



AN ABSTRACT OF THE THESIS OF:

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Following a history of tensions surrounding concubinage in medieval and early modern Spain, the Church sought greater control of religious life, particularly over the sacrament of marriage, via the Holy Office of the Inquisition. The Church exercised its strengthened restrictions and prosecuted these relationships with more frequency, as did civil courts. Still, concubinage [termed '*amancebamiento*' within the archive] took place in many forms and with frequency throughout the viceregal period in New Spain. This calls into question whether public perceptions of sex and sexuality reflected those imposed by the Church. Using the lenses of colonialism, gossip, and narrative, this thesis will address the following concerns: Why did these relationships persist at the risk of prosecution? Who engaged in these types of relationships? How did the courts, including the Holy Office, prosecute these offenses? What social implications did *amancebados* face for their relationships? Did the Church seek to control viceregal sexuality or the propagation of dissident beliefs? Based on archival research conducted at the Archivo General de la Nación in Mexico City, this thesis argues that in spite of attempts to regulate sexuality throughout the viceroyalties, ecclesiastical rhetoric did not sexually suppress the viceregal populace, nor did it prevent lay interpretation of Catholic doctrine.

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*Mejor Amancebada que Mal Casada:*  
Rhetoric and Practice of Amancebamiento in Seventeenth-Century New Spain

by  
Aimee Hisey

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I understand that my thesis will become the permanent collection of Oregon State University Libraries. My signature below authorizes release of my thesis to any reader upon request.

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Aimee Hisey, Author

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For:

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and  
Josefa Ortiz

Your stories have changed my life.

## CHAPTER 01

### INTRODUCTION: DEFINING AMANCEBAMIENTO

*Mejor amancebada que mal casada.*

*It is better to live in sin than to be badly married.*<sup>1</sup>

*An early modern Spanish proverb*

*“...Y en fin en fin, mejor parece la hija mal casada que bien abarraganada.”*

*“...And when all is said and done, a daughter is better off badly married than happily kept.”*<sup>2</sup>

*Don Quixote, 1605*

Is it better to live in sin or to be badly married? Viceregal ecclesiastical rhetoric opposed sexual relations outside of marriage in New Spain, though it does not follow that viceregal practice of sexuality adhered to this rhetoric.<sup>3</sup> This thesis will examine both individuals who came before the Holy Office of the Spanish Inquisition for engaging in *amancebamiento* [concubinage] and individuals prosecuted for voicing that transgressions of *amancebamiento* did not constitute sin.

Based on archival research conducted at the Archivo General de la Nación in Mexico City, Mexico, I examine the ecclesiastical and inquisitional prosecution of these relationships within the context of the collision of the European and indigenous worlds. Before explaining my analytical framework, I start by defining *amancebamiento* for the purposes of this thesis. Between Spain and the New World, several definitions and interpretations exist for the relationships that constituted concubinage, or *amancebamiento*. The oldest definition for

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<sup>1</sup> An early modern Spanish saying.

<sup>2</sup> Spanish quotation: Miguel de Cervantes, *Don Quijote de la Mancha* (New York: Vintage Español, 2002), 575. English translation: Miguel de Cervantes, *Don Quixote*, ed. and trans. by Edith Grossman (New York: Harper Collins, 2003), 487.

<sup>3</sup> I define rhetoric as the hierarchical, discursive use of language by means of writing, speech, etc., used to impose or influence desired behavior or characteristics, on a given population.

amancebamiento, accessed via the Nuevo Tesoro Lexográfico, appears in 1607, simply as “cōcubinage, paillardise”, that is, concubinage or vulgarity.<sup>4</sup> The term *amancebada* first appears in 1617 in a Latin and Spanish vocabulary compendium, as a label less harsh than the formerly used *barragana* or *manceba*.<sup>5</sup> Barragana and manceba, which are defined as “puta” or whore, first appear in language dictionaries in 1495 and 1505.<sup>6</sup> By 1726, the definition of amancebamiento narrows to, “el trato y comunicación ilícita de hombre con mujer, haciendo dar de mano a amistades envejecidas y que muchos hiciesen confesiones generales [the illicit behavior and communication between a man and woman, bringing old friendships to an end, to which many confess].”<sup>7</sup> Nearly fifty years later, the definition included a reference to a length of time, “por largo tiempo [for some time].”<sup>8</sup> The evolution of definitions for amancebamiento indicates that these relationships became somewhat normalized or commonplace over time, no longer the illicit scandal their definition implied.<sup>9</sup>

Historians also vary in their own definitions of amancebamiento. Scott K. Taylor defines it as “a long-term, illicit sexual affair, usually involving the keeping of a mistress by a man and often involving cohabitation.”<sup>10</sup> Renato Barahona interprets the union as a “sexual relationship of

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<sup>4</sup> César Oudin, *Tesoro de las Dos Lenguas Francesa y Española* (Paris: Marcony, 1607), 40.

<sup>5</sup> John Minsheu, *Vocabularium Hispanicum Latinum Copiosissimum, Linguae Hispanica Etymologis* (London: Joannum Browne, 1617), 21.

<sup>6</sup> Antonio de Nebrija, *Vocabulario Español-Latino* (Salamanca: Impresor de la Gramatica Castellana, 1495), 27; see also, Fray Pedro de Alcalá, *Vocabulista Arávigo en Letra Castellana* (Granada: Juan Varela, 1505), 335.

Over time, the Holy Office prosecuted more cases of amancebamiento. This does not necessarily imply that viceregal inhabitants engaged in illicit relationships more often than in the past, rather that the Holy Office prosecuted the offense with more frequency.

<sup>7</sup> Real Academia Española, *Diccionario de la Lengua Castellana*, et. al. (Madrid: Imprenta de Francisco del Hierro, 1726), 258.

<sup>8</sup> Real Academia Española, *Diccionario de la Lengua Castellana* (Madrid: Joaquín Ibarra, 1770), 214.

<sup>9</sup> Robert McCaa, “Marriageways in Mexico and Spain, 1500-1900,” in *Continuity and Change*: vol. 09: 01 (1994), 18. McCaa’s stance on concubinage mirrors the changing definitions of the union.

<sup>10</sup> Scott K. Taylor, *Honor and Violence in Golden Age Spain* (New Haven: Yale University Press, 2008), 40.

some duration between single women and married men or clerics.”<sup>11</sup> Edward Behrend-Martinez interprets the practice as “a crime committed by two generally unmarried individuals who carried on a long-term public sexual relationship,” an explanation akin to cohabitation in today’s terms.<sup>12</sup> Eukene Lacarra Lanz notes that amancebamiento, also referred to as an ‘unión de barraganía,’ consisted of a relationship that could be “dissolved by mutual agreement in a public deed” where each partner could thereafter freely marry another.<sup>13</sup> Boyer, meanwhile, writes simply that amancebamiento “was an informal union deeply rooted in Hispanic popular culture and accepted to a degree in the Siete Partidas.”<sup>14</sup> Of these many definitions and interpretations, only the final two relate the relationship to the law.

Here, I define amancebamiento as the cohabitation and ensuing sexual relationship between two unmarried and unattached individuals. Inquisition cases from New Spain use the same general definition of amancebamiento, while cases involving adulterous, clerical, or incestuous concubinage are specifically labeled as such. When necessary, I will specify the same differentiations, as cases require.

Cases of amancebamiento often overlapped with cases of abduction, seduction, defloration, or even procuring and pandering. This happened for a number of reasons: either amancebamiento took place in conjunction with these inquisitional crimes, or it served as a

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<sup>11</sup> Renato Barahona, *Sex Crimes, Honour, and the Law in Early Modern Spain: Vizcaya, 1528-1735* (Toronto: University of Toronto Press, 2003), 159.

<sup>12</sup> Edward Behrend-Martinez, *Unfit for Marriage: Impotent Spouses on Trial in the Basque Region of Spain* (Reno: University of Nevada Press, 2007), 42.

<sup>13</sup> Eukene Lacarra Lanz, *Marriage and Sexuality in Medieval and Early Modern Iberia*, ed. by Eukene Lacarra Lanz (London: Routledge, 2002), 162-163.

<sup>14</sup> Richard Boyer, *Lives of the Bigamists: Marriage, Family, and Community in Colonial Mexico* (Albuquerque: University of New Mexico Press, 1995), 32.

“catch –all charge” for authorities in their efforts to regulate sexuality and thus maintain the authority of the Catholic Church.<sup>15</sup>

Given the broad and general definitions assigned to amancebamiento and its use as a blanket term by the Holy Office, many historians have addressed the practice in their scholarship, though typically no more than an article or a chapter at a time. Allyson Poska devotes a detailed chapter to the practice of amancebamiento (using the same definition employed herein), though she writes in reference to early modern Galicia.<sup>16</sup> Historian Renato Barahona also devotes a chapter to the practice, though his research in early modern Vizcaya reveals that amancebamiento in Spain held a much broader definition compared with New Spain where the term refers almost exclusively to cohabitation between unattached partners, unless otherwise noted.<sup>17</sup> Behrend-Martinez also discusses amancebamiento in the context of masculinity and inquisitional attempts to control male sexuality as well as that of females.<sup>18</sup> Maria Teresa Arias Bautista focuses on amancebamiento in the context of clerical concubinage in medieval Spain.<sup>19</sup> Nicolas Robins sheds light on the practice of concubinage in the eighteenth and nineteenth century Andean region of Peru.<sup>20</sup> Herman Bennett looks at amancebamiento pertaining to the African and *mulato* population in New Spain, though Bennett’s analysis

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<sup>15</sup> Edward Behrend-Martinez, “‘Taming Don Juan’: Limiting Masculine Sexuality in Counter-Reformation Spain,” in *Gender and History*: vol. 24: 02 (2012), 338, 341. Behrend-Martinez elaborates on the ways in which the Holy Office used *amancebamiento* as a blanket charge as a means of controlling masculine sexuality.

<sup>16</sup> Allyson Poska, *Women and Authority in Early Modern Spain: The Peasants of Galicia* (Oxford: Oxford University Press, 2005), chapter 03.

<sup>17</sup> Barahona, 95.

<sup>18</sup> Behrend-Martinez, “Taming Don Juan,” 333-352.

<sup>19</sup> María Teresa Arias Bautista, *Barraganas y Concubinas en la España Medieval*, (Seville: Arcibel, 2010).

<sup>20</sup> Nicolas A Robins, *Of Love and Loathing: Marital Life, Strife, and Intimacy in the Colonial Andes, 1750-1825* (Lincoln: University of Nebraska Press, 2015), chapter 01.



generalizes the effects of Christianization and conquest on the consciousness of Blacks in New Spain too much to rely on for this research.<sup>21</sup> While Bennett contends that fear of eternal hell and damnation prompted plebeian blacks or mulattos to marry, I argue that it is more likely that general and ecclesiastical mores simply did not align, and that plebeians cared little for Church rules governing sexuality.<sup>22</sup> It is also more likely that these couples married only when prosecuted because the Church required them to do so.<sup>23</sup> Stuart B. Schwartz details the prevalent belief in the possibility of salvation in spite of certain sins of the flesh. Schwartz examines the other monotheistic faiths of early modern Spain: Islam and Judaism in his analysis as well, though Schwartz's colonial focus pertains to Brazil more than it does to New Spain.<sup>24</sup>

In my own research, I have yet to encounter a work that delves into amancebamiento within viceregal New Spain which uses this precise definition together with research of cases against those who spoke out against its scriptural definition of sin. The examination of both types of cases herein will provide both micro and macro analyses, and thus a more comprehensive understanding of discourses of colonialism and surveillance.<sup>25</sup>

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<sup>21</sup> Herman Bennett, *Colonial Blackness: A History of Afro-Mexico* (Bloomington: Indiana University Press, 2009), 63.

<sup>22</sup> See Stuart Schwartz, Asunción Lavrin, Renato Barahona, and almost any other author writing on colonial expressions of sexuality.

<sup>23</sup> See Richard Boyer and Ann Twinam.

<sup>24</sup> Stuart B Schwartz, *All Can Be Saved: Religious Tolerance and Salvation in the Iberian Atlantic World* (New Haven: Yale University Press, 2008).

<sup>25</sup> Franz Boas, "History and Science in Anthropology: A Reply," in *Race, Language, and Culture*, ed. by Franz Boas (Chicago: University of Chicago Press, 1936), 310-311; Eric Wolf, "Culture: Panacea or Problem?," in *American Antiquity*: vol. 49: 2 (1984), 396.

Franz Boas advocated a micro/local approach to cultural study, wherein cultural practices are understandable only in the context of that specific culture. On the other hand, Eric Wolf advocated a macro/global approach to cultural study, wherein social, economical, and political forces are taken into context when studying a specific culture.

The second chapter of this work will focus on the historiography of social factors which contributed to the regulation and public perceptions of amancebamiento. This chapter will also trace the changing perceptions of gender and honor from early modern sources to recent scholarship. These sources cover: marriage, male and female honor, perceptions of men and women, the stigma of single women, the creation of narratives within the archives, sexuality, morality, and sin. This historiographical review will also weigh in on the debate surrounding scholarship of the Mediterranean Honor Code and its validity as a research bias.

The third chapter thoroughly outlines the frameworks and methodologies used for analysis of my archival research, beginning with the civil and canonical legal precedents which led to inquisitional prosecution of amancebamiento. I examine the theoretical framework of gossip, the means by which conversation led to accusation or denunciation and ultimately to testimony. I use the lenses of colonialism and creation of narratives before the court in this analysis. In order to illustrate the relationship between Inquisition cases pertaining to amancebamiento and the discourse of ecclesiastical authority, I employ an analytical framework based on cultural values in the context of the colonial collision of these worlds.<sup>26</sup> I take into account the legal histories which precipitated the prosecution of illicit unions in both canon and civil law. From there, I examine the hegemonic discourse employed by both the Spanish colonial and ecclesiastical powers and the ways in which this discourse succeeded or failed in suppressing

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<sup>26</sup> I define cultures as acquired patterns of behavior and thought which include but are not limited to: traditions, spirituality, healing practices, institutions, philosophies, ideologies, etc. See: Clifford Geertz, "Thick Description: Toward an Interpretive Theory of Culture," in *The Interpretation of Cultures*, edited by Clifford Geertz (New York: Basic Books, 1973), 3-30. Geertz contends that understanding of another culture is an act of interpretation which places a given culture, act, or event into specific local contexts in which it is meaningful.

deviant thoughts or expressions which called ecclesiastical authority into question.<sup>27</sup> Finally, I use the theoretical postulations of Natalie Zemon Davis and Hayden White, in which testimonies within archival cases serve as the creation of personal narratives. These narratives result from careful planning on the teller's part and are designed to influence favorable outcomes in the cases against them. I evaluate whether this strategy swayed the determination of the court.

The fourth chapter of this thesis examines my selected archival cases from the National Archive in Mexico City. The majority of these cases are from the Inquisition during the seventeenth-century, though others took place before criminal courts during the same time period. Among others, I focus on the cases against Alonso Meléndez and Catalina Rodríguez and on the case against Luis Martín Vaquero. I incorporate both emic and etic analyses in order to provide a comprehensive understanding of the discourses at work in ecclesiastical regulation of sexuality in New Spain.

The final chapter discusses my archival research findings elaborated upon in chapter four, with scholarship and theoretical framework to shape my analysis of the aforementioned cases. Why did amancebamiento persist at the risk of civil or ecclesiastical intervention? How did viceregal inhabitants defend themselves against these accusations? Why did so many couples decide not to marry? What consequences did they face if caught? I address these questions before reflecting on the changing perceptions of amancebamiento through the viceregal period and into the era of independence, I conclude my analysis with remarks on the success of ecclesiastical and inquisitional rhetoric in suppressing viceregal sexuality and therein lay interpretation of canon law.

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<sup>27</sup> For the purposes of this research, I define discourse as the power structures which govern social life in a given context.

## CHAPTER 02

HISTORIOGRAPHY OF MARRIAGE AND SEXUALITY:  
PERCEPTIONS, ASSUMPTIONS, AND REALITIES

*Es de vidrio la mujer;  
pero no se ha de probar  
si se puede o no quebrar  
porque todo podría ser.  
Y es más fácil el quebrarse,  
y no es cordura ponerse  
a peligro de romperse  
lo que no puede soldarse...*

*Woman is made of fragile glass;  
but do not put her to the test  
to see if she will break,  
for that might come to pass.  
She is too apt to shatter,  
and wisdom is surely ended  
if what can ne'er be mended  
is put in the way of danger...<sup>28</sup>*

*Don Quixote, 1605*

Miguel de Cervantes Saavedra's verses reflect some early modern perceptions of women but ecclesiastical and lay perceptions varied greatly and often contradicted one another. The laity did not always put into practice the rhetoric and regulations set forth by civil or ecclesiastical establishments. This chapter will present the changing historiography of gender, honor, the creation of judicial narratives, marriage, sexuality and morality, and lay interpretation of Church doctrine.

**Early Modern Sources**

Cervantes' *Don Quixote* reveals satiric perceptions of gender and honor within the context of the seventeenth century. The excerpt cited above demonstrates a generalized perception of women and their assumed weaknesses. In this context, Lotario seeks to test his wife Camila's honor by enlisting his friend Anselmo to attempt to seduce her. Lotario convinces himself that this test will "reveal the worth of her [Camila's] virtue".<sup>29</sup> After Lotario leaves town,

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<sup>28</sup> Cervantes, *Don Quijote de la Mancha*, 350; Cervantes, *Don Quixote*, ed. and trans. by Edith Grossman, 281.

<sup>29</sup> Cervantes, *Don Quijote de la Mancha*, 344-345; Cervantes, *Don Quixote*, ed. and trans. by Edith Grossman, 275.

Anselmo proceeds to tempt Camila. Ultimately, Camila gives in to Anselmo's advances after initial refusals, as she must, to illustrate Cervantes' point. He argues that the only way to conquer temptation and passion is to flee it, because a woman who fights such desires will lose.

Ejemplo claro que nos muestra que solo se vence la pasión amorosa con huilla, y que nadie se ha de poner abrazos con tan poderoso enemigo, porque es menester fuerzas divinas para vencer las suyas humanas.

