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Sexuality in Colonial Mexico:
A Church Dilemma

On the eleventh of November 1734, in the small city of Tescoco, close to the capital of Mexico, Juan de Baños, castizo—son of a mestizo and a white person—and single, appeared before Joseph de Güemes, a member of the Holy Office and ecclesiastical judge, to state that “better to serve God, Our Lord, that He may save his soul, he declares to be in illicit friendship with Gertrudis Fernández, from Xolalpa, [legitimate daughter of Antonio Fernández, mestizo, and Gregoria Sánchez, española] of the same parish of Tepetlaostoc, whose honesty he took under the word of marriage that both had exchanged, but being willing to make that promise good . . . and incapable of abandoning their long illicit friendship, he requests an investigation of the degree of relatedness between them, to be able to redeem through marriage the bad state in which they are.” This request was eventually granted on November 27 by Bishop Juan Antonio Vizarrón Eguiarreta, archbishop of Mexico City, who, after finding that they were second cousins and had lived in “incestuous concubinage,” imposed a general penitence of confession of all their sins, communion on all the festivities of the Virgin Mary for one whole year, and saying the Holy Rosary nightly on their knees for the same period.1

The story of Joseph and Gertrudis was not unusual. In mid-colonial New Spain problems of a sexual nature were routinely dealt with by the religious authorities of the several bishoprics of the colony. Among young couples, premarital sexual relations after a betrothal vow seemed to have been a common occurrence; cases of consensual unions were brought frequently to the attention of the ecclesiastical judges; illegitimacy and bigamy were not uncommon. Such instances of religiously unorthodox sexuality raise questions
on the degree of acceptance by the common folk of the behavioral models set by the church as a codifier of sexual behavior, and on its role as witness and judge of the many irregularities committed by the faithful. The manner in which the church interacted with those who either challenged or broke its moral norms is a key element in understanding its effectiveness as a mechanism of social control.\footnote{2}

The late Michel Foucault posited that in Europe the seventeenth century was critical in the process of narrowing the definition of morality and imposing restrictive behavioral codes, especially in the area of sexual relations. This was partly the result of the work of the Council of Trent, which closed its sessions in 1563 after twenty years of work to reorganize the Roman Catholic Church, strengthen its traditional values, and answer the many challenges posed by humanists, freethinkers, and Protestants. To educate the faithful in the revised canons of the church and to foster spiritual conformity, theologians developed catechisms and confessionalats, which laid out orthodoxy from the cradle to the grave. Such broad agenda, however, did not meet all its goals. There was always a gap between religious canons and the actual behavior of the people. Adaptation, confrontation, enforcement, and elusion in matters of personal behavior, especially in its sexual aspect, became important elements in the daily lives of many people, and this is an important if neglected chapter in the social history of the seventeenth and eighteenth centuries.

Here I propose to begin the examination of the effect of Counter-Reformation rules of social and personal mores in the Viceroyalty of New Spain. For a better understanding of the moral norms of sexual behavior stressed by the church and the degree of acceptance or resistance found among the general population, we should consider two levels of analysis. One is that of the sexual behavior prescribed in the treatises of moral theology and in the confessionalats—books to help confessors in their tasks of inquiry and moral guidance of the confessants.\footnote{3} The second is that of the actual behavior of the population, as reflected in the cases brought before the ecclesiastical judges of the bishoprics of colonial Mexico. These cases were either self-confessions or denunciations of breaches of the ecclesiastical norms, and they represent the reality of daily life for those who failed to practice fully the teachings of the church.\footnote{4}

At the beginning of the seventeenth century the church had a solid basis for the canonical interpretation of sexual behavior. After the Council of Trent solved once and for all the format of the mar-
riage ritual, the church made a concerted effort to make its teachings on the nature and objective of male-female relationships better known to the laity. The thrust of this task was pastoral and lay on the shoulders of bishops and parish priests, who through their daily contacts with their flocks learned about their personal habits and influenced their behavior. Confession and penitence, two essential elements in Roman Catholic spirituality, were the tools to correct errors and mold consciences into proper doctrinal observance. In Spain some of the most distinguished theologians of the late sixteenth and seventeenth centuries paid special attention to the sacrament of marriage and the moral issues raised by the sixth commandment. For practical purposes, the confessioans translated much of the abstruse scholarly discussion of moral theology into language more easily understandable by the parish priest and the laity. They furnished the general parameters of sexual morality handed down to the population at large by its religious guardians.

Sex and Sin: The Confessionals and the Definitions of Sexuality

Human sexuality as a constant challenge to the spiritual side of humankind was a source of constant preoccupation for the church. The confessioans analyzed the nature of human weakness and established the boundaries between the permissible and the nonpermissible, between actions blessed by the church and actions condemned by it. Under the confessioans’ meticulous examination of sin and transgressions, the contours of human behavior were indeed distorted by virtue of the undue emphasis put on all its negative aspects. The models proposed by moral theology as paradigms of piety were largely unattainable to most mortals but were assumed to be beacons for their guidance on this earth. Regardless of their feasibility, the norms set by the church are essential to our understanding of the cultural constrictions imposed on the daily lives of the laity.

The post-Tridentine concept of sexual behavior retained much of the patristic and medieval dialectic of flesh and spirit as two antagonistic forces engaged in a constant battle. The prevalence of the flesh could mean eternal condemnation for the soul. To avoid this, men and women should constantly control the demands of their bodies. The church defined rules to guide humanity in this struggle between the spirit and the flesh, but the final choice of behavior always rested
in the hands of the individual, on whose own personal free will rested the decision to follow the path of salvation. This stress on the freedom to choose between good and bad was central to the definition of sin. Sin is the voluntary—thus knowledgeable—breach of the rules of behavior set by the church, leading to the loss of divine grace by the soul. Sin could be absolved, however, and the soul restored to its communication with God through confession and penitence. The individual acknowledged error in confession and repented through contrition or penance. Absolution, granted by the minister of God, restored the ties between the soul and its maker.

