. Durham: Duke University Press, 1991.
- Powers, Karen Vieira. *Women in the Crucible of Conquest: The Gendered Genesis of Spanish American Society, 1500-1600*. Diálogos. Albuquerque: University of New Mexico Press, 2005.
- Roberts, David. *The Pueblo Revolt: The Secret Rebellion That Drove the Spaniards out of the Southwest*. New York: Simon & Schuster, 2004.
- Scott, Joan Wallach, ed. *Feminism and History*. Oxford Readings in Feminism. New York: Oxford University Press, 1996.
- Seed, Patricia. *To Love, Honor, and Obey in Colonial Mexico: Conflicts Over Marriage Choice, 1574-1821*. Stanford: Stanford University Press, 1988.
- . “Social Dimensions of Race: Mexico City, 1753.” *Hispanic American Historical Review* 62, no. 4 (November 1982): 569–606.
- Shorter, Edward. “Bastardy in South Germany: A Comment.” *The Journal of Interdisciplinary History* 8, no. 3 (January 1, 1978): 459–69.
- . “Illegitimacy, Sexual Revolution, and Social Change in Modern Europe.” *The Journal of Interdisciplinary History* 2, no. 2 (October 1, 1971): 237–72.
- Sicroff, Albert A. *Los Estatutos de Limpieza de Sangre: Controversias Entre los Siglos XV Y XVII*. Juan de La Cuesta Hispanic Monographs: Estudios Judeo-españoles “Samuel Armistead Y Joseph Silverman,” no. 6. Newark: Juan de la Cuesta, 2010.
- Stern, Steve J. *The Secret History of Gender: Women, Men, and Power in Late Colonial Mexico*. Chapel Hill: University of North Carolina Press, 1995.
- Stoler, Ann Laura. *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule*. Berkeley: University of California Press, 2002.
- Teja, Jesús F. de la. *San Antonio de Béxar: A Community on New Spain’s Northern Frontier*. 1st ed. Albuquerque: University of New Mexico, 1995.
- Teja, Jesús F. de la, and Ross Frank, eds. *Choice, Persuasion, and Coercion: Social Control on Spain’s North American Frontiers*. Albuquerque: University of New Mexico Press, 2005.
- Tilly, Louise A., Joan W. Scott, and Miriam Cohen. “Women’s Work and European Fertility Patterns.” *The Journal of Interdisciplinary History* 6, no. 3 (January 1, 1976): 447–76.
- Twinam, Ann. *Public Lives, Private Secrets: Gender, Honor, Sexuality, and Illegitimacy in Colonial Spanish America*. Stanford: Stanford University Press, 1999.

Valdés, Dennis Nodin. "The Decline of the Sociedad De Castas in Mexico City." Ph.D., University of Michigan, 1978.

Weber, David J., ed. *What Caused the Pueblo Revolt of 1680? Historians at Work*. Boston: Bedford/St. Martin's, 1999.

Wiesner-Hanks, Merry. *Christianity and Sexuality in the Early Modern World: Regulating Desire, Reforming Practice*. Christianity and Society in the Modern World. London ; New York: Routledge, 2000.