A clear example demonstrating that the only way to defeat the amorous passion is to flee it, that no one should attempt to struggle against so powerful an enemy because divine forces are needed to vanquish its human ones.<sup>30</sup>

Cervantes voices the idea that men must control feminine sexuality. Viewed as flighty and unpredictable creatures, women needed controlling within the confines of marriage to prevent and resist temptations which might compromise her own reputation and honor, or that of her husband or family. This perception of women persisted within the Church throughout the early modern and viceregal Spanish world, and aligns with the gendered ideology of the dualism of mind and body wherein men lead with their minds and women with their bodies. According to Cervantes, "A woman naturally has a quicker wit for both good and evil than a man, though it tends to fail her when she embarks on any kind of deliberate reasoning."<sup>31</sup> Thus, man resides with the mind, with humanity, and with civilization while woman resides with the body, with nature, and with barbarism. Being ruled by nature, and thus emotion and spirituality, a woman is prone to lustful temptation and passion. This historiography reaffirms this dualism.

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<sup>30</sup> Cervantes, *Don Quijote de la Mancha*, 359; Cervantes, *Don Quixote*, ed. and trans. by Edith Grossman, 290.

<sup>31</sup> Cervantes, *Don Quijote de la Mancha*, 367; Cervantes, *Don Quixote*, ed. and trans. by Edith Grossman, 298.

Early modern Spanish authors Juan Luis Vives and Fray Luis de León asserted that perhaps the best way to control a woman's lust and temptations was to bind her to a man.<sup>32</sup> Given that western morality is based upon sacred texts and Catholic doctrine drew its teachings from both scripture and apostolic credo, this association could trace back to the scriptures of Genesis and the creation of Eve from Adam's rib:<sup>33</sup>

<sup>18</sup> The LORD God said, "It is not good for the man to be alone. I will make a helper suitable for him."

<sup>19</sup> Now the LORD God had formed out of the ground all the wild animals and all the birds in the sky. He brought them to the man to see what he would name them; and whatever the man called each living creature, that was its name.

<sup>20</sup> So the man gave names to all the livestock, the birds in the sky and all the wild animals. But for Adam no suitable helper was found.

<sup>21</sup> So the LORD God caused the man to fall into a deep sleep; and while he was sleeping, he took one of the man's ribs and then closed up the place with flesh.

<sup>22</sup> Then the LORD God made a woman from the rib he had taken out of the man, and he brought her to the man.

<sup>23</sup> The man said,

"This is now bone of my bones  
and flesh of my flesh;  
she shall be called 'woman,'  
for she was taken out of man."

<sup>24</sup> That is why a man leaves his father and mother and is united to his wife, and they become one flesh.<sup>34</sup>

If a woman needed to be associated with a man in some way to possess honor, what of the single woman? From where did she get her own honor? Vives and León would have us believe that,

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<sup>32</sup> Fray Luis de León: Augustinian Friar, theologian, and author, 1527-1591<sub>CE</sub>. Juan Luis Vives: Valencian scholar and humanist, 1493-1540<sub>CE</sub>.

<sup>33</sup> James C Cavendish, "The Vatican and the Laity: Diverging Paths in Catholic Understanding of Sexuality," in *Sexuality and the World's Religions*, ed. by David W. Machaeck and Melissa M. Wilcox, (Santa Barbara: ABC CLIO, 2003), 208.

<sup>34</sup> Genesis 2 : 8-24.

Thank you to Kasey Clay for this scriptural note and feedback.

“women were born to be wives and mothers.” A woman who mothered without being a wife or even a spinster was a woman who committed a “crime against the human race.”<sup>35</sup>

Thus, according to the ecclesiastical perspective, a woman’s honor lay in guarding her sexuality: her chastity controlled by her father, and her virtue controlled by her husband. In this view, a woman’s sexuality contained the entirety of her honor and shaped that of her husband and family as well. Given the expectations of control over the women in his house, a man’s honor could be shaped by the chastity and social reputations of his wife and daughters.<sup>36</sup> León’s *La Perfecta Casada* defines a woman’s role within Christian marriage:

El ser honesta una mujer no se cuenta ni debe contar entre las partes de que esta perfección se compone, sino antes es como el sujeto sobre el cual todo este edificio se funda, y, para decirlo en una palabra, es como el ser y la substancia de la casada; porque, si no tiene esto, no es ya mujer, sino alevosa ramera y vivísimo cieno, y basura la más hedionda de todas y la más despreciada.

A woman’s chastity is not counted, nor should it be counted, as one of the qualities of which perfection consists, rather it is the basis upon which the whole edifice [of the perfect wife] is founded and, in short, it is the very being and substance of the wife, because, if she does not possess this, she is no longer a married woman but a perfidious harlot and the dirtiest mud, and the most foul-smelling and repulsive dirt.<sup>37</sup>

Vives echoes this sentiment asking, “what will be the sorrow of her relatives when they sense that they are all dishonored because of the base conduct of one girl?”<sup>38</sup>

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<sup>35</sup> Silvia Marina Arrom, *The Women of Mexico City, 1790-1857* (Stanford: Stanford University Press, 1985), 139.

<sup>36</sup> 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: Sex, Shame, and Violence in Colonial Latin America*, ed. by Lyman L. Johnson and Sonya Lipsett-Rivera (Albuquerque: University of New Mexico Press, 1998), 145.

<sup>37</sup> Fray Luis de León, *A Bilingual edition of Fray Luis de León’s ‘La Perfecta Casada’: The Role of Married Women in Sixteenth-Century Spain*, ed. and trans. by John A. Jones and Javier San José Lera (Lewiston: The Edwin Mellen Press, 1999), 40-41.

<sup>38</sup> Juan Luis Vives, *The Education of a Christian Woman: A Sixteenth-Century Manual*, ed. and trans. by Charles Fantazzi (Chicago: University of Chicago Press, 2000), 83. Vives dedicated this work to Catherine of Aragon, daughter of Ferdinand and Isabel of Spain and wife of Henry VIII of England, he intended the manual as a guidebook for her daughter, Princess Mary, later Mary I of England.

Contrary to popular belief, these early modern sources do *not* depict daily life as it happened during the sixteenth and seventeenth centuries. As a satirical novelist, Cervantes presents the ironies of everyday life in this context. As members of the ecclesiastic hierarchy, Vives and León illustrate the proscriptive expectations that the Church placed on women's behavior. These perspectives do *not* reflect the rules or laws imposed by the state, rather they serve as misogynistic reactions to perceived uncontrolled gender and disorder in early modern Spain. These works demonstrate an ecclesiastical wish to control feminine sexuality, while in reality they proved a futile gesture.

### **Twentieth Century Sources: 1970s—mid-1980s**

Due to their literary value and influence, early modern sources influenced much of the research concerning gender and honor well into the twentieth century. By the mid-twentieth century, the anthropology of the early modern Mediterranean honor code rose to prominence and defined honor differently for men and women. What made a man honorable? Early honor code anthropology centralized honor and shame as the pillars of early modern Spanish society. Stanley Brandes writes of honor and shame as a syndrome wherein masculinity constitutes “an inescapable part” of the values of the Mediterranean.<sup>39</sup> Brandes’ work embraces the gendered stereotype of the Mediterranean Honor code, he writes:

As we have seen from the analysis of speech metaphors, men perceive themselves to be creatures of nature, governed by their special physical attributes, which occasionally impel them to act impulsively and contrary to normal role expectations. This perception, shared by society as a whole, implicitly sanctions male erratic behavior and provides a convenient explanation for socially irresponsible actions. The metaphors promote a conception of masculinity as acultural; men, to express their sexual identity, are compelled occasionally to burst out of routine social and cultural constraints. By submitting to their supposedly natural inclinations—or by speaking as if such submission

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<sup>39</sup> Stanley Brandes, “Reflections on Honor and Shame in the Mediterranean,” in *Honor and Shame and the Unity of the Mediterranean*, ed. by David D. Gilmore (Washington, District of Colombia: American Anthropological Association, 1987), 121-122.



is normal for any man—they can free themselves of guilt for otherwise deviant thoughts and actions. They thereby achieve a sense of personal autonomy, of freedom from socially as well as personally imposed rules, that they would deny to women.<sup>40</sup>

This generalization of a gender or culture as a whole contributes to racist stereotypes, primarily machismo, which negatively portrays men of Mediterranean and Latin American cultures as ruled by their unleashed temper and emotions and driven by insatiable sexual desire. David D. Gilmore writes of honor as a “cultural displacement for powerful aggressive energies which might otherwise explode into open hostilities,” thus stereotyping the temperament of Spanish men. Gilmore continues in this vein and argues that honor itself has a dualism of its own. An honor of position [material possessions, etc.] exists in conjunction with a moral honor which encompasses the respect of one’s peers and reputation. In this sense, according to Gilmore, some aspects of honor are fixed while others are malleable.<sup>41</sup> Much like early modern sources, this anthropological approach also emphasizes male control over female sexuality.

In Mediterranean literature, the “outsider” quality of this imagery is exaggerated by a powerful quantity of male anxiety and fear about an ungovernable female sexuality. Women are repeatedly portrayed through male eyes as a threat, a symbol of disorder and chaos. Woman is *fitna*, the polarization of the uncontrollable.<sup>42</sup>

At this time, we also see an anthropology of the gender dualism mentioned in the previous section. Sherry Ortner cites the physiological contrast between men and women as the rationale for this gender binary.<sup>43</sup> She writes,

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<sup>40</sup> Stanley Brandes, *Metaphors of Masculinity: Sex and Status in Andalusian Folklore* (Philadelphia: University of Pennsylvania Press, 1980), 209-210.

<sup>41</sup> David D. Gilmore, “Anthropology of the Mediterranean Area,” in *Annual Review of Anthropology*: vol. 11: 1 (1982), 191. For other sources pertaining to anthropology of the Mediterranean honor code, see: Jane Schneider, “Of Vigilance and Virgins: Honor, Shame, and Access to Resources in Mediterranean Societies,” in *Ethnology*: vol. 10: 1 (1971), 1-24; David D. Gilmore, ed., *Honor and Shame and the Unity of the Mediterranean* (Washington D.C.: American Anthropological Association, 1987).

<sup>42</sup> Gilmore, “Anthropology of the Mediterranean Area,” 195.

<sup>43</sup> Sherry B. Ortner, “Is Female to Male as Nature is to Culture?,” in *Woman, Culture, and Society*, ed. by Michelle Zimbalist Rosado and Louise Lamphere (Stanford: Stanford University Press, 1974), 73-74.

In other words, woman's body seems to doom her to mere reproduction of life; the male, in contrast, lacking natural creative functions, must (or has the opportunity to) exert his creativity externally, 'artificially,' through the medium of technology and symbols. In doing so, he creates relatively lasting, eternal, transcendent objects, while the woman creates only perishables—human beings.<sup>44</sup>

Ortner's analysis outlines the dualism which characterizes rhetoric imposed by the Church during the seventeenth century. This dualism also extends to the gendered practices of colonialism discussed in the following chapter. Contrarily, Gilmore and early anthropologists of the Mediterranean honor code impose this anachronistic, twentieth-century lens in their analysis of seventeenth-century society. This framework demonstrates an anti-Spanish sentiment characteristic of the north Atlantic narrative of progress and civility, which favor northern European histories, achievements, and colonization efforts. These sources merely replicate early modern biases within the twentieth century. My own research reveals that honor consisted of more than shame and virtue, especially in regards to women. As the 1980s give way to the 1990s, historical research shifts away from these stereotypical analyses and moves toward contextually appropriate research and evaluation.

### **Twentieth Century Sources: Late 1980s-1990s**

Two historians in particular shape the developing historiography of archival research and Latin America. Their approaches persist and remain relevant for historical analysis and scholarship today. Natalie Zemon Davis writes of the creation of narratives before the court which sought to influence favorable outcomes for the defendants involved.<sup>45</sup> Davis outlines the pattern these narratives follow, which entail claims of innocence, religious piety, and moral character all designed to encourage leniency or dismissal of charges and wrongdoing. This

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<sup>44</sup> Ibid, 75.

<sup>45</sup> Davis, 03-04.

research approach is particularly applicable in Inquisition cases in New Spain. Seventeenth-century inquisition cases offer a glimpse into the ways in which women in particular used generalized perceptions of honor and feeble-mindedness to their advantage. Owing to their perceived lack of reason and proclivity toward sin, the court often showed leniency where women were concerned, thus women created their own narratives emphasizing these shortcomings in order to create a favorable outcome for their cases either as plaintiff or as defendant. Davis' approach and methodology influences scholarship to the present.

Within the discipline of Latin American history, Asunción Lavrin's edited volume on marriage and sexuality also continues to influence scholarship in the field. Lavrin's work divorces itself from the racist, anti-Spanish stereotypes which characterized the twentieth century into the 1970s and early 1980s. Lavrin writes that the Church considered sinfulness an inherent characteristic of women.<sup>46</sup> The Church hoped to solidify female submission to male authority via marriage. The Council of Trent (1545-1563<sub>CE</sub>) brought marriage, along with all religious life entirely under Church control. From this point forward, the Church mandated that physical expression take place only within valid marriages, that is a union over which a priest presided following a requisite number of readings of the banns, to be discussed in the following chapter.<sup>47</sup> Apart from enabling the regulation of sexual relationships outside of marriage, this ruling also sought to regulate female sexuality as a whole and therein, as I will demonstrate, maintain the authority of the Church in the viceregal world. Lavrin acknowledges that both Church and state within Spain had vested interests in the establishment of marriage as a sacrament.<sup>48</sup> Prior to the

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<sup>46</sup> Asunción Lavrin, "Sexuality in Colonial Mexico: A Church Dilemma," in *Sexuality and Marriage in Colonial Latin America*, ed. by Asunción Lavrin (Lincoln: University of Nebraska Press, 1989), 65.

<sup>47</sup> *Ibid.*, 72-73.

<sup>48</sup> Asunción Lavrin, "Introduction," in *Sexuality and Marriage in Colonial Latin America*, ed. by Asunción Lavrin (Lincoln: University of Nebraska Press, 1989), 03.

Council of Trent, marriage consisted of a socially acknowledged sexual cohabitation that required no ceremony and could end any time without question. Following Trent, the Church regulated unions of marriage. The state sought ecclesiastical regulation of marriage for inheritance reasons. Children born into legitimate marital unions could inherit land, titles, and wealth whereas those born of illegitimate unions could not. The establishment of a sanctioned union reduced the need for crown or state intervention in inheritance disputes. On the other hand, the Church had a greater interest in establishing marriage as a sacrament. It sought to,

...place all actions expressing sexuality within a teleological objective: the salvation of the soul. Ecclesiastical scrutiny, therefore, was more comprehensive than that of the state and more intrusive of individual privacy, as it defined the proper engagement rituals and religious taboos of affinity and kinship.<sup>49</sup>

Serge Gruzinski writes that the Church needed the establishment of a sacramental union in order to “remedy the lewdness of the flesh.”<sup>50</sup> Unfortunately, as Thomas Calvo reminds us, marriage provided no guarantee of affection, happiness, or even stability.<sup>51</sup> In spite of ecclesiastical attempts to regulate sexuality in Spain and within the viceroyalties, Lavrin cites case studies of countless viceregal inhabitants to prove that sexual expression took many forms outside of the sacrament of marriage.<sup>52</sup> While ecclesiastical rhetoric emphasized legitimate physical love within marital unions, sticking points remained when it came to pleasure. Since sex served procreational purposes only, Lavrin found that the laity questioned whether husband and wife could take

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<sup>49</sup> Ibid.

<sup>50</sup> Serge Gruzinski, “Individualization and Acculturation: Confession among the Nahuas of Mexico from the Sixteenth to the Eighteenth Century,” in *Sexuality and Marriage in Colonial Latin America*, ed. by Asunción Lavrin (Lincoln: University of Nebraska Press, 1989) 100-101.

<sup>51</sup> Thomas Calvo, “The Warmth of the Hearth: Seventeenth-Century Guadalajara Families,” in *Sexuality and Marriage in Colonial Latin America*, ed. by Asunción Lavrin (Lincoln: University of Nebraska Press, 1989), 305.

<sup>52</sup> Lavrin, “Introduction,” 02.

pleasure in the act given their matrimonial status.<sup>53</sup> The ecclesiastical rhetoric did not always align with more widely held social mores or values.

Interpretations of women also shift during this historiographical period. Silvia Marina Arrom sheds light on the single woman who challenged the moral rhetoric imposed by early modern authors like León and Vives. Arrom argues that the terminology used to describe single women—*la mujer soltera*—implied freedom with a negative connotation given that authorities feared what women could do given too much freedom.<sup>54</sup> This analysis calls out the gender biases that characterize ecclesiastical rhetoric in the viceregal era.

Lavrin's groundbreaking edited volume influenced another, released a decade later. Lyman L Johnson and Sonya Lipsett-Rivera emphasize the study of honor given the new research methodologies of Davis and Lavrin. Geoffrey Spurling contends that the concept of honor "centered on unequal (but often contested) ties between men and women, with marriage and family as key concerns."<sup>55</sup> This analysis divorces itself from the early anthropology of the honor code which emphasizes primarily sexuality as determining honor and status for both men and women. Ann Twinam further changes the landscape of honor scholarship as the twentieth century comes to a close. Twinam's work postulates the elasticity of honor and the public and private duality of its entity. She elaborates that honor encompassed more than masculinity or virility, especially for men. In fact, Twinam's seventeenth-century inquisition cases shed light on

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<sup>53</sup> Lavrin, "Sexuality in Colonial Mexico," 72-73.

<sup>54</sup> Silvia Marina Arrom, *The Women of Mexico City, 1790-1857* (Stanford: Stanford University Press, 1985), 264.