Because of the cardinal importance of free will, one of the most important tasks of confessions was to establish whether the actions that led to transgression were voluntary or involuntary. The confessor assumed full responsibility for a voluntary infringement. In contrast, an involuntary action, even though it was recognized as a bad one, did not necessarily lead to sin.

The sixth and the ninth commandments dealt with the sins resulting from adultery and lust. In most confessionals, however, it is under the study of the sixth commandment that “sinful” sexual behavior receives its most thorough review. The explanations of the sixth commandment hold the key to the discourse on sexuality and its manifold forms of expression and repression as they surveyed the nature of “turpitude” and all attempts against chastity and sexual restraint.

One of the most orderly explanations of lust and its consequences in seventeenth-century confessionals is that of Fr. Gabino Carta, S.J. As he reviewed the sixth commandment, Fr. Gabino explained how lust could manifest itself in seven forms, all conducive to mortal sin and comprising all manners of sexually forbidden behavior. These forms were: 1. simple fornication, 2. adultery, 3. incest, 4. rape, 5. abduction, 6. sins against nature, and 7. sacrilege.

Simple fornication occurred when two single persons, unrelated to each other, engaged in sexual acts outside marriage. Adultery was committed when at least one of the two partners in an unsanctioned sexual relationship was married. Incest occurred when the couple was related by blood ties in the first or second degree. Other degrees of relatedness by blood were also subject to ecclesiastical supervision, but the degree of incestuousness lessened as ties weakened, i.e., for persons related in the third or fourth degree. Spiritual kinship also created incestuous bonds, and sexual relations between
persons thus related were also considered sinful without ecclesiastical dispensation. Rape (estupro) was the sexual act forced on a female. Abduction (rapto) was commonly defined as a forced seizure of a woman. It was an ambiguous situation, since confessors and moral theologians understood that, in many instances, the abducted woman voluntarily cooperated with the abductor and engaged in willful sexual relations after the abduction. However, whether such relations were willful or coerced, the church did not condone the abduction. Whether the woman was or was not a virgin before the rape or the abduction, or whether her reputation was bad or good, was in theory irrelevant to the church. The forced nature of the action made abduction and rape mortal sins.

According to the moral theologians, sins against nature could be committed in three manners: 1. by voluntary pollution (masturbation), 2. by sodomy, and 3. by bestiality. Masturbation contravened the church's view that seminal emission must be carried into the female vagina (intra vas naturale) for the purpose of procreation. Sodomy or sin contra naturam was the copulation of two persons of the same sex. It also applied, however, to any form of sex between man and woman, married or not, contravening the physical position accepted by the church as "natural." Bestiality consisted in engaging in sex with an animal. In the seventeenth century it was still believed that the devil could assume the shape of an animal or even a person to tempt humans. Sacrilege was incurred when one of the two partners in a sexual act broke a vow of chastity, regardless of whether it was a simple or a formal vow. Hairsplitting theological distinctions and nuances led to important casuistic considerations. Thus, a person could incur several sins in one single act. This would be the case, for example, of a married man who in raping a woman committed adultery as well. If the woman happened to be a first-degree relative, incest would be added to the count. Sinning could be a complex issue. 10

Masturbation, always described as an exclusively masculine problem, deeply concerned the church. Aware of the narrow restraints put on male sexuality by its own moral theologians, the church targeted the only channel left for the release of masculine sexual urges. Since engaging in sex with a prostitute was defined as a sinful act, masturbation seemed to have been the only choice open to single men. Religious authorities closed this option and proscribed situations that could lead to it, such as "dishonest" body
contacts (tactos deshonestos) or any form of voyeurism. Furthermore, if during masturbation the person carnally desired another person, a second sin was committed. The sin became graver when another man or a woman was involved in the masturbation act, and it was at its most heinous if the helper incurred pollution himself. On the other hand, actions causing involuntary emissions, such as horse riding, eating in excess, or becoming drunk, did not per se lead to sin, as they were not originally intended to produce emission or pleasure.

Thoughts as well as actions counted in the definition of sin; confessants had to examine their innermost thoughts before, during, or after sinful behavior to be sure that the confession was complete and that full absolution would eventually be achieved.\(^\text{11}\) By such standards, desiring another man's wife in thought was as much a sin as lying with her, and sacrilege was incurred if a man desired a nun or a beata. The complexities of the human mind were further explored and acknowledged in the definition of a state of mind halfway between dreams and voluntary thoughts. There lay another layer of mental activity described as “morose delight” (delectación morosa). This form of sensual pleasure took place in a dim state of the mind, in which the will not to entertain dishonest thoughts was lost and the person ended by enjoying sexual dreams. Loss of control was the qualification for sin. When the mind was in a state of rest, such as in sleep, involuntary acts or dreams could be conducive to sin if they were remembered and enjoyed by the individual. By that token, the involuntary character of seminal emissions during sleep had to be proved in order to avoid mortal sin. If a man took pleasure from this form of pollution because he procured it before falling asleep, or enjoyed the memory of it after waking up, mortal sin was incurred. Ultimately, the will to gain pleasure from sexual activities was the key to defining any situation as sinful.