<sup>55</sup> Geoffrey Spurling, "Honor, Sexuality, and the Colonial Church: The Sins of Dr. González, Cathedral Canon," 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), 45.

the fact that male honor encompassed other factors, including: “sex, husband-hood, and fatherhood”.<sup>56</sup>

Matthew C. Gutmann challenges Brandes’ findings regarding honor through a number of ethnographies which focus on working class urban and rural populations in the twentieth century, with foundations in the viceregal period. Gutmann “uncovers the complex negotiations of sexual politics as men and women respond to social forces in Mexico and beyond.”<sup>57</sup>

This historiographical time frame also emphasized interpretation of doctrine by the laity. According to Lavrin, the Church detailed seven different manifestations of lust: fornication, adultery, incest, rape, abduction, *contra natura* [acts against nature], and sacrilege; and three sins against nature: masturbation, sodomy, and bestiality.<sup>58</sup> Viceregal inhabitants sometimes questioned these acts and whether they constituted sin, believing some to be less harmful than others, in particular fornication or amancebamiento. Ruth Mazo Karras contends that fornication [in this context, sexual relationships between unmarried partners] was perceived as the least of these sins.<sup>59</sup> The laity argued that sex could not be a sin if God commanded that people should ‘be fruitful and multiply,’ and that simple fornication protected the populace from greater sins like bestiality. Many accused of amancebamiento used these interpretations as their defense in the cases brought against them.<sup>60</sup> These differing interpretations of sin left the Church and many

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<sup>56</sup> Ann Twinam, *Public Lives, Private Secrets: Gender, Honor, Sexuality, and Illegitimacy in Colonial Spanish America* (Stanford: Stanford University Press, 1999), 33.

<sup>57</sup> See Matthew C. Gutmann, *The Meanings of Macho: Being a Man in Mexico City* (Berkeley: University of California Press, 1996). Thank you to Professor Fina Carpena-Mendez for her reminder of this invaluable anthropological source.

<sup>58</sup> Lavrin, 50-51.

<sup>59</sup> Ruth Mazo Karras, “Sex and the Single Woman,” in *Singlewomen of the European Past, 1250-1800*, ed. by Judith M Bennett and Amy M Froide (Philadelphia: University of Pennsylvania Press, 1999), 129.

<sup>60</sup> Genesis 1: 28; Alain Saint-Saëns, “It Is Not a Sin!” Making Love According to the Spaniards in Early Modern Spain,” in *Sex and Love in Golden Age Spain*, ed. by Alain Saint-Saëns (New Orleans: University Press of the South, 1996), 15, 23; Schwartz, 33.

of its followers on different sides when it came to the issue of amancebamiento. While the Church emphasized “restraint and control over release and fulfillment,” many viceregal inhabitants believed that God simply did not punish simple fornication.<sup>61</sup> According to Alain Saint-Saëns, in defense of other illicit sexual acts, some court cases reveal that early modern Spaniards believed sex was not a sin if it were purchased, or that adultery was not a sin if one’s spouse were in another town.<sup>62</sup> Lay interpretation of Church doctrine did not mirror the ecclesiastical rhetoric imposed by the Inquisition.

The historiography of the twentieth century gave rise to new twenty-first century emphases on research and analysis within contextually appropriate frameworks.

### **Twenty-first Century Sources: 2000s – Present**

Twenty-first century scholarship on honor continues to expand its meaning and divergence from the oversimplified, stereotyped early anthropology of the subject. Ana María Alonso contends that the “natural qualities, valor, virility, autonomy, and mastery” characterized honor in Spanish America.<sup>63</sup> Renato Barahona went further, saying that we know what honor is not more than we can define what it is.<sup>64</sup> Scott K. Taylor compounded the changes in honor scholarship in his 2008 work. Taylor provides a detailed debate over the origins of the honor code and the dissatisfaction with its attribution to Spanish Culture harbored by both historians and anthropologists from Spain and surrounding cultures, particularly the honor code as the root

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<sup>61</sup> Lavrin, “Sexuality in Colonial Mexico,” 52; Schwartz, 27, 31, 53.

<sup>62</sup> Saint Saëns, “It Is Not a Sin!,” 17-18.

<sup>63</sup> Ana María Alonso, “‘What the Strong Owe to the Weak’: Rationality, Domestic Violence, and Governmentality in Nineteenth-Century Mexico,” in *Gender’s Place: Feminist Anthropologies of Latin America*, ed. by Rosario Montoya, Lessie Jo Frazier, and Janise Hurtig (New York: Palgrave MacMillan, 2002), 121.

<sup>64</sup> Barahona, 120.

of the racist stereotypes of *machismo*.<sup>65</sup> He argues that twentieth century generalizations pertaining to honor do not acknowledge the social contexts of the early modern period and do little to support the analysis of the seventeenth century.<sup>66</sup> According to Taylor, whatever a man chose to defend in the name of honor, comprised the most important aspect of his honor at that point in time.<sup>67</sup> Taylor tells us that honor is received via respect from others. Honor is not constant; it can be earned or changed and it can grow in esteem or diminish.

Both Taylor and Allyson Poska elaborated upon women's honor during the early modern period as well. Contrary to ecclesiastical rhetoric, a woman's honor consisted of much more than chastity or virtue. Poska's research on early modern Galicia reveals that a woman's honor encompassed, "one's own articulation of one's behavior and one's interactions with the community." While the Church, the male elite, and early modern intellectuals valued chastity more reverently, the majority of the laity took other factors into consideration regarding honor.<sup>68</sup> The early modern gendered stereotype of female characteristics and behavior, termed *marianismo*, emphasizes female chastity and reverence for the Virgin Mary. Taylor seconds Poska's assertion, arguing that a woman's honor reflected her behavior within a number of social roles and situations. Ultimately, he argues, "sex does not deserve the unique [exclusive] place that the traditional understanding of the honor code accords it."<sup>69</sup> In fact, contrary to the writings of Vives and León that women, especially maidens, should rarely leave the house for fear of compromising their honor, Nicole von Germeten contends that viceregal women were not so

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<sup>65</sup> Taylor, 06.

<sup>66</sup> Ibid, 05.

<sup>67</sup> Ibid, 151, 153.

<sup>68</sup> Poska, *Women and Authority in Early Modern Spain*, 7, 107.

<sup>69</sup> Taylor, 177, 189.



secluded or jealously guarded as early modern literature suggests.<sup>70</sup> Poska portrays early modern Galician women as independent and willing to claim their rights before the court, whether in cases of defloration, abandonment, dowry, or annulment. Poska's cases illustrate that women sought financial recompense rather than enforcement of marriage vows or promise of marriage, preferring an independent life as a single women or mother rather than a dependent life as a wife.<sup>71</sup> Exertions of agency and of power came from single, attached, and married women alike.

Single women and their sexuality receive more attention in twenty-first century scholarship. Because of ecclesiastical rhetoric, female sexuality could be problematic, especially if illicit relationships resulted in illegitimate offspring, to be discussed in the final chapter. Single women did not fit the gender molds of the early modern Spanish system, according to Marie Kelleher. In this sense, the single woman posed a threat to marital order and male control, this often classified them as deviants.<sup>72</sup> Germeten echoes these sentiments citing linguistic connotations pertaining to single women. Whereas *doncella* referred to an honorable, chaste, and virtuous woman, *soltera* [single, unmarried, unattached] implied a history of sexual activity.<sup>73</sup>

Edward Behrend-Martinez outlines the gendered stereotypes that male behavior and masculinity encountered as well. Behrend-Martinez writes that Tridentine reforms served to control male sexuality as much as that of females because men made up the vast majority of those prosecuted for "bigamy, fornication, solicitation of confessants, sodomy, bestiality, and adultery," by the Holy Office of the Inquisition. The Inquisition sought to control male sexuality

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<sup>70</sup> Vives, 287-296; León, 78-81, 179-183; Nicole von Germeten, *Violent Delights, Violent Ends: Sex, Race, and Honor in Colonial Cartagena de Indias* (Albuquerque: University of New Mexico Press, 2013), 91.

<sup>71</sup> Poska, 88-89.

<sup>72</sup> Marie Kelleher, *The Measure of Woman: Law and Female Identity in the Crown of Aragon* (Philadelphia: University of Pennsylvania Press, 2010), 98-99, 102.

<sup>73</sup> Germeten, 180.

owing to the “crisis of masculinity” in which men strove to establish their masculinity out of fear of appearing effeminate. This display of masculinity, often stereotyped as *machismo* took place through sexual promiscuity.<sup>74</sup> Christian Berco also writes of the hyper-masculinity within early modern Spanish society. He emphasizes the active/passive dichotomy which existed in male sexual roles. According to Berco, this cultural construct portrays any male passivity as effeminate or emasculated and therefore devoid of masculinity. In spite of their generalizing nature, Berco contends that these gender perceptions and assumptions helped to maintain early modern [and therein viceregal] social hierarchies.<sup>75</sup>

The Church’s stance on sex within marriage broadened with James Cavendish’s examination of sexuality within Catholicism. In fact, he writes that the Church emphasized the exercise of sexuality as a responsibility. Procreation served as the “responsible stewardship of the gift God has given to humanity.” The same could not be said for pleasure, in fact, any pleasure gained or experienced from the act constituted a sin reminiscent of Eve’s original sin in the Garden of Eden.<sup>76</sup>

According to Stuart Schwartz, the colonial collision of cultures in New Spain provided a new context for the expression of sexuality and evolving sexual ideals, which led to questions about Catholic dogma and ecclesiastical stances on illicit sexuality.<sup>77</sup> Cavendish notes a long-standing divergence between Catholic doctrine and practice within the faith.<sup>78</sup> Regarding amancebamiento in particular, many argued that the practice was so common that it could be

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<sup>74</sup> Behrend-Martinez, “Taming Don Juan,” 334-346.

<sup>75</sup> Christian Berco, *Sexual Hierarchies, Public Status: Men, Sodomy, and Society in Spain’s Golden Age* (Toronto: University of Toronto Press, 2007), 29-30, 23, 33.

<sup>76</sup> Cavendish, 211, 213.

<sup>77</sup> Schwartz, 130-132.

<sup>78</sup> Cavendish, 205.

equated with marriage, and in these instances, God was likely “inclined to pardon sins of the flesh.”<sup>79</sup> Herein lies the problem with viceregal perceptions of sexuality and sin: these questions called Catholic dogma, and therein ecclesiastical authority, into question.<sup>80</sup> In this view, early modern and viceregal inhabitants received harsher punishments for believing their transgressions did not constitute sin, than they received for engaging in the sin itself. The laity thus realized that doctrinal stances on morality did not always align with their own.

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<sup>79</sup> Schwartz, 31, 131.

<sup>80</sup> Ibid, 32, 132.

## CHAPTER 03

### FRAMEWORK AND METHODOLOGIES FOR ANALYSIS

Primary source research for this project took place at the Archivo General de la Nación in Mexico City, Mexico during the summer of 2015. The inquisitional cases obtained range in date from 1594 to 1693 and involve men and women who engaged in amancebamiento, or who voiced their beliefs that these unions neither constituted sin nor put them at risk for eternal damnation. The analysis of these documents will employ both an emic and etic approach. That is, I will use the historiography of the subject to help shape my analytical framework [etic], but I will also in turn allow the documents themselves to shape my analysis [emic], as I do not intend to force a theoretical framework that does not fit within this context.<sup>81</sup> In particular, I will make use of legal framework and precedents which shape the prosecution of amancebamiento before the tribunal, gossip theory which will determine how gossip was used as evidence by the court and how it is used as a source by historians, and theories of colonialism and empire in the regulation of intermingling populations in New Spain. Here, I will avoid generalizing language and rhetoric which indicate an outright Spanish domination and suppression or extinction of indigenous life and culture.

#### **Legal Framework and Precedents**

The laws that regulated inquisitional prosecution of amancebamiento date back to antiquity and are largely derived from sacred texts in regards to sexuality, morality, marriage, and concubinage in particular. While Jesus himself did not concern himself with sexual morality in his teachings, the Apostle Paul (5-67<sub>CE</sub>) provides early Christian guidance regarding sexuality

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<sup>81</sup> Twinam, 24-25.

and morality.<sup>82</sup> St. Paul's writings urge Christians to center their attention on judgement by God rather than on the flighty, carnal pleasures of sex, arguing that Christians would do better to "avoid sex altogether".<sup>83</sup> Still, the Apostle Paul conceded that marriage somewhat mitigated the sin of sex if done for the sake of procreation, concubinage did not offer the protection from sin which marriage afforded. St. Augustine of Hippo (354-430<sub>CE</sub>) considered concubinage as a form of fornication and asserted that sexual acts went against God's wishes. In this sense, marriage did not mitigate the sin of sex.<sup>84</sup> Centuries later, Gratian (ca. 1140<sub>CE</sub>) provided further teaching in regard to sexuality, which later influenced inquisitional rhetoric. Gratian's teachings on fornication and sexual relations outside of marriage mirrored those of the Apostle Paul and Augustine of Hippo. He argued that even married couples should avoid sexual intercourse unless they sought to: procreate, avoid lustful temptations, or appease their spouse's demands.<sup>85</sup> Marriage only provided a spiritual value to the union, it did not purify sexual relations, rather they constituted somewhat less of a sin. Abstinence remained the only pure form of sexuality.<sup>86</sup>

Gratian took a different attitude toward concubinage than St. Paul and St. Augustine though. In this context, Gratian defines concubinage in the same way as my own documents, that is, as an ongoing and exclusive cohabitation.<sup>87</sup> Given this context, Gratian considers concubinage, for all intents and purposes, to be the equivalent of marriage. While he viewed

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<sup>82</sup> James A. Brundage, "Sex and Canon Law," in *Handbook of Medieval Sexuality*, ed. by Vern L. Bullough and James A. Brundage (New York: Garland Publishing, 1996), 33.

<sup>83</sup> Ibid; 1 Cor. 6: 9-10, 15-19; 7: 1, 8-16.

<sup>84</sup> Brundage, "Sex and Canon Law", 35; James A. Brundage, "Concubinage and Marriage in Medieval Canon Law," in *Sexual Practices and the Medieval Church*, ed. by Vern L. Bullough and James A. Brundage (Buffalo: Prometheus Books, 1982), 121; Kyle Harper, *From Shame to Sin: The Christian Transformation of Sexual Morality in late Antiquity* (Cambridge: Harvard University Press, 2013), 179.

<sup>85</sup> Brundage, "Sex and Canon Law," 40.

<sup>86</sup> Philippe Ariès, *Centuries of Childhood: A Social History of Family Life* (New York: Alfred A. Knopf, 1962), 357.

<sup>87</sup> Brundage, "Concubinage and Marriage," 119.

concubinage as an informal marriage, he nonetheless considered it valid.<sup>88</sup> Considering that marriage did not yet exist as a sacrament of the Church at this time, a couple required only mutual consent to be considered married, thus concubinage and marriage were nearly identical unions.<sup>89</sup>

The thirteenth-century Castilian King, Alfonso X's *Siete Partidas* incorporate many of these Gratian ideals. The *Partidas* serve as the bedrock of modern Spanish law.<sup>90</sup> The juridical code reiterates a number of times that consent alone validates a marriage.<sup>91</sup> Therefore, couples without a marriage ceremony were considered married in the eyes of the law. Also in line with Gratian's teachings, the *Partidas* hold that marriage helps men to avoid lustful temptations as well as enabling him to have "greater love for his children, he being certain that they belong to him". In the same law, the code establishes marriage as a vehicle for mitigating a woman's unpredictable behavior. The union helped to, "avoid quarrels, homicides, insolence, violence, and many other very wrongful acts which would take place on account of women if marriage did not exist".<sup>92</sup> Along with this stated purpose of marriage, the *Siete Partidas* also allowed for the practice of concubinage. The *Partidas* allowed for women of low family, emancipated women, slave women, and those "born in some vile place" to live as concubines, in other words, women with fewer marriage prospects.<sup>93</sup> In spite of ecclesiastical, civil, and canon doctrines concerning sexuality, fornication, concubinage, and marriage, the laity at large did not strongly adhere to such teachings. From the earliest attempts to regulate sexual practice, James A Brundage

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<sup>88</sup> Ibid, 121.

<sup>89</sup> Ibid, 119, 122, 124.

<sup>90</sup> Alfonso, *Las Siete Partidas Vols. 1-7*, ed. by Robert I. Burns, trans. by Samuel Parsons Scott (Philadelphia: University of Pennsylvania Press, 2001).

<sup>91</sup> Partida IV, Title I: Law I and IV, Title II: Law V. Ibid, 879-880, 887.

<sup>92</sup> Partida IV, Title II. Ibid, 886.

<sup>93</sup> Partida IV, Title XIV: Law I. Ibid, 950.

contends that the populace's continued engagement in these relationships demonstrates their doubt that the act mortally endangered their souls.<sup>94</sup>

Only as the medieval period gave rise to the early modern, did restrictions on concubinous relationships appear with frequency in ecclesiastical regulations. The Fifth Lateran Council (1514<sub>CE</sub>) placed restrictions on the practice of concubinage by the laity and laid out potential punishments for those prosecuted, though it failed to outlaw the practice outright. Punishments consisted of fines and penance, which did little to end the practice by any stretch of the imagination.<sup>95</sup> Not until the Council of Trent (1545-1563<sub>CE</sub>) did an outright ban of concubinage come into play. While the medieval Church "assimilated concubinage into marriage," the early modern reforms sought to regulate sexual practices of the laity.<sup>96</sup> Charlene Villaseñor Black writes that Trent established marriage as a sacrament in response to a Protestant assessment of the union. Martin Luther's *Babylonian Captivity* (1520) denied marriage as a sacrament, labelling it a civil union.<sup>97</sup> The Temetsi Decree of Tridentine Reform established the marriage ceremony, including witnesses, priestly blessing, and written record of the union. This transformed marriage into an ecclesiastical sacrament in an effort to hold spouses accountable for their actions. Clandestine unions, along with those of concubinage would no longer be given equal status as those of legitimate marriage.<sup>98</sup>

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<sup>94</sup> Brundage, "Sex and Canon Law," 41-42; Harper, 91.

<sup>95</sup> Brundage, "Concubinage and Marriage," 127; James A. Brundage, *Law, Sex, and Christian Society in Medieval Europe* (Chicago: University of Chicago Press, 1987), 515-516.

<sup>96</sup> Brundage, "Concubinage and Marriage," 127, Brundage, *Law, Sex, and Christian Society*, 565.

<sup>97</sup> Charlene Villaseñor Black, "Love and Marriage in the Spanish Empire: Depictions of Holy Matrimony and Gender Discourses in the Seventeenth Century," in *The Sixteenth Century Journal*: vol. 32: 3 (2001), 652-653.