Given the narrow confines established for sexual activities, the possibilities of sin were numerous while the opportunities for the legitimate (honesto) enjoyment of sex were indeed limited. The general tone of the confessonals and the attitude of the church toward sexual union were repressive, stressing restraint and control over release and fulfillment. How did sexuality become acceptable? In actions as well as in thoughts, sex was acceptable only when it was satisfied within marriage. Most theologians knew that it was unrealistic to expect single persons to deny consent of the will in expe-
riencing sexual pleasure. The solution handed down to the single person was abstention and self-restraint. In that vein, Father Juan Antonio de Oviedo was of the opinion that one sinned every time that one fully consented in sensual pleasure outside marriage, even if such pleasure was triggered by small acts such as talking, listening, or holding hands. As he put it, failure to exert the mechanism of self-control over the weaker part of ourselves, and giving in to the desires of the flesh, was the source of human misery: it lost divine grace for men and women and endangered the salvation of their souls; it attached them to worldly pursuits; it made them hate each other and alienated them from God.¹²

Physical love was only legitimate as an expression of conjugal love, achieved through the sacrament of matrimony. In fact, within marriage both spouses were not only entitled to it, but obliged to perform it. Married couples had the duty of satisfying the sexual desire of the other whenever it was requested. Denying sexual satisfaction to the other was, by definition, a mortal sin. The sexual act became a “debt” (debito) to be paid, with very limited options available for evasion of such payment. Thus, the sexuality of both men and women was defined in a contractual manner. Under such strict regulations sexual activity was the opposite of the sin of “fornication,” which consisted in engaging in any of the sexual practices forbidden by the church. The recognition of the existence of physical needs in matters of sexuality did not mean that the church approved more than what was necessary to stay away from sin. The Council of Trent did not alter the patristic vision of marriage as a preventive of or a cure for concupiscence.¹³ Ultimately, all sexual activity approved by the church had one avowed and legitimate purpose: the perpetuation of the human species. Confined to the safe territory of marriage and legitimized by the need to procreate, sex in marriage was not totally unregulated, however. Couples should avoid “disorder” in their relations, a reference to the lust that was supposed to characterize adulterous relations. Those who married to satisfy their appetites, not to serve God, did not receive His grace. The pastoral effort to “spiritualize” conjugal love was still very much a reality in the late eighteenth century. An anonymous instruction for married couples written by a Franciscan priest ca. 1790 insisted on the possibility of a purified relationship between spouses that would elevate conjugal love to the higher levels of spirituality and reconcile the sacrament with its unavoidable physical reality. He advised
a spiritual retreat of ten days before marriage, to achieve the understanding that a marriage based on the satisfaction of “brutal appetites” was bound to unhappiness since it was not approached in the best spirit to serve God in that state. Those to be married should reject the sensuality that could be “smelled” and the lust in need of “quenching.”

The confessinals stated that thoughts of sexual pleasure permissible between spouses had to be directed toward each other. Widows and widowers could legitimately remember past sexual acts, and engaged couples could licitly enjoy thoughts of future intercourse, as long as such thoughts would not result in obvious physical arousal (si empero no se deleita, ni se expone a peligro de deleitarse de algún movimiento de sensualidad carnal, que entonces siente). Any “commotion of the flesh,” according to some confessinals, was the physical result of dishonest thoughts and a sign of having enjoyed sensual thoughts beyond acceptable boundaries, since they had not taken place in the only scenario where they could be fulfilled: the conjugal bed. Oviedo warned of the difficulty of making certain physical demonstrations of love such as kissing and embracing, or thinking about the sexual act, without experiencing physical stimulation. He advised against such activities until marriage had taken place.

The Realities of Transgression

That the teachings of the church were not heeded by a good number of people is a historical commonplace. The preoccupation of the church with sexuality was not born of idle theological abstraction. The “discourse” of regulation and repression had a human side, both the source and target of moral theologians. In the particular context of colonial Mexico, a fluid and complex pattern of personal relationships had developed by the late sixteenth century. Consensual unions, bigamy, sexual witchcraft, and solicitation of sexual favors in confessinals were but a few expressions of sexual transgressions recorded by the ecclesiastical authorities. Here I will focus on several manifestations of sexuality leading to some of the most common transgressions: courtship as the initiation of male-female relationships, premarital sex, concubinage, rape, elopement, and incest. I will also review breaches of moral and spiritual propriety in conjugal relations.
In attempting to retrieve the historical traces of sexual behavior, historians must acknowledge that any number of cases recorded represent a small part of a larger reality. The privacy of the confessional could be broken only when the cases coming before the priest clearly infringed the behavioral and spiritual canons of the church. Denunciations to ecclesiastical authorities for similar reasons provide the other main source of information. We should also remain aware of the fact that although transgressions reflect the social mores, they do not define them in toto, and while they are part of the main patterns of behavior not all people indulge in them.

One of the main means to identify “sinners” and the facts about their relationships was the requirement that couples intending to get married declare their free mutual consent to the union and that they state clearly if any blood or kin impediment stood in the way of their marriage; these affirmations were witnessed by several persons. This process was not concerned with sin itself, but it led to the revelation of hidden transgressions because bride and groom had also to confess premarital sex with the intended or with any blood or spiritual kin. Such relations were sinful and required canonical dispensation. Marriages contracted without such dispensation would be voided by the ecclesiastical authorities. Investigation of the couple’s proposed marriage could also be brought about by the denunciation of a third party alleging previous betrothal to either bride or groom, revealing sexual relations with any of the two, or disclosing a previously secret or unknown degree of affinity. In yet another variation, the groom would present himself to the priest and confess an “illicit” relationship, asking the priest to regularize it.

Any form of canonical impediment demanded an investigation of its nature and the circumstances in which it took place. The couple and several witnesses were questioned and, after establishing all the facts pertaining to the case, the priest sent the information to the seat of the bishopric, where the ecclesiastical judges studied it and made a final recommendation to the bishop. Only the latter had the power to grant or deny dispensations in matrimonial matters. The process of review and judgment could take several weeks or several months, and the couple was supposed to abstain from further contact until a decision was reached.17

Impediments to marriage were of two kinds: diriment and impedient. The first invalidated a marriage; the latter did not. Among the diriment impediments were legal and spiritual kinship; age, for
those too young to marry, bigamy, and male impotence. The last was widely discussed, and its circumstances were thoroughly scrutinized before a final decision was made. It became a diriment impediment if it verifiably existed before marriage, or if it persisted for over three years after marriage. Impedient impediments were caused by disparity of cult, by the taking of religious vows by one of the betrothed, by the forceful abduction of the woman, by a heinous crime committed by either bride or groom, by a previous promise of marriage, or by a promise of marriage given by a married person before his or her spouse died.