<sup>98</sup> Brundage, *Law, Sex, and Christian Society*, 564.

These ecclesiastical and civil laws all serve as the discursive framework which influenced inquisitional prosecution of amancebamiento in New Spain. In the cases that came before the tribunal, witness testimonies and character witnesses served as evidence both for and against the defendants. While considered gossip today, I will examine the theoretical framework of gossip to demonstrate its practical use as evidence by the Holy Office and as source material for historical research.

### Theoretical Framework of Gossip

*“Ahora, acabo de confirmar por verdad lo que muchas veces he oído decir. Acaba un maldiciente murmurador de echar a perder diez linajes y de caluniar veinte buenos, y si alguno le reprehende por lo que ha dicho, responde que él no ha dicho nada; y que si ha dicho algo, no lo ha dicho por tanto...porque veo en mí, que con ser un animal, como soy, a cuatro razones que digo, me acuden palabras a la lengua como mosquitos al vino, y todas maliciosas y murmurantes; por lo cual vuelvo a decir lo que otra vez he dicho: que el hacer y decir mal lo heredamos de nuestros primeros padres y lo mamamos en la leche.”<sup>99</sup>*

*El Coloquio de los Perros, 1613*

*“You now convince me of the truth of what I have often heard say, that a person of a malicious tongue will utter enough to blast ten families, and calumniate twenty good men; and if he is taken to task for it, he will reply that he said nothing; or if he did, he meant nothing by it..In my own case, for instance, brute as I am, I see that with every fourth phrase I utter, words full of malice and detraction come to my tongue like flies to wine. I therefore say again that doing and speaking evil are things we inherit from our first parents, and suck in with our mother’s milk.”<sup>100</sup>*

*El Coloquio de los Perros, 1613*

Cervantes’ gendered commentary on gossip reveals some early modern generalizations of gossip as a form of communication, perceptions which persist into the present. Here, I will examine the role of gossip as a means of colonial and inquisitorial surveillance as well as in the

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<sup>99</sup> Miguel de Cervantes Saavedra, “El Coloquio de los Perros,” in *Cervantes: Novelas Ejemplares II*, ed. by Francisco Rodríguez Marín (Madrid: Ediciones de La Lectura, 1917), 239-240.

<sup>100</sup> Miguel de Cervantes Saavedra, “Dialogue Between Two Dogs,” in *The Exemplary Novels of Miguel de Cervantes Saavedra*, trans. by Walter K. Kelly (New York: Core Collection Books, Inc., 1978), 136.



context of personal reputation and denunciation to the Holy Office of the Spanish Inquisition. Evidence for and against those denounced to the Holy Office comes in the form of witness testimonies preserved within the archival record. For the purposes of this thesis, I will term this “gossip” though it should be noted that in the context of the viceregal inquisition, these testimonies did *not* constitute gossip. Rather, they served as a way for the tribunal judge to understand the workings of local society. It is, however, important to understand the theories behind gossip as these testimonies make up the vast majority of the archival research evidence herein.

Gossip played a large part in the determination of one’s reputation within New Spain and also served as a form of surveillance for the Holy Office, which relied upon neighbors surveilling neighbors for the enforcement of ecclesiastical law. Luise White argues that gossip is not merely a means of assembling information, it is also a means of summarizing public opinion. Gossip serves to report behavior and therein shapes public reputation. For instance, “one does not gossip about the prostitute who turns ‘tricks’ but one does gossip about the respectable matron who is observed with men sneaking into her house day and night.” As a matter of self-representation, gossip reflects the “motivations and interests of the gossipier at a specific moment.”<sup>101</sup>

Historians often cite the effectiveness of gossip in shaping public opinion, whether as rumor or as testimony before the court. In fact, maintaining one’s honor and reputation in the

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<sup>101</sup> Luise White, *Speaking with Vampires: Rumor and History in Colonial Africa* (London: University of California Press, 2000), 56, 60, 63, 68. White is careful to distinguish between rumor and gossip. Where gossip can be defined as the phenomena of speech control, she defines rumor as “news later learned was false.”

‘court of public opinion’ mattered just as much as doing so before the tribunal.<sup>102</sup> Spanish playwright Lope de Vega echoes this sentiment in one of his many honor plays, he holds:

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| <p><i>Honra es aquella que consiste en otro<br/>ningún hombre es honrado por si mismo<br/>que del otro recibe la honra un hombre<br/>ser virtuoso hombre y tener méritos<br/>no es ser honrado<br/>pero dar causas<br/>para los que tratan les den hora.</i></p> | <p><i>Honor is that which inheres in others<br/>no man is honorable in and of himself<br/>rather he receives it from others<br/>to be virtuous and meritorious<br/>is not to be honorable<br/>but to cause<br/>others to honor one.</i><sup>103</sup></p> |
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*Los Comendadores de Córdoba, 1609*

According to White, belief in rumor and gossip made the information powerful.<sup>104</sup> Viceregal institutions like the Inquisition relied on gossip as a form of community policing and surveillance. Both civil and ecclesiastical courts used gossip as a form of evidence when trying cases, particularly as concerned cases of illicit relationships or which called ecclesiastical authority (and therein colonial rule) into question. Gossip could serve as the impetus that led to denunciation before the court and subsequent trial. Gossip could also support or counter one’s defense as the trial proceeded. According to White, “successful gossip and accusation must be keenly aware of the shifts in reception and credibility of certain issues,” that is to say that the gossipier as instigator or contributor to any given case must be aware of their potential impact and credibility pertaining to the case. Gossip also signals knowledge and affiliation of the gossipier’s own reputation. White argues that, “in gossiping, a claim is made to knowledge and the right to speak it...who says what about whom, to whom, articulates the alliances and affiliations of the

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<sup>102</sup> Behrend Martinez, *Unfit for Marriage*, 135; Tamar Herzog, *Upholding Justice: Society, State, and the Penal System in Quito, 1650-1750* (Ann Arbor: University of Michigan Press, 2004), 214, 217; Germeten, *Violent Delights, Violent Ends*, 12; Sherry Velasco, *Lesbians in Early Modern Spain* (Nashville: Vanderbilt University Press, 2011), 42.

<sup>103</sup> Excerpt of Lope de Vega’s *Los Comendadores de Córdoba*, translated and cited in: James Mandrell, *Don Juan and the Point of Honor* (University Park: Penn State University Press, 1992), 57-58.

<sup>104</sup> White, 57.

conflicts of daily life.” Thus, the information provided via gossip and intended to shape another’s reputation in turn reflects the speaker’s own loyalties and social ties.<sup>105</sup>

According to Richard Boyer, gossip followed “traffic patterns,” that is, a framework, albeit varying, which began with curiosity and had the potential to lead to denunciation before the Holy Office.<sup>106</sup> Boyer asserts that both rumor and gossip travelled from the city to rural and outlying areas. The speed with which such news travelled depended upon “seasons, the rhythm of commerce, the feast days of the Church calendar, and the size and activity of the places linked”. Port cities served as the entrance points through which news arrived from Spain to New Spain, while Mexico City served as the primary hub of anonymity and thus gossip-worthy behavior on American soil. Boyer contends that smaller cities and even mining camps also helped to facilitate a roadway along which gossip could travel.<sup>107</sup>

Boyer holds that the movement of news relied upon inquirers and carriers who passed the information from urban to rural areas. These informants included family friends, employers, godparents, countrymen, and more. Between these groups, even commonplace exchanges had the potential to lead to attention-grabbing material, after all, to inquire after a common acquaintance or relation was quite normal. Apart from that, the viceregal populace simply took an interest in the people around them. News could also be picked up via eavesdropping, while new arrivals or scandal in any given place always hastened the movement of gossip across the

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<sup>105</sup> White, 63, 65.

<sup>106</sup> Richard Boyer, *Lives of the Bigamists: Marriage, Family, and Community in Colonial Mexico* (Albuquerque: 1995), 168. Boyer’s chapter “The Flow of Information” will serve as the primary framework with which to analyze the use of gossip as both evidence and surveillance by the Holy Office.

<sup>107</sup> Boyer, 208, 203, 209, 215, 210-211.

countryside. Persistent rumors or gossip always had the potential to find their subject in front of the tribunal.<sup>108</sup>

In some instances, gossip could be used as a tool to “deliberately dishonor” someone, though historians and anthropologists have reached the consensus that rumor and gossip reached institutional ears via curiosity more often than via malicious intent.<sup>109</sup> More often than not, testimonies before the tribunal sensationalized information rather than making it up.<sup>110</sup> In most instances, rather than invading privacies, gossip serves merely as an exchange of information.<sup>111</sup> In fact, the Inquisition had protections in place which sought to prevent malicious and vengeful denunciation or testimonies. Any person denounced before the court who suspected their accusation arose from spiteful intent had the right to name their enemies so that the court could take this information into consideration before moving forward with the case.<sup>112</sup> Boyer maintains that people carried on with their own lives more than they intervened in the lives of their peers and White argues that sensationalized gossip associated with malice did not become commonplace until the eighteenth century.<sup>113</sup>

Gossip as a means of communication receives varying censure and stigmatization for a number of reasons, though none as questionable as its gendered ideology and practice. White

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<sup>108</sup> Ibid, 190-203, 168, 175, 172, 170, 183.

<sup>109</sup> Sonya Lipsett-Rivera, “A Slap in the Face of Honor: Social Transgression and Women in Late-Colonial Mexico,” 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), 181; Boyer, 171, 178.

<sup>110</sup> Boyer, 167.

<sup>111</sup> Susan Harding, “Women and Words in a Spanish Village,” in *Toward an Anthropology of Women*, ed. by Rayna R. Reiter (New York: Monthly Review Press, 1975), 301.

<sup>112</sup> Boyer, 186.

<sup>113</sup> Ibid, 216, 231; White, 60; For sensationalized gossip in Independence era Mexico, see: William E. French, *The Heart in the Glass Jar: Love Letters, Bodies, and the Law in Mexico* (Lincoln: University of Nebraska Press, 2015).

argues that the criticism gossip receives takes place in large part because the act is gendered female and therefore not credible given women's status below that of men in colonial societies. Believing that women predominantly engaged in gossip made it less credible as a source. As noted at the start of this section, Cervantes himself gendered gossip as a feminine act, Berganza believing that such spiteful behavior was passed from mother to child during the feeding process. This early modern interpretation persists to the present. Susan Gal postulates that the use of gossip as a tool by women challenges patriarchal authority and "dominant culture" at the same time. Gossip judges "people in terms of values the male-dominant system rejects...it is seen by all as a negative form of power that makes or breaks reputations, causes conflict, and disrupts relationships."<sup>114</sup> The patriarchal discourse portrays gossip as sinful, much like women.<sup>115</sup> How does Gossip serve to challenge patriarchal authority though?

The point is that in gossiping, women are behaving politically because they are tampering with power. Their words are the stuff that reputations are made of, and in small communities, reputations are powerful because they, in part, determine one's relations and behavior. But power is not the cultural prerogative of women; it is men's. Gossip is potentially a challenge to the male hierarchy, a challenge to men's control of the hierarchy...thus it is imbued with the connotation of malice, wickedness, sin, and pollution.<sup>116</sup>

This gendered stigma against gossip persists into the present. Gossip as a historical source receives varying praise and censure and thus rests in how it is used. It has the potential to serve as a useful source of information for analysis as it "occupies the interstices of respectability, exactly following the contours of local and regional concerns. Rumor and gossip allocate

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<sup>114</sup> Susan Gal, "Between Speech and Silence: The Problematics of Research on Language and Gender," in *Gender at the Crossroads of Knowledge: Feminist Anthropology in the Postmodern Era*, ed. by Michaela di Leonardo (Berkeley: University of California Press, 1991), 183.

<sup>115</sup> Harding, 302.

<sup>116</sup> Harding, 302-303.

responsibility.”<sup>117</sup> In the context of archival research of illicit relationships, I advocate the use of gossip as a historical source given that it served as a part of the court process from denunciation and throughout the trial. Thus, it cannot be ignored. Gossip also served as the vehicle of delivery for many beliefs that opposed orthodox rhetoric. Difficult to control, gossip often reached the ears of family, Church, or community members who took their concerns to the civil or ecclesiastical courts to denounce the dissidents. The importance of context when using gossip as a historical source cannot be over-emphasized. We must take into account the different ways that the institutions studied employed the same phenomena. According to White, gossip is “not by definition either reliable or unreliable.”<sup>118</sup>

### **Theoretical Framework of Colonialism**

In the analysis of inquisitional prosecution of illicit unions, I will employ the framework of colonial discourse. This is often a loaded term and it is important to articulate what I mean by using the term. First though, it is equally important to articulate what I do *not* mean by colonial discourse. This examination of inquisitional rhetoric steers clear of generalizing assertions of Spanish presence in the Americas. This is to say that I avoid broad claims of a *systematic* conquest and extermination of any given people or culture. For example, Ann Laura Stoler writes,

The ‘new imperial history’ starts from the premise that colonizing bodies and minds was a *sustained, systemic*, and incomplete political project in colonial regions and Europe...In the end, there was no panoptic imperial state but only a partially realized range of efforts to specify the use of and access to public space and *to dictate which cultural affinities and styles, and what distribution of affections, would prevail in the street and in the home*.<sup>119</sup>

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<sup>117</sup> White, 62, 59.

<sup>118</sup> Ibid, 259.

<sup>119</sup> Stoler, 10. Emphasis mine.

The New Imperial History negates the persistence of indigenous cultural practices, in this case, pertaining to marriage or cohabitation. Here, I disagree with Stoler. My own analytical framework for colonial discourse takes a different approach. In this vein, I align with historians including James Lockhart and Matthew Restall, who argued that indigenous culture persisted and persists today, *adopting* select aspects of European or Christian customs rather than *replacing* indigenous beliefs and rituals outright.<sup>120</sup> I will employ an analytical framework based on cultural values in this context of colonial collision between these social worlds.<sup>121</sup>

The Spanish justified their presence in the Americas as an evangelizing mission, believing that their presence and baptism of the indigenous peoples would benefit the natives of Mexico.<sup>122</sup> The Spanish did not seek to eradicate indigenous people or cultures. Rather, Spain sought to rule and baptism served as the means by which to do so.<sup>123</sup> María Elena Martínez echoes Jorge Cañizares-Esguerra's argument of the imperial narrative, which holds that, God sanctioned the colonization of and even violence against native peoples and land for their own protection, as colonization would end Satan's tyrannical rule.<sup>124</sup> Colonial discourse, according to

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<sup>120</sup> See: James Lockhart, *The Nahuas After the Conquest: A Social and Cultural History of the Indians of Central Mexico, Sixteenth Through Eighteenth Centuries* (Stanford: Stanford University Press, 1992); and Matthew Restall, *Seven Myths of the Spanish Conquest* (New York: Oxford University Press, 2003).

<sup>121</sup> I refer to Clifford Geertz's interpretation of culture in which the understanding of another culture is an act of interpretation, an inquiry that involved placing a culture, act, or event into specific local contexts in which it is meaningful. See: Geertz, "Thick Description," 05.

<sup>122</sup> María Elena Martínez, *Genealogical Fictions: Limpieza de Sangre, Religion, and Gender in Colonial Mexico* (Stanford: Stanford University Press, 2008), 206; Black, "Love and Marriage in the Spanish Empire," 666; Patricia Seed, "Review Essays: Colonial and Postcolonial Discourse," in *Latin American Research Review*: vol. 26: 3 (1991), 186.

<sup>123</sup> Martínez, *Genealogical Fictions*, 95.

<sup>124</sup> Jorge Cañizares-Esguerra, *Puritan Conquistadors: Iberianizing the Atlantic, 1550-1700* (Stanford: Stanford University Press, 2006), 24, 43.

Many Spanish and English epics alike reveal the prevalent belief that Satan ruled the 'New World', having settled there after his fall from heaven.

Martínez, emphasized weakness. This weakness stemmed from coded gender binaries that also served to justify Spanish rule in the Americas.

...certain binaries [that] were coded female and male and [that] implied an imbalance of strength and power between two groups. Spanish colonial society's dominant 'symbolics of blood' thus echoed sociopolitical relationship between the two republics as compatible but hierarchical and paternalistic. It simultaneously reflected the gendering effects of power and the powerful effects of gender, instrumental not only for conceptualizing but for constructing and reproducing colonial hierarchies.<sup>125</sup>

In fact, Martínez contends that the crown encouraged marital unions between the Spanish and the indigenous given that this "redemptive process" could retain *pure* indian blood within "old Christian lineages".<sup>126</sup> "Given the ideological centrality of religion to Spanish colonialism—its importance in justifying expansion, conquest, and colonization—the native people *had* to be recognized as pure."<sup>127</sup> Not until Bourbon rule in the Americas did the crown discourage dalliances and unions between individuals of differing racial backgrounds.<sup>128</sup> These relationships took place with such frequency that mestizos, that is children of mixed European and Indigenous ancestry, constituted the majority of New Spain's population by the seventeenth century, less than one hundred years after first contact.<sup>129</sup> These children largely resulted from sexual unions outside of marriage, predominantly of amancebamiento.<sup>130</sup> In terms of illicit relationships in this cultural context, women who commonly engaged in sex outside of marriage challenged the

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<sup>125</sup> Martínez, *Genealogical Fictions*, 154.

<sup>126</sup> Ibid, 154-155.

<sup>127</sup> Ibid, 206.

<sup>128</sup> Michelle A. McKinley, "Illicit Intimacies: Virtuous Concubinage in Colonial Lima," in *Journal of Family History*: vol. 39: 03 (2014), 211-213; see also: Richard Koneczke, *Colección de Documentos para la Formación Social de Hispanoamérica, 1493-1810* (Madrid: Consejo Superior de Investigaciones Científicas, 1958).

<sup>129</sup> Lavrin, "Introduction," 04.

<sup>130</sup> Stoler, 76; Lavrin, "Sexuality in Colonial Mexico: A Church Dilemma," 57; Joanne Rappaport, *The Disappearing Mestizo: Configuring Difference in the Colonial Kingdom of New Granada* (Durham: Duke University Press, 2014), 20.



moral rhetoric imposed by both Church and state.<sup>131</sup> Ann Laura Stoler suggests that relationships of concubinage reinforce the colonial discourse, as these relationships often fortify the racial hierarchy over which white European men preside.<sup>132</sup> I argue that while concubinage served this purpose in some instances, in others, plebeian couples of indigenous, African, or mixed ancestry used *amancebamiento* as a means of *resistance* to circumvent the colonial discourse and imposed rhetoric of the Church.

This does not mean that engagement in *amancebamiento* constituted a premeditated and deliberate challenge to ecclesiastical authority. Rather, these relationships persisted out of continuance of cultural norms prior to contact or out of ambivalence to the ecclesiastical rhetoric imposed via the Holy Office in New Spain.<sup>133</sup> James Lockhart writes that many couples chose to forego marriage, though they still continued to cohabit. His analysis holds that this choice arose not from lack of belief, but more out of economic necessity.<sup>134</sup> I argue that many couples decided not to marry out of indifference or ambivalence. Plebeian belief did not always reflect the rhetoric imposed by the Church. In most cases, couples who quietly cohabitated raised no alarm from the Holy Office. Even the *belief* that *amancebamiento* could not be a sin did not raise alarm if kept to oneself. Rather, the Church took issue when a cohabitating couple caused

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<sup>131</sup> Germeten, 20; see also: Poska, *Women and Authority in Early Modern Spain*, 106.

I define rhetoric as the hierarchical, discursive use of language by means of writing, speech, etc., used to impose or influence desired behavior or characteristics on a given population.

<sup>132</sup> Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule* (Berkeley: University of California Press, 2002), 43, 50-51.

<sup>133</sup> See: Jorge Klor de Alva, "Colonizing Souls: The Failure of the Indian Inquisition and the Rise of Penitential Discipline," in *Cultural Encounters: The Impact of the Inquisition in Spain and the New World*, ed. by Mary Elizabeth Perry and Anne J. Cruz (Berkeley: University of California Press, 1991), 03; Stacey Schlau, "Gendered Crime and Punishment in New Spain: Inquisitional Cases Against Illusas," in *Colonialism Past and Present: Reading and Writing about Colonial Latin America Today*, ed. by Alvaro Felix Bolanos and Gustavo Verdesio (Albany: State University of New York Press, 2002), 153.

<sup>134</sup> Lockhart, *Nahuas After the Conquest*, 255.

scandal or when Christians voiced their dissident beliefs. Stuart Schwartz writes that the Inquisition “was too practical” to eradicate these acts, rather it worked to ensure that Church followers knew they were a sin.<sup>135</sup> The Holy Office stepped in when one openly or carelessly flouted this rhetoric. Given that the Church served as the vehicle for Spanish rule and enforcement in the Americas, a challenge to ecclesiastical authority also challenged Spanish rule. When the tribunal did step in, Richard E. Greenleaf writes, “the Inquisitors acted with zeal but also with fairness and common sense in the vast majority of cases.”<sup>136</sup> My own research, outlined in the following chapter supports this assertion.

Given this contextual framework, my analysis acknowledges Spanish colonizing practices in the seventeenth century, while avoiding historical constructs like the Black Legend of Spanish Rule which broadly generalize and malign Spain and have an attraction for modern anti-Mexican racism. Patricia Seed notes the “distressing sameness” used to characterize narratives of colonization regardless of colonizer or colonized.<sup>137</sup> I aim to avoid this oversimplified analysis.

### **Narrative as Theory**

Natalie Zemon Davis’ theory on fiction in the archives, previously mentioned in chapter two, also shapes my framework for analysis. Davis bases her use of the term “fiction” on the root word *fingere*, meaning to shape or to mold, therein “crafting” a narrative. Whether for purposes of storytelling or for the benefit of the listener, the creation of narratives took place often within

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<sup>135</sup> Schwartz, 32.

<sup>136</sup> Richard E. Greenleaf, “Historiography of the Mexican Inquisition: Evolution of Interpretations and Methodologies,” in *Cultural Encounters: The Impact of the Inquisition in Spain and the New World*, ed. by Mary Elizabeth Perry and Anne J. Cruz (Berkeley: University of California Press, 1991), 269; Schlau, “Gendered Crime and Punishment in New Spain,” 153.

<sup>137</sup> Seed, “Colonial and Postcolonial Discourse,” 182-183.

court cases in the hopes of affecting a favorable outcome.<sup>138</sup> Hayden White writes of narrative as well, arguing that as historians, we should not take narrative at face value, rather, we should consider it as allegorical, “that is, as saying one thing and meaning another.”<sup>139</sup> White endorses narrative as a form of discourse “that may or may not be used for the representation of historical events, depending on whether the primary aim is to describe a situation, analyze a historical process, or tell a story.”<sup>140</sup> For White, content distinguishes historical fact from fiction, while form is found by the storyteller. He writes,

Obviously, the amount of narrative will be greatest in accounts designed to tell a story, least in those intended to provide an analysis of the events of which it treats. Where the aim in view is the telling of a story, the problem of narrativity turns on the issue of whether historical events can be truthfully represented as manifesting the structures and processes of events met with more commonly in certain kinds of ‘imaginative’ discourses, that is, such fictions as the epic, the folk tale, myth, romance, tragedy, comedy, farce, and the like. This means that what distinguishes ‘historical’ from ‘fictional’ stories is first and foremost their content, rather than their form.<sup>141</sup>

In this vein, we determine the creation of a narrative based on commonalities in responses and formulaic, patterned testimonies and confessions of viceregal inhabitants who came before the tribunal in New Spain. The following chapters will outline these responses and the methodical and strategic means by which this helped the accused to encourage a favorable outcome in the case against them.

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<sup>138</sup> Davis, 03-04.

<sup>139</sup> Hayden White, *The Content of the Form: Narrative Discourse and Historical Representation* (Baltimore: Johns Hopkins University Press, 1987), 44-45.

<sup>140</sup> White, 27.

<sup>141</sup> Ibid.

## CHAPTER 04

## ARCHIVAL RESEARCH FINDINGS

“...*Que mucho más dañan a las honras [de las mujeres] las desenvolturas y libertades públicas que las maldades secretas.*”

“[A woman’s] honor is damaged more by public liberties and acts of boldness than by secret iniquities.”<sup>142</sup>

*Don Quixote*, 1605

**“Contra Alonso Meléndez y Catalina Rodríguez”**

On the twenty-second day of February in 1692, the tribunal initiated criminal proceedings against the mestizo Alonso Meléndez and the india Catalina Rodríguez citing amancebamiento, adultery, and scandal. The case alleged

...That Alonso Meléndez had lived some years *amancebado* in *mala amistad* and scandal with Catalina Rodríguez, a widowed *india* who was married to Diego Antonio, *indio* of this town and who held the post of church organist during his life and after his death, the two continued their dalliance.<sup>143</sup>

The *alcalde mayor* apprehended Meléndez and Rodríguez in Mexico City attempting to obtain a marriage license and legitimize their union. The court placed Rodríguez in *recogimiento* and exiled Meléndez, forbidding him to return to Zumpango de la Laguna where Rodríguez resided. Meléndez broke his imposed exile, a punishment difficult to enforce, and returned to Rodríguez’s home and her bed. There, the *alcalde* ultimately apprehended him once more and placed him in the jail of the archbishopric. The court warned Catalina to live her life with

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<sup>142</sup> Cervantes, *Don Quijote de la Mancha*, 695; Cervantes, *Don Quixote*, ed. and trans. by Edith Grossman, 598.

<sup>143</sup> México, AGN, *Auto Contra Alonso Meléndez y Catalina Rodríguez*, Indiferente Virreinal, Criminal, 1692, foja 1 r.  
Mala amistad: illicit friendship; Indio/a: indigenous.

modesty and virtue and to neither return to her ‘mala amistad’ with Meléndez, nor to permit him entrance into her home on pain of fifty lashes.<sup>144</sup>

A number of impediments hindered Meléndez and Rodríguez’s attempts to obtain a marriage license. Their relationship while Rodríguez remained married constituted adultery and therefore a ‘pecado mortal’ or mortal sin. In addition to their adultery, Meléndez and Rodríguez’s relationship appears to have been public knowledge. A number of witness testimonies corroborate the duration both of Rodríguez’s marriage (some twenty years) and of her relationship with Meléndez (some five to six years). Having placed cuckold’s horns on her husband Diego Antonio, Rodríguez could not hope to marry Meléndez after Diego Antonio’s death without challenge.<sup>145</sup>

Witness statements for this case offer insight into the patterned behavior of viceregal court cases. Upon one of Meléndez’s returns to Zumpango de la Laguna, a *mulato* servant, Miguel Salazar, testified that he saw Rodríguez admit Meléndez into her home late one evening after hearing them converse in her *lengua Mexicana* on opposite sides of the door. The alcalde mayor later apprehended Meléndez, catching the two in various states of undress, asleep in the same bed.<sup>146</sup> Nicolás Rodríguez, a Spaniard and longtime resident of Zumpango de la Laguna testified that he witnessed Meléndez and Rodríguez planning to marry while Diego Antonio lived.<sup>147</sup> Juan Pillado, another Spaniard with deep roots in Zumpango de la Laguna testified that he knew the two had lived in *mala amistad* for some time. Pillado conceded that he never saw or

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<sup>144</sup> AGN, *Contra Alonso Meléndez y Catalina Rodríguez*, foja 1 r.

Alcalde mayor: mayor of Zumpango de la Laguna; Recogimiento: house of seclusion used as judicial punishment.

<sup>145</sup> Ibid, foja 3 r. – 3 v.

<sup>146</sup> Ibid, foja 1 v. – 2 r.

Mulato: person of mixed African and European ancestry; Lengua Mexicana: indigenous language.

<sup>147</sup> Ibid, foja 4 v. – 5 r.

heard the two discuss plans for marriage, though he reiterated that their intent to do so was common knowledge.

These witness testimonies illustrate a number of key factors at play in viceregal court cases concerning amancebamiento. First, the use of gossip as witness testimony can and did influence the outcome of a given case. Second, as Boyer asserted, this gossip did not signify malicious intent against the accused. Rather, the information circulated throughout the populace and became public knowledge. Juan Pillado took care to say that while he knew of the publically acknowledged gossip surrounding Meléndez and Rodríguez, he never personally witnessed them planning to marry while Diego Antonio was alive. Lastly, nearly all of the witnesses who testified in the case against Meléndez and Rodríguez were male and classified as *español*. These testimonies carry a significant amount of weight in the court. Nicholas Robins contends that “the testimony of one Spanish man was equivalent to that of two Indians or three women.”<sup>148</sup> Being both female and indigenous, Rodríguez’s testimony potentially carried less weight in her case than did those who testified as witnesses.<sup>149</sup>

In response to the allegations against her, Rodríguez worked to repair her reputation before the court. Rodríguez argued that she only permitted Meléndez entrance into her home because he felt ill. She even testified that a young *doncella* called Antonia, who was always in her company, was present in the home when Meléndez came to call that evening. Rodríguez’s claim of a doncella in her home would hope to establish her own character as modest and trustworthy enough to be in the company of other modest and virtuous women. No testimony

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<sup>148</sup> Robins, 16.

<sup>149</sup> Español: Spaniard.

from any Antonia is included in the case documentation. Rodríguez's claim no doubt served as an attempt to affirm her reputation as an honorable woman.<sup>150</sup>

Meléndez and Rodríguez's relationship hindered their ability to marry for reasons apart from adultery. Rodríguez's husband, Diego Antonio, held a public post as the church organist. Publically cuckolding a man with such close ties to the Church could be construed as calling ecclesiastical authority into question. The crux of the matter rested upon whether Meléndez and Rodríguez exchanged *palabras de casamiento* while Diego Antonio was still alive. Meléndez, realizing the severity of the allegation, testified that he and Rodríguez never exchanged promises or discussed any intention to marry in the future. Meléndez's testimony suggests that he and Rodríguez only came very close to breaking civil and ecclesiastical law, though they never actually did so.<sup>151</sup>

The Siete Partidas details specific regulations for cases such as that against Meléndez and Rodríguez.

Concerning Those Who Commit Adultery With Married Women and Whether or Not They Can Marry Them After the Death of Their Husbands:

All those men who lie with married women are guilty of depravity and great sin, and a sin of this kind is called adultery And although this is a very serious offence, if the husband of the women who committed adultery should die, the man who committed the act with her can marry her, if he has no other wife, except in three instances First, where either of them killed, or caused to be killed, or plotted the death of the other husband, or wife, with the intention of marrying him or her afterwards. *Second, where the party who lies with the women swears to her, and promises her that he will marry her after her husband is dead.* Third...And although they may desire to live together, those who marry in any of the ways above-mentioned, should be separated by the Church...<sup>152</sup>

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<sup>150</sup> AGN, *Contra Alonso Meléndez y Catalina Rodríguez*, foja 3 r.

Doncella: young virgin.

<sup>151</sup> Ibid, foja 7 v.

Palabras de casamiento: promises of marriage.

<sup>152</sup> Partida IV, Title II, Law XIX. Alfonso, *Las Siete Partidas*, 4, ed. by Robert I Burns S.J., trans. by Samuel Parsons Scott, 894. Emphasis mine.

This second exception constitutes the greatest impediment to Meléndez and Rodríguez's attempts to marry. While the Partidas allowed a woman to marry relatively soon after the death of her husband, this legal circumstance had exceptions.<sup>153</sup>

After denying that he and Rodríguez exchanged promises of marriage while Diego Antonio lived, Meléndez stated that the two had honest intentions when they tried to marry. He argued that he wanted to marry her because,

...porque como cristiano y que había tenido esta mala amistad con la susa dicha tantos años viviendo su marido y después para ponerse en buen estado y quietud, deseo y desea casarse con ella que es toda su fin para no ofender mas a Dios Nuestro Señor...

...because as a Christian and having lived in illicit friendship with the said [Catalina] so many years while her husband lived [I wanted] to restore her good standing and virtue, we wanted to marry so that we would no longer offend God, our Father...<sup>154</sup>

Meléndez continued, arguing that he only sought to marry Rodríguez after he learned that she was a widow and that they hoped to marry so as not to continue offending God any longer with their relationship. Meléndez sought to bolster this claim by stating that he often went to mass and declaring his love for God.<sup>155</sup>

Unmoved by the testimonies of Meléndez and Rodríguez, and in spite of their attempts to repair the public personas, the court ordered that the two remain separated as their relationship posed a grave danger to one's conscience.<sup>156</sup> Allowing the two the opportunity to marry would also have challenged ecclesiastical and civil rhetoric as well as the inquisitorial discourse which governed the viceroyalties. Rodríguez spent a number of weeks in recogimiento before being released on account of her poor health.<sup>157</sup> Meléndez received an extended sentence of exile for

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<sup>153</sup> Partida IV, Title XII, Law III. Ibid, 947.

<sup>154</sup> AGN, *Contra Alonso Meléndez y Catalina Rodríguez*, foja 7 v.

<sup>155</sup> Ibid, foja 8 v.

<sup>156</sup> Ibid, foja 15 r.

<sup>157</sup> Ibid, foja 18 v.



the time and space of eight years and ten leagues. The court also threatened that if Meléndez broke his exile again, he would be sent to the Philippines to serve a ten-year conscripted military punishment.<sup>158</sup>

Women often received punishments of *recogimiento* in court cases. This practice sought to morally rehabilitate fallen women in need of redemption. The woman would be placed in either a spiritual home specific for the practice of *recogimiento*, or in the home of a reputable and honor able person within society who could seclude the woman and oversee her behavior and moral rehabilitation. Women also had to work during their confinement, depending upon their social status, in order to earn their bed and board. More than a punishment, the word *recogimiento* also meant a character trait or quality, that is, virtuous and secluded.<sup>159</sup>

The location of a woman's confinement depended upon her own social status and, if she were also charged with adultery, the status of her husband as well. Rodríguez's confinement took place at the Casa de la Misericordia in Zumpango de la Laguna. The Casas de Misericordia served the lower classes and originated in Spain by recommendation of Juan Luis Vives. Vives suggested that the *recogidas* receive training, if young enough, and that they be housed, fed, and rehabilitated all together.<sup>160</sup>

While *amancebamiento* did constitute a sin, the practice alone rarely warranted attention from either civil or ecclesiastical authorities if done quietly. Just as with Meléndez and Rodríguez, the public scandal worked against those charged. In 1689, a *soltera* from Xochimilco

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<sup>158</sup> Ibid, foja 21 v.

Thank you to Professor Nicole von Germeten for her assistance in understanding this specific type of punishment.

<sup>159</sup> Nancy E. van Deusen, *Between the Sacred and the Worldly: The Institutional and Cultural Practice of Recogimiento in Colonial Lima* (Stanford: Stanford University Press, 2001), 60, 270, 94-95, 98, 91.

<sup>160</sup> Ibid, 41-42.

known as Josefa Ortiz, received a sentence of recogimiento and a threat of excommunication because her concubinous relationship offended God and garnered notable scandal within her town. According to her case, Ortiz carried on the scandalous lifestyle “with little fear of God”.<sup>161</sup> Lorenza de Alcázar appeared before the court in 1691 for her own personal scandal. The court removed the soltera from her home and deposited in recogimiento “hasta que tenga cumplido efecto todo lo referido por convenir al servicio de Dios, Nuestro Señor,” or until such time that she returned to the service of God.<sup>162</sup> Rosa García’s 1693 case of amancebamiento reveals that her recogimiento took place at the home of the governor of San Cristobal Ecatepec. García’s case also identifies the man with whom she lived so scandalously, Josef Cataño. The cases against Ortiz and Alcázar give no such detail.<sup>163</sup>

Public notoriety serves as the primary commonality among these cases. Each allegation of amancebamiento originated because the public knew of the sin. Had these relationships taken place behind closed doors, they might never have come before the court. To prove amancebamiento, witnesses had to give testimony that they saw the defendants in question “eat together, share the same bed, or ride the same mule.”<sup>164</sup> By engaging in such behavior so publicly, the couple called the authority of the Church into question. Herein lies the crux of the issue: the offense did not matter as much to either civil or ecclesiastical courts as the matter in which the sinner sinned. I will further explore this argument with the following case.