Blood and spiritual kinship were frequent impediments, and the church had a carefully designed system to judge the degrees of proximity and rule on dispensation requests. Several circumstances were considered when examining the problem of kinship. The ecclesiastical authorities had to judge if the small size of the town of residence could deny the bride the opportunity to marry somebody of her own social status who was not related to her. Just as important was her lack of a dowry, which could force her to marry a relative rather than an outsider. Excessive familiarity due to familial or spiritual ties could lead to a dishonest situation, and pregnancy resulting from this circumstance was an important consideration in granting dispensation, to insure a legitimate birth. An incorrectly performed marriage might have to be annulled and performed again. The potential stain of the family's reputation if the marriage did not take place was also an important consideration. Of these, the most common reason for canonical impediment in New Spain was premarital sexual communication between persons related in several degrees of blood or spiritual kinship.

Those who formed the motley crowd of self-confessed or accused sinners in New Spain were a veritable cross-section of the population. People from all the walks of life appear in the ecclesiastical records. My sources seem to tip in favor of a greater number of smaller rural communities rather than the larger urban centers. Thomas Calvo’s research in Guadalajara, however, suggests that similar sexual behavior flourished in the urban milieu as well. The occupational spectrum of those involved was broad. In the northern town of Parral, white (español) miners, merchants, and muleteers (arrieros) joined mulatto cobblers and tailors in the ranks of sexual transgressors. One of the Indians involved was a rustler. In Michoacán and Mexico City the ethnic and occupational characteristics are not
carefully or thoroughly recorded. Among twenty-seven cases of matrimonial irregularities, largely involving premarital sex and aired in the archbishopric of Mexico in 1732, there were labradores (rural workers), rancho leasers (arrendatarios), one government official, and one (high-ranking) principal Indian. Ironically, while the occupations of the grooms were scarcely described, those of the witnesses were better defined. Among them we have carpenters (maestros carpinteros), painters, surgeons (maestros de cirugía), tailors, candlemakers, cattle raisers, bakers, and a silversmith. This particular group in the Archbishopric was largely español. In general, the Michoacán records do not state the occupation of the petitioner. Occasionally, the fact that either the man or the woman lived in an hacienda identifies them as rural people. Tailors, weavers, and obreros (textile-mill workers) are a few of the occupations mentioned for people living in smaller rural communities. Aided by notarial records for the purpose of identifying occupation and social status, we may safely state that small merchants, artisans, minor public officials, and small landowners or landleasers form the bulk of the social group represented in sexual transgressions.

That people of various ethnic and socioeconomic backgrounds were involved in unorthodox sexual relationships is no surprise, since this is the essence of the process of mestizaje (racial mixing), which began with the Conquest in the sixteenth century. That a considerable number of the cases aired in the seventeenth and eighteenth centuries involve whites is significant. New Spain's demographic patterns had become increasingly complex by the beginning of the seventeenth century with the growing mixtures of white, Indian, and black. Confronting the church at the beginning of the seventeenth century was a situation of lax personal relationships and sexual interethnic encounters among the so-called lesser social elements. The noteworthy increase in the number of consensual unions and out-of-wedlock children involved españoles as well. Thomás Calvo has documented a considerable increase in the number of children born out of wedlock among the white population in seventeenth-century Guadalajara, suggesting a concomitant increase in premarital or extramarital affairs. In other areas the ethnic affiliation of those involved in marital litigation is not always available. In 167 cases of premarital sex in Michoacán, Guadalajara, and Mexico City from mid-seventeenth to late eighteenth century in which race was identified, I have found that 36 percent were con-
cerned with white couples, 22 percent with couples in which one member was white, 26 percent with couples of other ethnic groups, and 16 percent with partners of undisclosed ethnicity. Although not all extramarital affairs came to the attention of the courts, these results suggest that whites were full participants in the sexual practices of the period. It is questionable, however, that they committed the greatest number of transgressions. What the figures indicate is that they were under stronger social pressure to regularize their situations and reconcile themselves with the church. That nearly a quarter of the recorded cases involve interracial relationships attests to the vigor of mestizaje, with a significant participation of the ethnic elite in that process.

Sex and the Sins of Fornication

The apparent frequency of premarital sex among the rural and urban population of colonial Mexico appears to have been based in popular assumptions about sexual practice and the legal and religious implications of the promise of marriage. A number of urban and rural poor seem to have believed that sex among single persons was not a sin. Whether or not this was a widespread assumption will be difficult to test, but it was probably part of the folk reinterpretation of contemporary canonical dogma.

An examination of the process of courtship provides important clues for understanding prevailing attitudes about the initiation of sexual relations. Although data on courtship are sporadic, references to the initial contacts among partners—largely provided by women—are supplied in enough cases to permit a recreation of the process. Requerir y tratar de amores, a phrase appearing in suits and self-accusations indicates the existence of a courtship period in which the subject of love was raised by the man. Since dispensation for some degree of relatedness was a common request in matrimonial records (especially in those acknowledging premarital sex), we may safely infer that many young couples met socially because blood or affinal kinship permitted their encounter and subsequent visitations. Such was the course of the amorous relationship that developed between Gerónima Alcaraz, a mulatto, and español widow José Proquito Acevedo, related in second and fourth degrees of affinity. Their love unfolded (se fueron tomando amor) during the visits their kinship allowed.
Pasion y amor are very much part of the vocabulary of petitions and confessions. Such expressions as engendró amores, el mucho amor que le profesa, or ciega inclinación are common enough to suggest that lust was not the only emotion that joined men and women in premarital relations. The existence of strong affective ties between partners should not be surprising. Love was an essential element of the religious discourse on sexuality and marriage, even though the ecclesiastical authorities took a dim view of its consequences if it remained unbridled. Moral theologians and confessors constantly referred to love as the force that should bind husband and wife. The few examples of love letters preserved for posterity unveil the world of small concerns, endearing terms, and chatty communications that have always been exchanged by lovers of all ages.