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<sup>161</sup> México, AGN, *Proceso Contra Josefa Ortíz*, Regio Patronato Indiano, 1689, foja 1 r.

<sup>162</sup> México, AGN, *Proceso Contra Lorenza de Alcázar*, Regio Patronato Indiano, 1691, 1 r.

<sup>163</sup> México, AGN, *Proceso Contra Rosa García*, Regio Patronato Indiano, 1693, 1 r.

<sup>164</sup> Van Deusen, 77.

### “Contra Luis Martin Vaquero”

On the twenty-seventh day of February in 1605, the Holy Office called an audience with twenty-eight-year-old Maria de Ortega. At first, Ortega claimed ignorance of any heretical acts. But then, the inquisitor don Alonso de Peralta asked Ortega if she had heard anyone say that it was not a sin to live in concubinage. Unable to plead ignorance any longer, she replied,

Luis Martin [Vaquero], her husband, claimed that it is not a sin to live with a woman in concubinage, sharing bed and board as man and wife, sleeping in one bed and eating at one table, because this did not offend God in the way that having an affair with a woman and then leaving her would. God wanted the sinner to move away from that sin. He then took his tools and went to work without another word.<sup>165</sup>

The inquisitor then asked her who heard her husband say these words.<sup>166</sup> Ortega replied that a *moço* named Domingo heard, as did a man called Benito Alonso, who shared Vaquero’s sentiments, agreeing that concubinage did not offend God.<sup>167</sup> After this exchange, Alonso left with her husband, also without another word.

The inquisitor next asked Ortega why she failed to come forward and denounce her husband to the Holy Office, because without a doubt, Vaquero’s words called the Holy Faith into question. Ortega answered that she did not denounce her husband to the Holy Office because Vaquero erred and amended his words. She asserted that she confessed his words to her confessor. The confessor told her that she had done well and that he did not require Ortega to denounce her husband to the Holy Office. Therefore, she felt no obligation to do so.<sup>168</sup>

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<sup>165</sup> México, AGN, *Proceso Contra Luis Martin Hortelano*, Inquisición, 1604, foja 7 r.

Thank you to Raissa Canete-Blazquez for her assistance with this translation.

<sup>166</sup> AGN, *Contra Luis Martin Hortelano*, foja 7 v.

<sup>167</sup> Moço: young man.

<sup>168</sup> AGN, *Contra Luis Martin Hortelano*, foja 8 r.

Peralta finally asked Ortega about Vaquero's Christian practice. She replied that he was a very good Christian and that in eleven years of marriage, he was always a God-fearing man who gave alms and carried a rosary with him everywhere.<sup>169</sup>

The line of questioning above indicates that Vaquero's opposition to Church rhetoric and his conversations about it worried the Holy Office more than the existence of these ideas. This exchange between Ortega and the Holy Office calls into question the extent to which Church rhetoric regarding sexuality influenced the behavior of viceregal inhabitants during the viceregal era in New Spain.<sup>170</sup> In spite of Church attempts to regulate sexuality throughout the viceroyalties, I argue that plebeians and elites alike were not sexually suppressed by ecclesiastical mores imposed by the Church. Likewise, ecclesiastical rhetoric did not dictate plebeian interpretations of doctrine or morality.

After testimony from his wife Maria de Ortega, the court brought thirty-six-year-old Vaquero from his jail cell to testify before the Audiencia. Upon request, Vaquero supplied an extensive family history including information on his: parents, maternal and paternal grandparents, aunts, and uncles, siblings, as well as his wife and children. Vaquero's genealogy illustrates a large family with deep roots in Ayamonte, many of whom traveled to New Spain. Most of his family members spanning at least three generations, worked as gardeners.<sup>171</sup> Vaquero himself worked in the Huerta de los Espindolas adjacent to the convent of the Discalced Carmelites.<sup>172</sup>

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<sup>169</sup> Ibid, foja 8 v.

<sup>170</sup> I define rhetoric as the hierarchical, discursive use of language by means of writing, speech, etc., used to impose or influence desired behavior or characteristics, on a given population.

<sup>171</sup> AGN, *Contra Luis Martin Hortelano*, foja 10 r.-11 v.

<sup>172</sup> Ibid, foja 10 r.

The Inquisitor asked for an explanation of Vaquero's life events, in particular the extent of his travels and his interactions and dealings with others.<sup>173</sup> Don Alonso de Peralta hoped to establish the possible origin of Vaquero's belief and how far these notions might have spread. Though not well educated, Vaquero had traveled from Spain to the viceroyalties and had a large family and a profession, which afforded him servants and contact with religious orders.<sup>174</sup> Vaquero's belief that amancebamiento was not a sin posed more danger to the Church than if the belief came from others who may have voiced their beliefs out of ignorance. Vaquero wielded more influence than perhaps even he realized.

Inquisitor Peralta urged Vaquero to confess to the accusations against him in order to save his soul and end his time in jail.<sup>175</sup> Vaquero repeatedly denied doing anything against the Holy Catholic Faith, determined to let the lack of evidence, save for hearsay, work in his favor.<sup>176</sup> This method of explanation, or lack thereof, served as Vaquero's means to shape his own narrative. Vaquero crafted his responses according to his audience, in hopes of achieving a favorable outcome for his case.<sup>177</sup> While the accusations against him describe a man refusing to conform to ecclesiastical mores, Vaquero portrays himself as a pious Christian whose religious practices align with said mores. In response to the charges leveled against him, which called his Catholic faith into question, Vaquero contended that he was indeed a baptized and confirmed Christian who heard mass, confessed, and took communion.<sup>178</sup>

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<sup>173</sup> Ibid, foja 11 v.-12 r.

<sup>174</sup> Thank you to Professor Karen Melvin of Bates College for clarification of Luis Martin Vaquero's profession and its proximity to the Carmelite convent.

<sup>175</sup> AGN, *Contra Luis Martin Hortelano*, foja 12 v.

<sup>176</sup> Ibid, foja 13 r.-15 r.

<sup>177</sup> Davis, 3-4.

<sup>178</sup> AGN, *Contra Luis Martin Hortelano*, foja 11 v., 17 r.

As the questioning continued, in perhaps a moment of weakness, Vaquero's narrative shifted. Rather than denying that he spoke against the faith, Vaquero replied that he did not recall saying the words, but asked for mercy if he did indeed do so. Sensing the shift in response, the Inquisitor questioned why Vaquero asked for mercy if he did not speak the words. Vaquero replied that he asked for mercy so that he might have a defense.<sup>179</sup>

In his next appearance before the Audiencia, Vaquero spoke through his lawyer, arguing that he made his claim regarding amancebamiento out of ignorance.<sup>180</sup> Succumbing to increased pressure from the Audiencia, Vaquero changed his narrative once more, claiming, "un demonio me engañó," that a demon tricked him into speaking against the Church. The Inquisitor asked whether Vaquero knew that having sexual intercourse with a woman and believing the act free of sin was, in fact, a mortal sin. Vaquero, once again portraying himself as a devout man of faith, replied that he did know this, as God prohibited this act in his seventh commandment.<sup>181</sup> As the Inquisitor prepared to deliver Vaquero's punishment, his lawyer made one last plea for leniency, he claimed,

...That the said Luis Martin Vaquero recants his words and is very repentant of the error he made out of ignorance and inadvertency. He [Vaquero] is a man of the countryside with little education or knowledge, but he is an old Christian, strong in his faith, and asks mercy and compassion from the Holy Office<sup>182</sup>

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<sup>179</sup> Ibid, foja 17 r.-17 v.

<sup>180</sup> Ibid, foja 18 v.-19 v.

<sup>181</sup> Ibid, foja 20 r.

Commandment seven: Thou shalt not commit adultery.

<sup>182</sup> Ibid, foja 20 v.

Vaquero received a sentence of exile for the time and space of six months and ten leagues.<sup>183</sup> The court also mandated that he sign a public retraction of his words, acknowledging the sentiments as heresy.<sup>184</sup> Finally, the Inquisitors warned that,

Under pain of excommunication and severe and serious punishment, he keep secret all that passed in the course of his case. Anything seen or understood within the secret prisons of the Holy Office is not to be disclosed either directly or indirectly, and lastly that he must adhere to the restrictions of his sentence.<sup>185</sup>

The Holy Office worked to assure Vaquero's silence in matters of the faith long after his trial ended.

Vaquero's case is more in depth than that of Bartolomé López who came before the same inquisitors, in the same year as Vaquero, and for the same reason. The court did not require López's genealogy or a summation of his life and his business dealings. López later recanted his statement and there his case ends.<sup>186</sup> Pedro de la Pena came before the Holy Office in 1607 for his assertion that concubinage was better than marriage, even claiming that amancebamiento left one with more money. Pena argued that he did not remember making the claim, especially as he did not engage in concubinage. Nevertheless, he recanted and asked for mercy and clemency. His case details no specific punishment.<sup>187</sup> Also in 1607, two comrades, Pedro Hortigosa and Pedro de Morales, engaged in conversation when one (labeled a "*moço español*" though the case does not specify which) claimed that marriage was a heavy charge, therefore, it was better to be amancebado. His friend admonished him, arguing that these words were evil and should be

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<sup>183</sup> Ibid, foja 27 v.-28 r.

Ten leagues equates to roughly 25 miles or 40 kilometers.

<sup>184</sup> Ibid, foja 28 v.

<sup>185</sup> Ibid, foja 29 v.-30 r.

<sup>186</sup> México, AGN, *Proceso Contra Bartolomé López*, Inquisición, 1605, foja 2 v.

<sup>187</sup> México, AGN, *Proceso Contra Pedro de la Pena*, Inquisición, 1607, foja 86 r.

denounced. He then went before the court to denounce the moço. The moço acknowledged his fault, recanted his statement, and reaffirmed his good will toward the faith. The case details no punishment.<sup>188</sup>

The question remains as to why Luis Martin Vaquero's similar, if not identical, statement warranted such a response from the Holy Office, while related cases from the same time receive comparatively little attention or reaction. At first, Vaquero vehemently denied all accusations leveled against him, depicting himself as a devout man of faith, in an attempt to ensure a favorable outcome. When this strategy failed, Vaquero confessed to the crime, but remained inculpable to an extent, blaming his lack of education and arguing that a demon deceived him. Vaquero took a risk in creating and shaping his narrative, while López, Pena, and Hortigosa and Morales recanted their words at once. Given Vaquero's standing within the community, the Church likely also feared his potential for propagation of his dissident beliefs.<sup>189</sup>

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<sup>188</sup> México, AGN, *Contra Pedro Hortigosa y Pedro de Morales*, Inquisición, 1607, foja 1 r.

<sup>189</sup> Michelle A. McKinley, "Illicit Intimacies: Virtuous Concubinage in Colonial Lima," in *Journal of Family History*: vol. 39: 3 (2014), 214.



## CHAPTER 05 DISCUSSION AND CONCLUSION

*“Es carga pesada el casarse, y así es mejor estar amancebado que no casado.”*

*“It is a heavy charge, marriage, and for that reason it is better to be amancebado than to be married”*

*Pedro Hortigosa y Pedro de Morales, 1607*

*“En cuando estaba amancebado tenía más dinero que a gozar de su.”*

*“When I was amancebado, I had more money to enjoy myself.”*

*Pedro de la Pena, 1607*

### **Early Modern Instruction and Reality**

In spite of attempts by religious figures like Vives and León to outline the proper behavior and quality of young women, reality did not reflect their teachings on sexuality, honor, or marriage. Whatever values Vives and León placed on female chastity and virtue, viceregal experiences painted a different picture. Catalina Rodríguez engaged in a long-term relationship of amancebamiento with Alonso Meléndez during the last five or six years of her husband's life and sought to marry Meléndez soon after Diego Antonio's death. Based on the court case against her, Rodríguez did not spend an extended period of time in mourning, cloistered, or celibate. She openly defied Vives' prescriptions for a proper Christian woman and served her recogimiento at the Casa de la Misericordia. This specific home for recogidas was established based on an idea outlined by Vives himself.<sup>190</sup> While Rodríguez and Meléndez sought to marry so as to not offend God any longer, many women and couples chose to remain unmarried, thus placing themselves at risk of prosecution from both civil and ecclesiastical courts.

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<sup>190</sup> Van Deusen, 41-42.

## Effectiveness of Ecclesiastical Rhetoric

Given the cases previously examined, did the hegemonic Church succeed in suppression of sexual expression for the purposes of maintaining authority? Appearance before the court and subsequent punishments established the discourse of the Church and the Holy Office as purveyors of justice. Acquittal reinforced this discourse, as it endowed the Holy Office with the power to exercise leniency or mercy.<sup>191</sup> However, I argue that plebeians and elites alike did not put much stock into these imposed regulations.<sup>192</sup> Robins contends that within the viceroyalties, men and women alike defied traditional “social mores” through illicit sexual relationships, though I interpret these more specifically as *ecclesiastical* mores.<sup>193</sup> Both the number of court cases against amancebados and seventeenth-century rates of illegitimacy illustrate that Church rhetoric concerning morality did not represent the general beliefs of the viceregal populace. Numbers for cases pertaining to amancebamiento from all viceroyalties and from lower-level civil court cases would be staggering. A preliminary online archival catalog search by keyword of the Archivo General de la Nación in Mexico City, for cases pertaining to amancebamiento, yields 428 cases between 1571-1809.<sup>194</sup>

Table 1: Archival Search Results Pertaining to *Amancebamiento*

| Search Term within Instituciones Coloniales:        | Number of Cases: |
|---|------------------|
| <i>Amancebamiento</i>                               | 192              |
| <i>Amancebado</i>                                   | 183              |
| <i>Amancebada</i>                                   | 40               |
| <i>Por decir que es mejor estar amancebado</i>      | 8                |
| <i>Por decir que no es pecado el amancebamiento</i> | 1                |
| <i>Por decir que era mejor estar amancebados</i>    | 4                |

<sup>191</sup> Davis, 53; see also: Michel Foucault, *Discipline and Punish: The Birth of the Prison*, translated by Alan Sheridan (New York: Pantheon Books, 1977).

<sup>192</sup> Lavrin, “Sexuality in Colonial Mexico,” 48; Twinam, 82.

<sup>193</sup> Robins, 28, 36.

<sup>194</sup> 1571 marks the start of the Inquisition in New Spain.

Regardless of these archived prosecutions, the prevalence of sexual unions outside of marriage is best illustrated by rates of illegitimacy throughout the viceroyalties. These rates also shed light on the ineffective imposition of moral rhetoric by the Church. At different points during the viceregal era, historians estimate illegitimacy rates at more than 50 percent. Race was a prominent factor in classifying illegitimate births, though Spain had much higher rates of illegitimacy than other European nations: 25 percent or more compared with approximately 10 percent respectively. As a matter of comparison, during the same time period in England, under the reign of Elizabeth I, illegitimacy rates stood between 9 and 10 percent.<sup>195</sup> While the eighteenth-century is known as the century of booming birthrates and massive demographic recovery in Latin America, the region experienced high rates of illegitimate births throughout the viceregal era.<sup>196</sup> Thomas Calvo determined a 58 percent rate of illegitimacy for Guadalajara in the seventeenth century. Robert McCaa calculates that 52 percent of children born in Guadalajara in 1700 were illegitimate. Nicolas Robins aligns with the 50 percent estimate, though argues that mestizos and castizos had illegitimacy rates up to 80 percent in the sixteenth century. Patricia Seed and Richard Boyer note that “Spanish women in the Old and New World recorded ‘twice and even four times’ the number of extramarital births as their cohorts in other European countries.”<sup>197</sup>

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<sup>195</sup> Peter Laslett and Karla Osterveen, “Long-Term Trends in Bastardy in England: A Study of the Illegitimacy Figures in the Parish Registers and the Reports of the Registrar General, 1561-1960,” in *Population Studies*: vol. 27: 2 (1973), 255.

<sup>196</sup> Woodrow W. Borah and Sherburne F. Cook, “Conquest and Population: A Demographic Approach to Mexican History,” in *Proceedings of the American Philosophical Society*: vol. 113: 2 (1969), 183. See also, Borah and Cook, *The Aboriginal Population of Central Mexico on the Eve of the Spanish Conquest* (Berkeley: University of California Press, 1963); Borah and Cook, *The Population of Central Mexico in 1548: An Analysis of the Suma de Vistas de Pueblos* (Berkeley: University of California Press, 1960).

<sup>197</sup> Africans and slaves had the highest rates of illegitimacy, as much as 80 percent. Nara Milanich, “Historical Perspectives on Illegitimacy and Illegitimates in Latin America,” in *Minor Omissions*:

## Persistence at the Risk of Prosecution and Punishment

Viceregal subjects resisted the enforcement of ecclesiastical moral rhetoric when it came to their sexual relationships for a number of reasons. In doing so, they risked both prosecution and punishment from the Holy Office. Why then, did so many plebeians fail to regularize their unions? The social, political, and economic contexts of the seventeenth century influenced the decision not to marry. Status and social class limited the opportunities for marriage between partners of different races or social statuses. The crown discouraged couples of different races from marrying through a series of edicts designed to preserve the racial hierarchy. The Church worked to carry out the edicts, yet crown and Church alike experienced defiance as viceregal subjects engaged in amancebamiento as a means of circumventing such pronouncements.<sup>198</sup> Rates of illegitimacy illustrate that ecclesiastical pushes to change the perception of illicit conduct or relationships did little to influence plebeian behavior.<sup>199</sup> Racial mixing, or *mestizaje*, took place in large part by illegitimate means. In fact, by the seventeenth century, mestizos constituted the majority of the population of Mexico.<sup>200</sup> On the other hand, Spanish men and women experienced more social compulsion to legitimize their unions via marriage so that they might “reconcile themselves with the Church.”<sup>201</sup> Differences in social class also contributed to the decision or ability to regularize a union, though elites viewed this impediment as more important than plebeians given their motivation to maintain their honor and social standing.<sup>202</sup>

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*Children in Latin American History and Society* (Madison: University of Wisconsin Press, 2002), 72-73. See also: Calvo, “The Warmth of the Hearth,” 295; McCaa, 24; Robins, 19-21; Patricia Seed, *To Love, Honor, and Obey in Colonial Mexico: Conflicts Over Marriage Choice, 1574-1821* (Stanford: Stanford University Press, 1988), 63; Boyer, 32.