Courtship could take several months of requiebro, or persuasion. Part of the wooing must have been addressed to the topic of the eventual sexual consummation of love. “Obstinate and importune requests” were cited by María Francisca Santiago in 1798, who later stated that pleasing words and promises were used by the male sex to weaken the female will. Such comments echoed the warning that seventeenth-century Franciscan author Fr. Alonso de Herrera gave to women about the dangerous flames of profane love.

Sexual relations could and did begin during courtship in more cases than we have suspected until now. José Núñez had access to the home of María Manuela de Vargas for several years as a friend, when their relationship suddenly turned into courtship one evening after he took her and her sister to a private theatrical performance. Even though that was the first time he spoke of love to her they agreed to meet secretly the same night. After climbing through a balcony into her room, he spent the night with her. When she later sued him for marriage he declared that she had given herself to him without any resistance, as a “woman of the world.” Ideally, women were expected to stand firm against any male advance throughout courtship if they wished to preserve their reputation for honor and virginity. Easy submission or acquiescence to the man’s desire could be interpreted as a sign of lack of moral fiber (virtud). While persuading a woman to grant him sexual favors did not tarnish a man’s reputation, courtship could also prove to be an occasion for him to prove his honor by not requesting sexual relations, making it clear that marriage was his objective. For this purpose he could use the good of-
fcies of several persons to convince the woman of the seriousness of his intent. Herein lay the essence of wooing as a test of character for men and women.

Communication between lovers of certain social status was through letters or oral messages (recaudos) carried by servants or consenting relatives. Such mediators were necessary given the usual surveillance by members of the family, and they could become accomplices if inhibitions were broken down and premarital relations were established. The courtship of don Juan de Cárdenas and doña Josefa Monasterios, member of a well-to-do family in San Luis Potosí, had all the elements of passion, guilt, and social pressure for the restitution of honor to become a textbook case of colonial sexual mores. Don Juan, a peninsular in the service of the alcalde of the town, did not hesitate to court Josefa after they made acquaintance while he walked on her street. He used letters to communicate with her until he succeeded in obtaining a midnight date in her own home. Other encounters took place in the house of an accomplice. They were later recalled in the greatest detail by the man himself and by the two female companions of doña Josefa, who stayed close to the couple even during the attempts at intercourse. The stories tell of kissing, embracing, and exchanging of love words in a brief courtship. Within a short time the man attempted to engage in sex with the willing but frightened woman, who feared the physical and moral pain of losing her virginity, she later confessed. Several other meetings took place during which don Juan apparently failed to consummate his desire and was only able to have seminal emissions extra vas, prohibited by the church. Josefa was willing and able to continue seeing the suitor under pretense of visiting a relative, and their meetings continued until, as he claimed, don Juan became tired of failing to have sex with doña Josefa. It is unclear whether or not he deflowered her, but she felt she had lost her honor and confessed to a priest. Soon enough her powerful brother-in-law established a legal suit against don Juan, demanding the repair of the family’s honor.

The explicitness of the descriptions of the meetings between don Juan and doña Josefa reveal the lack of privacy in which many personal relationships were carried out. The suitor gave ample testimony of his actions, and the two women witnesses corroborated every detail. While his right to seek satisfaction for his sexual drive remained unchallenged and unquestioned, hers was never acknowledged by the authorities, who were interested only in the legal and
social consequences that their sexual relations could have for her and her family.

Initiating a sexual relationship in the course of courtship seems to have depended very much on the exchange of verbal promises of marriage (*palabra de casamiento*), a binding agreement that carried legal and religious obligations even if it took place without witnesses. The most astute women tried to have a witness who might be of use later on, should the man attempt to break his promise. A promise of marriage could involve a symbolic exchange of gifts, a ritual followed by many couples to seal their engagement and give it the solemnity of a betrothal. The gifts were often of small value, but expensive jewelry could be exchanged by wealthier persons. The ritual exchange of gifts assured the woman of the marriage intentions of the man, although the verbal promise was all that was required and what most women seem to have received. If the betrothal was not voiced secretly by the couple, it was celebrated by the whole family to make the engagement public to the community.

The verbal promise of marriage apparently gave many women either sufficient assurance of the intentions of the man or enough confidence in its legal and religious implications to engage in sexual relations. As in late medieval Europe, it seems that couples in New Spain acted on the belief that once the verbal promise of marriage was given the marriage process had been initiated. If the word was not carried out, a question of honor was raised, and the woman was portrayed as having lost her public “credit,” stained her family’s name, and lost her chances to marry someone else. The fulfillment of the marriage promise was the key to regaining a measure of personal honor, to retaining social status and, just as important, to returning to the community of the religiously blessed.

Men and women entering into illicit premarital sexual relationships acknowledged the pull of the flesh. The body was weak and it was difficult to resist its temptations; the frailty of the human condition underlined all confessions (*llevado de mi fragilidad; mi fragilidad me arrastro como miserable*). The messages of the confessio- 

nals and the preachers are echoed in the formalized official de- positions of contrite sinners, who emphasized what was ugly and reprehensible in their relationships as part of the ritual of penitence. Women confessed to having ascended to the “gross desires” of men (*torpes deseos*); men and women alike referred to *torpe comunicación, torpe comercio, mala versión, desliz vergonzoso, ilícita*
amistad, and amor deshonesto to describe their illicit relationships. Only exceptionally, men confessed to having enjoyed the relationship or declared that it was a challenge to their manhood that they expected to meet. Thus, a man at the end of the seventeenth century reported that after a friendship with a woman “he succeeded in enjoying her” (consiguió gozarla), while another stated that as a man he had done the right thing in courting a woman (como hombre se había puesto a la obra). If women ever regarded sexual intercourse as a pleasurable act or a source of enjoyment, no records attested to such feelings.

Despite the fact that by force of circumstance love and lust were described as shameful and embarrassing, behind such declarations lay other motivations that call for further exploration. Premarital sex in a society so encumbered by religious and social controls may be regarded as a form of escaping such controls. The ease with which women acceded or “condescended”—as some of them put it—to having relations with a man after an exchange of gifts or a promise of marriage points to a desire to transcend or even defy the constraints imposed on them by family, religion, and law. And yet, since rarely did women acknowledge having entered into relationship without promise of marriage, the demands for redress nullified the spirit of the initial defiance and became the means to ensure the very goals that their behavior had apparently challenged. Whether or not this internal contradiction was appreciated by those couples engaging in premarital relations, they did so willingly, as part of the process of courtship. Once the union was consummated, they had a card in their favor, as the situation forced an ecclesiastical review of their cases and removed the final decision from parental, familial, or communal influence.

Relationships based on premarital sex amounted to consensual marriages, inasmuch as many couples lived together for several years and had several children before they either willingly requested or were forced to resort to the ecclesiastic authorities for the regularization of their union. The argument most frequently used by the man to request such regularization, and dispensation of consanguineous ties when it was required, reflects not only the rationalization of sin most akin to colonial mentalities, but also the arguments most likely to yield a positive ecclesiastical response. The most frequent reasons given to formalize a relationship were the man’s desire to repay the woman for her favors, the need to protect the wo-
man from poverty or even prostitution, the restitution of her honor, and the legitimization of the fruits of the union. Women suing men for default of marriage word stressed primarily the loss of their reputation. Some of the other arguments were more contrived than real, especially in instances when the couple had been living together for many years without benefit of public or religious approval.38 However, public shunning or social pressure were not factors to be dismissed lightly. In rural areas or in small towns, a couple living together almost always received some form of public notoriety, and it was a question of time before some pious neighbor, better to serve God, would denounce them to the ecclesiastical authorities if they did not seek dispensation and penitence.

Most legal suits commenced by women for breach of promise initially demanded marriage, but some women and parents were willing to settle for a dowry, which was assumed to allow the woman to find a husband, not to mention the fact that it was a “price” for the loss of virginity.39 In those instances where the final settlement for a dowry is available, it is clear that the social position of the woman determined the amount of the dowry. Doña Josefa Monasterios, the San Luis Potosí woman mentioned above, was awarded one thousand pesos, while a more humble mulatto woman was awarded one hundred pesos as damage payment for the relationship she had carried with a white man.40

The tensions created by suits over loss of virginity and palabra de casamiento revealed yet another significant nuance in the male-female relationships of the period. Marriage could not be forced on an unwilling party, and this traditional assumption protected many men. It was not a factor which could be taken for granted by any man before the final ecclesiastical settlement, however, since the church resolved all issues in a casuistic manner. To avoid the threat of being forced to marry or endow a woman, a man involved in a suit would question her morals, and cast doubts upon her behavior and the general tone of her life. Thus, he put her as much on trial as she had put him. Legal suits were lengthened for months while the parties argued and counterargued over the validity of their witnesses’ words. When Rosa de Piedra, finding herself pregnant, sued Antonio de Zárate for loss of virginity, he argued that before he met her she had had relations with other men. She had also left her Guadalajara home for several weeks before the initiation of their relationship. The inquiry carried out as part of the investigation of charges con-
tained questions to verify stories about Rosa and, put together with pieces of information provided by other witnesses, reveals the public character of personal relationships in small rural towns. Rosa had been seen closeting herself with a man on certain holidays and was supposed to having been caught in bed with yet another one from Aguascalientes. Her reputation as a doncella (a virgin) was questionable and questioned. Whether or not a woman was publicly held as honorable and virginal had a great deal to do with her social status and with her credibility, in case of a loss-of-virginity suit. In this instance Rosa was held a mujer inquieta, a term that signified a woman of loose morality with several known lovers. Although the outcome of the suit is unknown, the chances of her establishing her virginity and thus her lover’s liability for its loss, were very small after the details of her private life had been aired.41

Contrary to conventional wisdom, violence as a form of revenge does not seem to have been part of the rituals of redress of female honor. Ecclesiastical or civil authorities acted as social and legal mediators, following procedures that seemed to have satisfied most parties: imprisonment for the man and depósito for the woman, until the end of the inquiry and final judgment of the case.42 Only exceptionally are cases of personal or familial violence recorded. In such cases the male relatives of the dishonored woman made public displays of anger, either in words or in actions, such as walking around town with arms in search of the responsible man. Such behavior warned him of potential physical harm if he did not proceed to regularize the relationship before any further violence was required.43 It also publicized the fact that the woman had effective male protection, which was very important in a situation of female dishonor. A “protected” woman had better chances of obtaining redress than one without male backing.

One of the most unusual cases of violence recorded was that of a free mulatto seeking marriage with a white woman in Zamora in 1732. Reversing the usual legal process but proving that canon law could be equally applied to either party, he was suing the woman to fulfill her marriage word to him. He claimed that they had lived in an illicit union for six years, defying family opposition to marriage. That opposition reached a peak one evening when several of the woman’s male relatives entered her lover’s room and attempted to castrate him. During the inquiry the woman denied having had relations with the man, while he denied having been made incompetent
for marriage and insisted on having her fulfill her promise to him. The final ruling upheld the family's argument. It was decided that the man was impotent and that the proposed marriage was "unequal." The woman was relieved from her marriage promise.\textsuperscript{44} In this case the socioethnic prejudice against a man who was considered inferior in race and class was stronger than the desire to restore the woman's or the family's honor through marriage. The publicity given to the castration attempt precluded it and was also a powerful message to others who may defy the social prejudices of the ethnic élite.

The assumption that women needed protection was based on the notion that a woman's will and her honor were fragile possessions. Defending a white woman who had carried out an adulterous relationship with an Indian official in the town of San Sebastián, San Luis Potosí, the lawyer developed the argument that women were weak and malleable (deleznable), especially if persuaded by a good talker. He recalled the example of Eve and requested a pardon for his client, who shared in the general fragility of her sex. This example illustrates how deeply rooted was the concept of the female proclivity for breaking the law of God. "Sinfulness" was almost a natural female characteristic, part of her nature. She was not accountable for it, however, and the law should be lenient about her inconsistencies and intrinsic feebleness.\textsuperscript{45} Under such circumstances, those women who initiated suits without male representation showed remarkable strength. An important factor in their decision, however, was their knowledge that they were appealing to the institution that, despite its traditional misogynist stand, still provided them a significant modicum of protection as long as they obeyed its rules of behavior or repented from their lack of observance of the religious canons. Weakness had its strengths. Women saw a "paternal" symbol in the church and felt confident that, even in a patriarchal society, the men of the cloths had many mechanisms at their disposal to make lay men answerable for their actions.