<sup>198</sup> McKinley, 210-214; Schwartz, 131.

<sup>199</sup> Schwartz, 32.

<sup>200</sup> Lavrin, “Sexuality in Colonial Mexico,” 57; see also: Rappaport, *The Disappearing Mestizo*, 20-24.

<sup>201</sup> Lavrin, “Introduction,” 04; “Sexuality in Colonial Mexico,” 58.

<sup>202</sup> Twinam, 04; McCaa, 25-26.

Just as Pedro de la Pena argued in 1607, couples had economic reasons for choosing not to marry. A woman could decline to marry for these same purposes. Marriage meant submitting to the legal control of one's spouse and loss of control over any resources she might bring to the union, including her dowry.<sup>203</sup> On the other hand, inability to secure a dowry and the cost of a ceremony alone also proved justifiable reasons to engage in amancebamiento rather than marry. The charge for a marriage ceremony often exceeded financial means, requiring more money than families made in several months. Many couples saw little reason to pay for such an expensive ceremony to legitimize their union and any existing or subsequent children, especially if they owned no property or had no fortune. Given that "natural" children had inheritance rights if no other legitimized children existed, cohabitating couples who engaged in amancebamiento had "weak incentive to marry." Distinctions of illegitimacy mirrored those of relationships of concubinage. First, *hijos naturales*, born to single parents free to marry at any time. Second, *adulterinos*, born to parents in adulterous unions. And third, *espurios*, born to priests and their concubines. Hijos naturales became 'legitimate' children immediately upon marriage of their parents.<sup>204</sup>

Women sometimes decided against legitimizing their union given the prevalence of marital violence. While marriage provided certain economic advantages and protections, women found it more difficult to leave and separate from a violent spouse than from an amancebado.<sup>205</sup>

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<sup>203</sup> Ruth Mazo Karras, *Unmarriages: Women, Men, and Sexual Unions in the Middle Ages* (Philadelphia: University of Pennsylvania Press, 2012), 71-72.

<sup>204</sup> Milanich, 76, 81. See Linda Lewin, *Surprise Heirs: Illegitimacy, Patrimonial Rights, and Legal Nationalism in Luso-Brazilian Inheritance, 1750-1821*, 2 vols. (Stanford: Stanford University Press, 2003).

<sup>205</sup> Calvo, 305; Karras, *Unmarriages*, 71-72; Robins, chapter 4.

This reasoning gave rise to the Castilian proverb: *Mejor amancebada que mal casada* [it is better to live in sin than to be poorly married].<sup>206</sup>

If circumstances or the Church necessitated the regularization of the relationship at any point, the ceremony immediately and officially legitimated both union and children alike.<sup>207</sup> In instances where a union of amancebamiento ended, civil law allowed women to sue for either marriage or for a dowry to secure a different union in an effort to restore the woman's reputation as a marriageable woman.<sup>208</sup> In other instances, the parties involved did not view the state of their sexual union as a pressing matter.<sup>209</sup>

Couples who engaged in amancebamiento had a variety of reasons to forego the regularization of their unions, all of which defied imposed ecclesiastical rhetoric and risked prosecution and punishment at the hands of the Holy Office. Punishments for amancebamiento included exile, extended stays in prison, lashes, recogimiento or deposito [for women], or excommunication.<sup>210</sup>

### **Vocalization of Dissident Beliefs**

While illicit unions of amancebamiento could rouse the attention of the Holy Office, the tribunal more heavily prosecuted those who voiced their lay interpretation of Church doctrine. Disagreement with or failure to strictly adhere to the moral rhetoric set forth by the Church did not cause the same problems that publicizing one's dissident beliefs did.<sup>211</sup> If done out of

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<sup>206</sup> McCaa, 11; Poska, 75.

<sup>207</sup> Milanich, 76, 81.

<sup>208</sup> Lavrin, "Sexuality in Colonial Mexico," 63.

<sup>209</sup> Schwartz, 30-31.

<sup>210</sup> AGN, "*Proceso contra Alonso Meléndez y Cathalina Rodríguez*", foja 1 r.

The Holy Office threatened Cathalina Rodríguez with fifty lashes if she did not forbid Alonso Meléndez entrance into her home.

<sup>211</sup> Schwartz, 31, 131.

ignorance, in passing, or with little dispersal, one could apologize and repent without much issue. If one had the network at his disposal to disseminate his own interpretation of doctrine, the tribunal launched a full force and in-depth investigation into one's familial and religious history. In these instances, crafting one's own narrative of piety did little to influence a favorable outcome.<sup>212</sup> In other instances, narratives of ignorance created by the succeeded in mitigating the prosecution and punishment in a given case, at times eliminating punishment altogether.<sup>213</sup>

### Concluding Remarks

*"...Que la virtud más es perseguida de los malos que amado a los buenos."*

*"..For virtue is persecuted by evildoers more than it is loved by good people."*<sup>214</sup>

*—Don Quixote, 1605*

Building upon a changing history of legal precedents, Tridentine regulations enabled the Church to regulate both marital and sexual unions and to punish defiance by means of the Holy Office. Marriage served as the only Church-sanctioned union in which sexual expression could take place. Ecclesiastical rhetoric determined that sex served procreational purposes exclusively, while sex for purposes of pleasure or outside of marriage, whether adultery, fornication, or concubinage became punishable offenses. Viceregal plebeians, needless to say, did not strongly adhere to this imposed rhetoric. While women risked damage to their honor and reputation, men risked legal implications or consequences of guilt and conscience.<sup>215</sup> Nevertheless, men and women alike willingly engaged in sexual relationships outside of marriage.

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<sup>212</sup> AGN, *Proceso Contra Luis Martin Hortelano*.

<sup>213</sup> AGN, *Contra Pedro Hortigosa y Pedro de Morales*, foja 1 r.

<sup>214</sup> Cervantes, *Don Quijote de la Mancha*, 483; Cervantes, *Don Quixote*, ed. and trans. by Edith Grossman, 409.

<sup>215</sup> Twinam, 92-93, 125.

Dissident beliefs arose via different means. The collision and integration of different histories and cultural practices following Europe's contact with the New World created a new cultural context which fostered emergence and exchange of varying interpretations of Catholic doctrine. The Church and crown worked to censor or ban reading materials, which called their enforced rhetoric into question, though these efforts did little to stem the "flow of information."<sup>216</sup> Social exchanges facilitated the dissemination of these dissident beliefs. This circulation of lay interpretation of Church doctrine caused more worry for the Church and the Holy Office than the existence of the beliefs to begin with. It was one thing to question Church rhetoric and dogma as an individual, it was another to broadcast such uncertainty or to propagate unorthodox interpretations of canon or practice. The vocalization and dissemination of dissident beliefs led to denunciation before the Holy Office, as in the cases of Luis Martin Vaquero and Pedro Hortigosa and his friend Pedro de Morales. Thus the Tribunal initiated cases against these men for vocalizing their heretical beliefs.

The "flow of information" facilitated the spread of conversation and gossip which had the potential to result in denunciation from the Holy Office. Here again, engagement in illicit relationships did not cause uproar as much as the manner in which one did so. Had Alonso Meléndez and Catalina Rodríguez been more discreet in their adultery, the two would likely have been granted their marriage license without challenge.

Once the Holy Office brought a defendant before the court, the accused often created their own narrative of events to portray themselves as honorable and devout members of the faith. This course of defense served to bring about a satisfactory outcome in the case against

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<sup>216</sup> Boyer, chapter 06.



them, either minimizing or avoiding punishment altogether. Defendants often claimed ignorance as a defense, attributing their missteps to their lack of education. Luis Martin Vaquero used this strategy, alleging that his ignorance made him vulnerable to deception from a demon who tricked him into speaking against the faith and arguing that amancebamiento was not a sin. The Holy Office conducted a more in depth inquest into Vaquero's past, his beliefs, and his interactions as his occupation afforded him proximity and contact with the Order of the Discalced Carmelites. For this reason, Vaquero's vocalization of dissident beliefs posed a measureable threat to ecclesiastical authority, more so than other cases in this time and place which detail merely a denunciation, apology, and retraction. Vaquero's ignorance defense and his carefully crafted narrative minimized his punishment. He received only six months banishment and signed a public retraction of his statements.

For these reasons, I have argued that ecclesiastical rhetoric did not heavily influence sexual behavior among the plebeian populace in the viceregal era. Despite the existence of hundreds of cases pertaining to amancebamiento in Mexico City, staggering rates of illegitimacy illustrate that Church rhetoric did not represent the general beliefs and practice of its flock. Viceregal plebeians defied rhetoric and crown edicts alike to engage in amancebamiento, risking trial and punishment at the hands of the Holy Office. The Church did not succeed in suppressing sexual relationships outside of marriage.

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## APPENDICES

## APPENDIX 01

## GLOSSARY

|                            |   |
|----------------------------|---|
| <i>Adulterinos</i>         | Child born to parents in an adulterous relationship   |
| <i>Alcalde mayor</i>       | Mayor of a given town   |
| <i>Amancebado</i>          | One who engages in the illicit union of amancebamiento  |
| <i>Amancebamiento</i>      | An illicit union defined by different relationships: <ol style="list-style-type: none"> <li>1. Two unmarried individuals cohabitating, who are free to marry at any time</li> <li>2. Adulterous concubinage wherein one partner is married and carries on a relationship with his/her <i>amancebado</i></li> <li>3. Clerical concubinage wherein a cleric engages in a concubinous relationship with his <i>amancebado</i></li> </ol> |
| <i>Castizo</i>             | Pure  |
| <i>Culture</i>             | For the purposes of this research, I define cultures as acquired patterns of behavior and thought which include but are not limited to: traditions, spirituality, healing practices, institutions, philosophies, ideologies, etc.   |
| <i>Discourse</i>           | For the purposes of this research, I define discourse as the power structures which govern social life in a given context.  |
| <i>Doncella</i>            | A young virgin, virtuous  |
| <i>Español</i>             | Spaniard  |
| <i>Espurios</i>            | Child born of the illicit union between a cleric and his mistress   |
| <i>Hijo(s) natural(es)</i> | Child born to unmarried parents who can marry at any time   |
| <i>Indio / india</i>       | Indigenous person   |
| <i>Lengua Mexicana</i>     | Indigenous language   |
| <i>Macro</i>               | Eric Wolf advocated a macro/global approach to cultural study, wherein social, economical, and political forces are taken into context when studying a specific culture.  |



|                              |  |
|------------------------------|--|
| <i>Mala amistad</i>          | Illicit friendship   |
| <i>Mestizaje</i>             | Racial mixing  |
| <i>Mestizo</i>               | Person of mixed European and Indigenous ancestry   |
| <i>Micro</i>                 | Franz Boaz advocated a micro/local approach to cultural study, wherein cultural practices are understandable only in the context of that specific culture.                                   |
| <i>Moço</i>                  | Young man  |
| <i>Mulato</i>                | Person of mixed European and African ancestry  |
| <i>Palabra de casamiento</i> | Promise of future marriage   |
| <i>Recogida</i>              | Woman secluded in <i>recogimiento</i>  |
| <i>Recogimiento</i>          | <ol style="list-style-type: none"> <li>1. House of seclusion used as a judicial punishment</li> <li>2. Character trait or quality signifying a virtuous or chaste woman</li> </ol>           |
| <i>Rhetoric</i>              | I define rhetoric as the hierarchical, discursive use of language by means of writing, speech, etc., used to impose or influence desired behavior or characteristics, on a given population. |
| <i>Soltera</i>               | Single, sexually active woman  |
| <i>Viceregal</i>             | Period of time in New Spain, during which the region fell under the jurisdiction of a viceroy, 1521-1821.  |
| <i>Viuda</i>                 | Widow  |

## APPENDIX 02

## ARCHIVAL DOCUMENTS

| Figure | Description  |
|--------|--|
| 1      | Testimony of Catalina Rodríguez in which she argues the presence of a <i>doncella</i> to bolster her reputation, 1692  |
| 2      | Testimony of Alonso Meléndez in which he asserts that he and Catalina Rodríguez did not wish to offend God any longer with their relationship, 1692                          |
| 3      | Proceso contra Josefa Ortiz in which she is accused of amancebamiento and scandal, 1689  |
| 4      | Proceso contra Lorenza de Alcázar in which she is accused of amancebamiento and scandal, 1691  |
| 5      | Proceso contra Rosa García in which she is accused of amancebamiento and scandal, 1693   |
| 6      | Testimony of Luis Martin Vaquero in which he claims a demon tricked him into speaking against the faith, 1604  |
| 7      | Testimony of Vaquero's lawyer in which he argues his client's ignorance and pleads leniency, 1604  |
| 8      | Proceso contra Bartolomé López in which he is accused of saying amancebamiento is not a sin, 1605  |
| 9      | Proceso contra Pedro de la Pena in which he is accused of saying that amancebamiento is not a sin and that he had more money when he was <i>amancebado</i> , 1607            |
| 10     | Proceso contra Pedro Hortigosa and Pedro de Morales in which the accused claimed that marriage was a heavy charge and therefore it was better to be <i>amancebado</i> , 1607 |


  
 3.  
 Declarante a cavallo el dho Al.<sup>o</sup> Meléndez, y capos  
 diciendo que venia por ser semana de ay. a ver  
 a el dho beneficiado de este pueblo. i. legos dio  
 poner el que el dho dho se cora a en esta de-  
 clarante y que de en ello, y alomodo la faga  
 en un corralillo y metio la dha faga en el pueblo  
 y coxinillos en el aporonto, y que se estubo por-  
 lando con esta declarante, diciendo que venia en  
 ferma, y con deseo de ver a el dho benef. que via el  
 crevir a el dho Arzobispo para que le diese li-  
 cencia para casarse, y que no se acordaron jun-  
 tos, y que estaban desdichados quando yo dho Alcalde  
 mayor fui a su casa, que quien estaba ya acor-  
 tada en un prete junto a la puerta del aporonto era  
 una muchacha llamada Ant.<sup>a</sup> que siempre  
 la ha tenido en su compania esto de declarante, y que aunque  
 oyeron tocar a su puerta del aporonto no se pudo el dho Al.<sup>o</sup> me-  
 lende, porque quien tubo miedo y que aunque estaba de declarante  
 Respondio no abrio porque no conocio a el que llamaron, y que  
 aunque abrio despues quando se le quiso derribar la ventana  
 del aporonto fue porque entonces conocio por el habia a  
 Melchor Rodriguez ministro que fue en mi compania, y que  
 quando yo dho Alcalde m.<sup>o</sup> y lo que iban en mi compania en  
 un amor en dho aporonto, a la de declarante de miedo abia puesto un  
 Guipil suyo, a el dho Al.<sup>o</sup> Meléndez, y le avia escondido detras de  
 su espalda para que no fuese conocido, y se sabiere que es ver-  
 dad que esta declarante ha tenido mala amistad con el dho Al.<sup>o</sup>  
 Meléndez, desde que murio Diego Ant.<sup>o</sup> su marido natural organiza-  
 to que fue de este pueblo, que havia un año las aguas que vienen  
 de este año, con que seran como cosa de ochomates, y aunque es por  
 que despues de muerto el dho su marido por octubre, e. noviembre  
 del año proximo pasado, a el dho declarante el dho Al.<sup>o</sup> Melen-  
 dez a la Ciudad de Mexico, y se presentaron ante el dho Provisor  
 para dar sus informaciones para casarse, y se le veria su decla-  
 racion, y juzgando abreviar mas, y que no se le negare la li-  
 cencia, sin saber lo que se decia. Dijo esta declarante que abia  
 tenido mala amistad con el dho Al.<sup>o</sup> Meléndez en vida de su mari-  
 do, y que se avian dado palabra de coramiento el uno a el otro,  
 y que despues de estas declaraciones, dho señor Provisor embio

Figure 1: Declaración de Catalina Rodríguez in which she claims the presence of a doncella to bolster her reputation. AGN, Proceso contra Alonso Meléndez y Catalina Rodríguez, 1692, foja 3 recto.



quatro. o. cinco años y que pues vivio en la labor de donfrancisco de melendez  
 que es su diuina de suantitas cinco. o. seis meses preguntado  
 la causa de estar preso. Dixo que por que yo. dho alcaide m. el dho  
 go de Ramon que ayo ayo en la noche se hallen en la casa de ca  
 lina Rodriguez. Dha Viuda vecina de este que llo en de este conf  
 santo. Llego aquel dia domingo como a los ocho. o. nueve de la noche  
 y que se estaba hablando con la dha dha sin desnudarse porque dho  
 vino a decirle que le rogara a el Sr. beneficiado de este partido  
 que hiciera un informe a el Sr. Arzobispo para que dispusiera  
 a este confesante y a la dha Cathalina Rodriguez del equivo  
 de su ignorancia que hubieron en Mexico donde trataron de  
 casarse y sugando les importaria para la brevedad. sin a  
 ber si era impedimento inordinadamente. La dha Cathalina Ro  
 driguez. Dico que dixo que viviendo su marido que se llama. D. Jo  
 ant. indio cantor que fue en este pueblo. avia dadose palabra de casam  
 ento con este confesante para en muriendo el dho su marido, que  
 andaba enfermo, pero que este confesante nunca dio tal palabra  
 porque aunque se acuerda que el Sr. provisor en Mexico. Le dio palabra de casa  
 miento a esta mujer con quien se quiere casar. y le aprendio este  
 confesante no me acuerdo de ser. si tal palabra di, por que como pudo  
 saber si su marido se avia de morir antes que yo, o, ella. que  
 la muerte no la tengo yo. cohechada, que aunque estaba enfermo  
 me podia yo morir. primero. o. ella, conque en duda este confesante  
 pudo ser que ante el Sr. provisor conviniere en lo de la palabra. pero  
 que seria solo jurando ser necesario para absolver en el casamien  
 to. pero que ahora este confesante declara que endios en su conciencia  
 nencia dio tal palabra de casamiento a la dha Cathalina Rodri  
 guez. a quien este confesante en vida del dho su marido la  
 trato de mala amistad. Como cinco. o. seis años poco mas. o. menos  
 y que es verdad que aunque este confesante se acuerda que ante  
 dho Sr. provisor. declaro que la avia tratado veinte años. no  
 dixo verdad por que solo lo hizo por mover a la piedad de que se  
 le diese licencia para casarse que era lo que pretendia  
 este confesante. por que como Christiano y que avia tenido esta  
 mala amistad con la dha tanto años. Viviendo su marido  
 despues. para ponerle en buen estado. y quietud. de res. y desca  
 casarse con ella. que es todavia. para no ofender mas a di  
 os. y que como esto es solo su conciencia. quando yo dho alcaide  
 de Mexico. fui ala casa de dha Cathalina Rodriguez. y en ella  
 halle a este confesante y se le preguntó que hacia allí. Verdad  
 me respondio que estaba con su mujer. pero que tambien lo es, que  
 nose acordó con ella y si estaba sola. La cama vestido. y ella  
 desnuda metida dentro de la ropa y que estubieron hablando  
 de que a el dia siguiente que era Lunes. La dha Cathalina Ro  
 driguez avia de rogar por ser tiempo de caridad a el Sr.  
 Sr. beneficiado para amparar e informando a el Sr. Arzobispo

Figure 2: Confesión de Alonso Meléndez in which he claims he wanted to marry Catalina Rodríguez so as not to offend God any longer. AGN, Proceso contra Alonso Meléndez and Catalina Rodríguez, 1692, foja 7 verso.