Distortion of the normal course of courtship could also take the form of abduction and elopement. Forcing a relationship on either a family or on an individual, such as in the cases of abduction or elopement, violated the trust, mutuality, and consent that the church regarded as indispensable conditions of acceptable sexuality. Furthermore, by sidestepping the regular canonical sequence in the rituals of marriage, abduction and elopement challenged the church itself.
The most frequent reasons for couples to elope were to overcome socio-religious opposition to the marriage or known consanguineous impediments that would require an ecclesiastical investigation. After living together for several weeks the man would request the blessing of the church to repair the woman’s loss of virginity. Both family and church were forced to accept a de facto marriage. Although elopement was often prompted by some perceived inequality in the man by the family of the woman, this was not always the reason, as corroborated by a case in which an alcalde eloped with the Indian maid of a priest, or other cases in which the couple belonged to comparable socioethnic groups.

The reaction against elopement was initially social. The aggrieved parties, for the most part family members, sought public re-vindication of their honor through the imprisonment of the man. Civil and ecclesiastical law strongly condemned elopement or abduction, and while the judgment of the spiritual transgression belonged to the church, the accused was physically under the jurisdiction of the state throughout the investigation and during his punishment. The fact that a suit against the eloping couple or the alleged abductor meant the “exposure” of the woman and the public acknowledgment of her loss of virginity did not seem to bother the relatives since the woman was depicted as a victim, deluded by the man’s intrigues. The words used to describe the physical removal of a woman in elopement—sustraer, extraer—conveyed the idea of theft. The woman had been stolen from her family, whether or not she left willingly, and this backhanded manner of revealing the family’s inability to defend its females and protect its own honor caused the greatest ire among the offended relatives. Despite all familial efforts, in practice eloped couples seem to have been not only willing partners in the escape but also able to evade the authorities. Some lived together for several years in another town before civil and ecclesiastical justice reached them. When that happened, the penalty was surprisingly mild. The customary “punishment” they would receive was to legalize their marriage, a solution that was easily adopted most of the time.

As a challenge to public morality and a defiance to norms of Christian behavior, elopement had its nuances and degrees of criminality. When a Tarascan Indian was accused of repeated elopements with a number of women of the Parral area, the attorney argued that in no case had the elopements been carried out with force. He stated
that among the Tarascans, women easily left with any man who propositioned them, since they lacked "much understanding" of the implications of their actions. This diminished the degree of the offense. The sentence imposed on the accused man was temporary imprisonment in an hacienda.47 On the other hand, the elopement of two religious men with young women of good families created a public stir leading to long criminal suits. In the case of Fr. Juan de Salazar, a lay Franciscan brother who lived with several women in the Querétaro–San Luis Potosí area, both civil and ecclesiastical justices pursued the case vigorously, because the "scandalous and atrocious" actions of the priest against religion had "filled the public with horror and fear of their reiteration for lack of punishment."48 The socioethnic élite assumed that certain ethnic groups and the lower elements of society were more inclined to loose sexual behavior than they. An offense emanating from a member of the church and involving sacrilegious relationships, however, was a different matter and demanded a strong public censure.

Although consensual unions, whether of short or long duration, seem to have been frequent, adulterous concubinage formed a category by itself and was less defensible than relationships between single parties. Moral Theology was especially stern about adultery. It violated one of the two sexual bases of marriage, the prohibition of sharing the consort's flesh with that of another person.49 Adultery was associated with insatiable and sinful lust that did not find enough satisfaction with one's spouse. Adulterers became like demented people and walked a road of long thorns that pierced the soul, according to an anonymous late-eighteenth-century Franciscan priest. His condemnation of men who abandoned their wives and children for another woman stressed the economic penalty paid by the family. For adulterous women he had stronger words. He quoted Saint John the Evangelist, who compared them to animals in heat, "lascivious unbridled beasts." Such women were as deadly as poison, the epitome of evil.50

In the daily experience of colonial life, it was the misappropriation of forms of behavior belonging canonically to married couples that raised personal and communal disapproval. Most cases of adultery came to the knowledge of ecclesiastical authorities via denunciations of "God-fearing" persons who saw themselves representing the community and its moral and social interests. Given the difficulties of proving actual adultery, witnesses would resort to cir-
cumstantial evidence, such as the prolonged time spent by the man in the home of his presumed mistress (de puertas adentro) or his open display of courtship forms [like riding behind her coach, or talking to her through a window]. Whenever possible, ecclesiastical authorities admonished the guilty, trying to avert a public confrontation with the other consort and prompting the end of the relationship.\textsuperscript{51}

Adultery investigations involved thorough and entailed depositions by several witnesses and the involved parties. In addition to jail sentences, the authorities could fine the male culprit with a heavy monetary fee. Ecclesiastical authorities imposed a strong religious penitence to recover the state of grace. In colonial society adultery by a man was viewed as a more excusable failing, one that would only bring him strong censure if it was carried out without discretion and in a manner offensive to the wife and the family. Women accepted this situation and were less likely to sue for separation or divorce on grounds of male adultery. They did have rights, however. Exercising those rights, wives could request their preferred form of punishment for an erring husband and his mistress. Most, however, were more interested in having the husband return to maintain the family.\textsuperscript{52}

In the small towns and rural areas of central Mexico, when royal officials engaged in concubinage the ecclesiastical concern doubled, because public men were expected to be the role models for the non-elites. If, after receiving the benefit of ecclesiastical and civil advice, they persisted in their sinful behavior the ecclesiastical authorities moved against them and their mistresses. The official could be sent elsewhere or left in town but deprived of his mistress. The “errring” woman would be exiled from town, interned in a casa de recogidas or in depósito in a private home.\textsuperscript{53} Such ecclesiastical intrusion was more difficult with powerful men in the social hierarchy.