Yo el Don Juan de Aguilar Iscrista  
 Por la Gracia de Dios Fiel de la Santa Sede Apostolica  
 Arzobispo de Mexico del Consejo de Su Magestad  
 En quanto por personas zelosas del Servicio  
 de Dios nro Señor I bien de las Almas senos  
 ha dado noticia Como en la Cui de Xochi-  
 milco asiste una mofa llamada Josepha ortiz  
 la qual congozo temon de Dios, vive escandalo  
 en mal estado de que se sigue notable  
 Perjuicio al Pueblo dno; I para que se tan-  
 gaue Inconu, I se bien offensas de Dios nro  
 Señor I de carnos Como a Prelado deste arzobispado  
 Ponra el remedio que se necesita. entanquam  
 dno de las Almas. Por la presente damos  
 una Comisi<sup>on</sup> la que decimos se requiere I se re-  
 sessaria a Don Pedro Espexo Notario Accep-  
 de una Audiencia Arzobpal Para que Vaya  
 a dha Cui de Xochimilco I en virtud desta  
 Comisi<sup>on</sup> I con auxilio de la D<sup>a</sup> Justicia de ella  
 que des de luego Pedimos enuocamos, la que  
 de la Parte I lugar donde estuviere ala dha  
 Josepha ortiz. Notifique a esta Cui anua Pue-  
 senia, notificandole que Para ello no ponga  
 excusa ni resistencia, en virtud de Santa obe-  
 diencia I pena de excom<sup>on</sup> maior latz sen-  
 tentia I apercunim<sup>to</sup> que de Constan de I no  
 rediencia I no sederemos Contra la su othra  
 a lo que buiere lugar Pondra: I si a dha Pena  
 de excom<sup>on</sup> maior latz sententia manda-  
 mos que ninguna Persona de qualquier  
 estado Calidad I Condici<sup>on</sup> que sea no os tome  
 a el dho Notario la excom<sup>on</sup> desta nra Comisi<sup>on</sup>

Figure 3: Proceso contra Josefa Ortíz in which she is accused of amancebamiento and scandal. AGN, Proceso contra Josefa Ortíz, 1689, foja 1 recto.



Nos el Don. fran. de Aguirre y Serxas por la  
 Gracia de Dios y de la Santa Sede Ap<sup>ca</sup>. Arzob<sup>do</sup> de Mex<sup>co</sup>  
 del Consejo de su Magestad Ca  
 Por quanto por Personas zelosas del Servicio de Dios N<sup>ro</sup>. S<sup>or</sup>  
 y bien de las Almas se nos a. dado noticia que en el Pueblo de Temo-  
 aque Doctrina del Partido de Tlaxcala se halla Lorenza de Alcazar  
 mujer soltera viuiendo con notable escandalo, y que la suso dha con poco  
 temor de Dios, y dano, de su conciencia ocasionaua con su mal viui-  
 a que susuedieren por ella muchas desgracias y q. de mas de lo Vefen-  
 do se requiran muchos perjuicios en dho. Pueblo, y p.<sup>a</sup> q. ceven tan  
 graues inconuenientes, nota, y escandalo de la suso dha; Manda-  
 mos despachar la presente por auto Tenor: = Damos n<sup>ra</sup>. Comis.  
 La que de dno. se requiere, y es necesaria al B<sup>n</sup>. Juan Dias del  
 Corral Clerigo Diacono nro. Pomicionario, p.<sup>a</sup> q. con auxilio de la  
 R<sup>l</sup>. Justicia, q. p.<sup>a</sup> ello pedimos, e Amosamos alas de su Mag.  
 Y en especial alas del dho. Partido de Temoaque saque de la  
 casa, o parte donde estuviere a la dha. Lorenza de Alcazar y con  
 toda guarda, y custodia nos la remita a esta Ciu.<sup>n</sup> notificandole  
 ala suso dha. se venga, a ella con dhas. guardas sin hazer fuga.  
 ni poner p.<sup>a</sup> ello embaraso alguno, y que lo cumpla en Virtud de  
 S<sup>ta</sup>. Obediencia, y pena de Excomunion mayor l<sup>ta</sup>te sententia  
 y apercui<sup>do</sup> que constando de inobediencia procederemos a lo  
 demas que hubiere lugar conforme a dno, y a fixarla en la  
 tablilla por publica excomulgada sin mas cita<sup>on</sup> ni notifica<sup>on</sup>,  
 q. la que se le hubiere con esta n<sup>ra</sup>. Comis.<sup>on</sup> p.<sup>a</sup> lo qual se rite  
 en forma, y el dho. B<sup>n</sup>. asentara. dha. notifica<sup>on</sup>. en este  
 despacho, y las demas diligencias, que hubiere hasta q. tenga  
 cumplido effeto todo lo Vefenido, por conuenir al seruicio de  
 Dios N<sup>ro</sup>. S<sup>or</sup> y bien de las Almas, y serrado, y sellado  
 con dhas. diligencias lo remittira a nuestra Secretaria de  
 Camara, y Pouerno, para que Vista. Proueamos del remedio  
 conueniente; Y mandamos que ninguna Persona de qual-  
 quier estado, calidad, y condision, que sea estorue la execu<sup>on</sup>  
 desta nuestra Comision sola dha. pena de Excomunion mai

Figure 4: Proceso contra Lorenza de Alcázar in which she is accused of amancebamiento and scandal.  
 AGN, Proceso contra Lorenza de Alcázar, 1691, foja 1 recto.



Yo el Don. Fran. de Aguiar y Seixas. Por la Gracia de Dios  
 y de la S.<sup>a</sup> Sede Apost. Arzobispo de Mexico del Consejo de su Mag.<sup>d</sup> C.<sup>as</sup>  
 Por quanto se nos a dado noticia que en el Pueblo y Partido de San  
 Christoval Ecatepec deste nuestro Arzobispado se halla una  
 Muger nombrada Rosa Garcia Soltera viviendo con mucho escan-  
 dalo de todo el Pueblo Oprimido y hallarse en mal estado con  
 Joseph Catano Vecino de dho. Pueblo y para que se oñen las of-  
 ensas de Dios Nuestro Señor y el escandalo tan pernicioso  
 que se causa en la Republica — Por lo presente damos comi-  
 sion la que de derecho se requiere y es necesaria al P.<sup>e</sup> fray  
 Antonio de Neira del Orden de San Francisco y Minis-  
 tro de Doctrina de dho. Partido para que luego y esta se le  
 entregue y sin dilacion alguna saque con auxilio de la R.<sup>e</sup>  
 Justicia que para ello pedimos e Inuocamos a las de su  
 Magestad y en especial a las de este dho. Partido alas  
 dha. Rosa Garcia de la casa del Gobernador de este dho.  
 Pueblo donde tenemos noticia estar en deposito y nos la remi-  
 ta a esta Ciudad con Persona o Personas de toda su satisfaccion  
 notificandole severa con ella sin escusa alguna y sin  
 hazer fuga ny escandalo alguno por convenir asi al reser-  
 cio de Dios Nuestro Señor y que lo cumpla presis y pun-  
 tualmente en virtud de Sancta obediencia y pena de  
 excomunion maior lath sententia ipso facto incurrenda  
 y apercuvimiento que constando de Inobediencia prose-  
 deremos a lo que hubiere lugar conforme a dho. y soladha.  
 pena de censura mandamos que ninguna Persona de qual-  
 quiera calidad, o condision que sea no estorue la execucion  
 de esta nuestra comision y el dho. P.<sup>e</sup> Ministro en vir-  
 tud de ella pondra a suple todas las diligencias  
 que biere y con ella serradas y selladas nos las remi-  
 te a esta Ciudad a la R.<sup>e</sup> Justicia de la qual  
 el dho. Arzobispo para que se le notifique y se le

Figure 5: Proceso contra Rosa García in which she is accused of amancebamiento and scandal. AGN, Proceso contra Rosa García, 1693, foja 1 recto.



20  
 ~ Dico queno tuuo fundam<sup>t</sup> miguas, mas deegar  
 le el demonio quando lo dize. Y queno lo ha  
 gdo amigu<sup>a</sup> p<sup>a</sup>, ni selo eanenseado.  
 Preg<sup>do</sup>. Como pudo esto fundarse en alguna  
 cosa pues Ejs tan particular distribution, dize.  
 qel estar amanebado apax y uchillo era peccado,  
 y no estando, no.  
 ~ Dico que el demonio teengano y no supolo que  
 se dize.  
 Preg<sup>do</sup>. Si sabe que el tener acceso carnal  
 con qual quiera muger lo penfamt. deliberado de  
 pecar con ella se peccado mortal  
 Dico que sabe que es peccado mortal lo uno y lo  
 otro, y que lo prohibe Dios en el scto mandam<sup>t</sup>.  
 Preg<sup>do</sup>. Si sabe que es peccado mortal y lo prohibe  
 Dios en el scto mandam<sup>t</sup>. que motivos tubo para decir  
 queno era peccado.  
 ~ Dico queno tuuo mas motivos de enganarle el  
 demonio, Y queno supo lo que se dize, ni adivi:  
 tio en ello, por que si adivirtieran lo dixeran  
 como dho tiene sabe, que en el scto mandam<sup>t</sup>. pro:  
 hibe Dios qualq<sup>do</sup> carnal.  
 ~ Con lo qual Volui acentar en la audia, el dho  
 J<sup>r</sup>

Figure 6: Testimony of Luis Martin Vaquero in which he claims a demon tricked him into speaking against the faith. AGN, Proceso contra Luis Martin Hortelano, 1604, foja 20 recto.



58  
 D. Garza de Canajal suletrado. Y auiendo  
 leido lo que ha declarado despus que salio del  
 Y auiendo sobre el tratado y comunicado lo que  
 quise sobre este punto y causa con su acuerdo  
 y parecer el dho Luis Martin Vaquero.  
 Dijo queremitiendo se a lo que ultimamente  
 tiene declarado y confesado, el estamuy arre-  
 tido del error que dió, el qual fue con gran se-  
 rancia inadvertencia, Y attento a que es hombre  
 del campo y de poca saber, Y a que es christiano b-  
 yno sospecho, pide y supp<sup>ca</sup> se le reconel de la misericordia  
 de deo para diaque los ofrs. acostumbra y contanto con luy y  
 prueua, prueua,  
 Traslado ~ El dicho Jngud. dió que mandaua yrnan-  
 da traslado al dicho Promotor fiscal de este  
 ofr. El qual dió que afirmandose en lo que  
 tenia dicho y aceptando las confesiones por el dho  
 Lorenzo Martin Vaquero fechas en quanto por  
 el fiscal para hazer y no en mal, negando lo perjudicial con-  
 prueua, y con luy para prueua.  
 ~ El dicho Sena fagud dió que auia y huios el  
 causa por conclusa y fallaua que deua de recelir  
 reabir a ambas ofrs al prueua salus pice imper-  
 nentium et non admittendum segun se  
 deos ofrs. lo qual fue notificado a ambas  
 las partes.  
 Noty.  
 Sena de prueua  
 a prueua

Figure 7: Testimony of Vaquero's lawyer in which he argues his client's ignorance and pleads leniency. AGN, Proceso contra Luis Martin Hortelano, 1604, foja 20 verso.



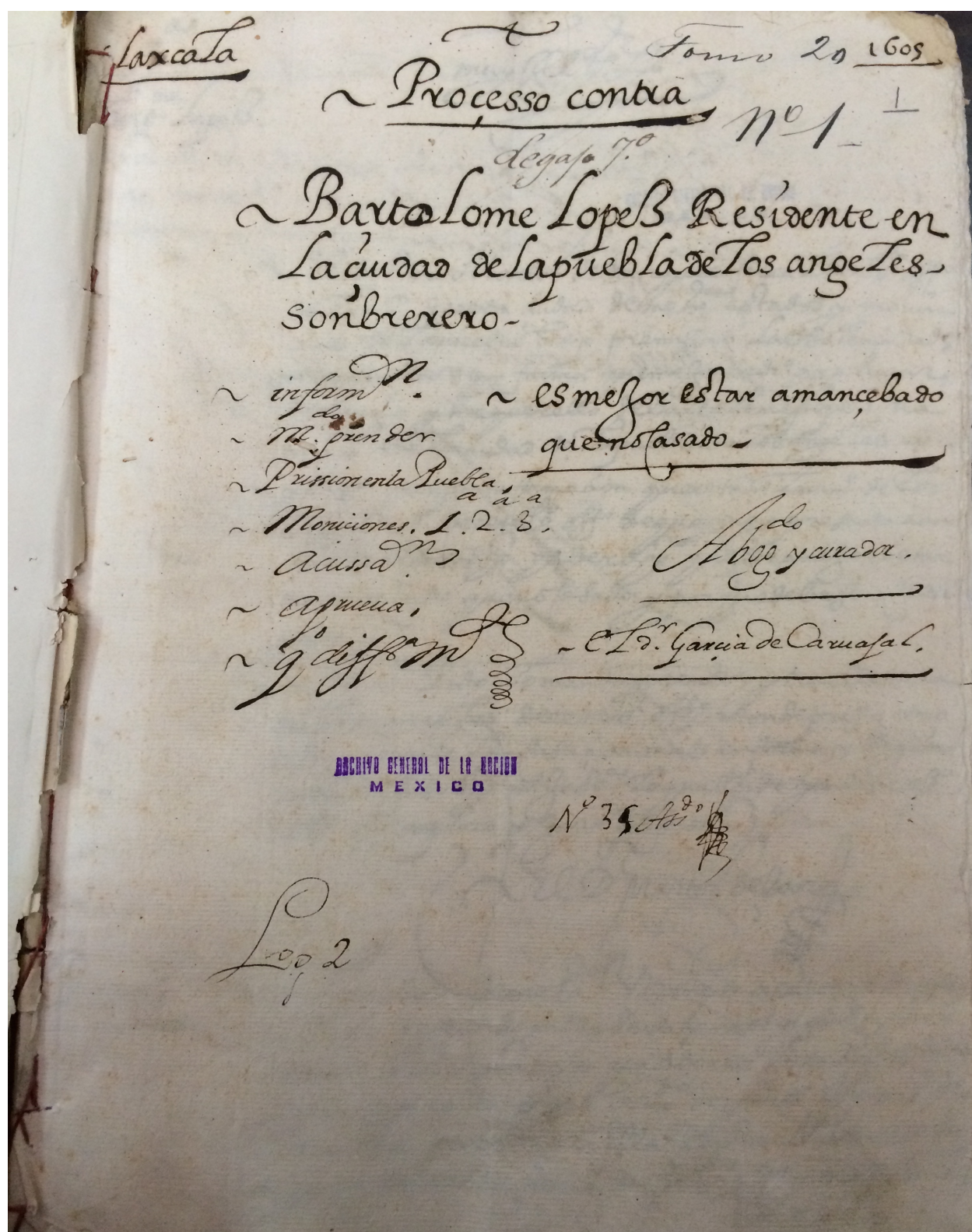


Figure 8: Proceso contra Bartolomé López in which he is accused of saying amancebamiento is not a sin.  
AGN, Proceso contra Bartolomé López, 1605, foja 1 recto.

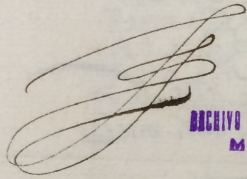
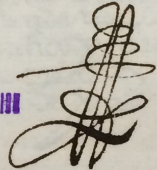


[illegible]



Lo q<sup>to</sup> se adequalificar por mandado de los off<sup>es</sup> de la p<sup>ra</sup> n<sup>ra</sup>

Un moco Hispano el p<sup>ro</sup> p<sup>ro</sup>fficial de hazer som<sup>os</sup>  
 breves queno sabelen ni eferuiri. diziendo a esta  
 p<sup>er</sup>sona, Meis os cassado, o estais cassado, Respondio  
 el dicho moco, Es carga pesada el casarse, y assi  
 mejor es estar amancebado queno cassado, y diciendo  
 se la dicha a esta persona, Hermans, miralo que  
 aueis dicho que es mal dho, y los acusar de ello. Y  
 dho y reyo, Respondio el dicho moco, auiendo se  
 ratificado en lo que auia dicho, Vaya y acuseme,

Las palabras son malsonantes y el ratificarse en ellas y  
 decir q<sup>ue</sup> se acusasen es culpable. pero no muestran que  
 sienta mal de la fe el q<sup>ue</sup> las dixo fino queno mas afiguero  
 estar amancebado que la carga que llama pesada de el  
 matrimonio. En el collegio de la comp<sup>añ</sup>a de Jesus a 23  
 de febr<sup>o</sup> de 1607.

Pedro de Hortigosa + Pedro de Morales

Figure 10: Contra Pedro Hortigosa and Pedro de Morales in which the accused claimed that marriage was a heavy charge, therefore it was better to be amancebado. AGN, Proceso contra Pedro Hortigosa and Pedro de Morales, 1607, foja 1 recto.