Instances of concubinage among Indians suggest that a certain degree of community action was taken before calling in the ecclesiastical authorities. Before the Conquest, indigenous societies exerted strong communal pressures in sexual matters, and this cultural trait does not seem to have changed significantly.\textsuperscript{54} Agustín Gabriel, of Charo in Michoacán, having found his wife in an illicit relationship with his cousin, sent her to their “own” Indian community judge to be punished. In San Luis Potosí, Indian and ecclesiastical authorities agreed to act against a couple living in adulterous concu-
binage by entering the house at night and finding the couple in bed. Having undeniable evidence of the adultery, the man was temporarily exiled from town and the woman sent to a depósito, as she did not have a home of her own. The “governor” of the Indian towns or neighborhoods was often involved, acting in conjunction with the Spanish authorities. Although the men involved spent part of the time in the public jail, the aim of the authorities was to end the relationship and remove the bad example from the community.

As in the case of premarital sex, violent revenge for adultery does not appear to have been common. One murder in Parral illustrates how the feeling of stained honor moved men to kill. This case took place in an hacienda, where a mulatto blacksmith, married to an Indian woman, claimed that he had found her and her lover in bed. Without much warning or argument he shot the presumed lover to death. In his own declaration he expressed no sorrow and expected to be declared innocent (porque me hallo inocente de culpa por el mal caso en que cayó el dicho en ofensa mía). A milder response was found among other husbands. A small-town hatmaker claimed to have born his cuckoldry with fortitude, even though the open relationships of his wife led people in his town of Apaseo to place cattle horns in front of his house. After eight years of separation he finally requested that she return to him or be sent to a convent. She refused to return to him, and possibly got her way. Other men seem to have been satisfied with a public denunciation of the lover, while yet others preferred to weather the situation or to settle it privately to avoid having “their dishonor” made public. In some instances the husbands tried to avoid a public disclosure, but the gossip about their honor obliged them to take action against the offender. As in other cases involving sexual transgressions, what became public knowledge (de voz pública) required some form of social redress. For men who were unable or unwilling to resort to violence, the exposure and shunning of the wife and the imprisonment of the lover were satisfactory solutions. In a case in Parral the adulterous wife was condemned to stay secluded in a home for eight months, at the end of which time she would return to her home if her husband so wished. Another aggrieved husband asked the ecclesiastical authorities to repair his honor by sending his wife to a convent and punishing the lover according to their own judgment.

Among the sexual transgressions reported to ecclesiastical authorities, many had incestuous overtones. Canon law defined “in-
cestuous" as not only relationships within the forbidden degrees of relatedness, direct or transversal, such as between parents and children and brothers and sisters, but also those among relatives such as aunts and nephews or first cousins, and among affinal relatives.60 Relations of a woman with two male cousins, or between an aunt of the bride and the potential groom, or between the groom and a sister-in-law were canonically incestuous, yet not at all rare in colonial records. Dispensation for such relations was never assured, although an inclination towards leniency—whenever canonically permissible—is patent in the cases in which the final judgment is available.

When dispensation was denied it seems that the authorities wished to mark the limits of public impropriety. Raymundo Velázquez, a white man from Huehuetoca, wished to marry a widow who had had adulterous relations with his own uncle while her husband was still alive. The religious authorities denied the dispensation on grounds of incestuous relations in the first and second degree due to illicit sexual relations, adding that an adulterous woman could hardly be expected to remain faithful in her second marriage.61 Ignacio Ramírez, a mulatto hacienda resident, was condemned to exile in Havana after both having relations with two sisters and their mother and marrying one of the girls without confessing the impediments. The ecclesiastical authorities refused his petition to revalidate his marriage to "save" the honor of the girl and legitimate their child.62

Other instances of incestuous relationships found in the records were created by the close family ties existing in rural areas and the limited range of choice of partners for proper marriage among certain groups. In areas such as Saltillo and Monterrey many of the white families were related by marriages, and some of their members argued that it was difficult to find partners who were not connected by some degree of blood affinity. The fact that unchecked extramarital sexual relations commonly produced offspring complicated "proper" marriage for some couples who, on wishing to regularize their consensual unions, found out that they were related to some degree, either as children of out-of-wedlock unions or due to known illicit relationships among their ancestors.63

Rape posed the most severe moral challenge to ecclesiastical and civil authorities. Despite the strong religious and social condemnation of this crime, however, the weight of the punishment meted out
did not always measure up to the assumed abhorrent nature of the crime. The usual punishment for rape was public shunning, imprisonment for a period of time, and corporal punishment [two hundred lashes in the sternest case]. The man was then ordered to return to his legal wife and to carry out marital life without any further cause of public scandal. In cases of husbands who had forced sexual relations with their wife’s niece and daughter, the repentance and penitence of the culprits was deemed sufficient punishment. In one instance the priest acting in the case ordered the removal of the young victim from the house, while in another she was sent to a deposito to learn Christian doctrine and to be held in honest seclusion at the discretion of the ecclesiastical authorities.  

Two recent studies of rape in the eighteenth century help delineate some of its main contours. Rape knew no racial barriers, but it most often committed against young rural and poor girls under nineteen who were not carefully guarded by their families. They were the victims of men who seem to have known their habits well and assaulted them when left alone or sent alone for work or errands. Indian girls were more exposed and the most frequent victims of reported cases. Itinerant men of dubious reputation and between the ages of twenty and thirty were the most frequent aggressors. As with other sexual crimes, rape became a community concern and public knowledge through the investigation process. A midwife was usually called to establish the damage suffered by the victim, and the girls were questioned in an effort to determine the degree of malice and force used by the rapist. The sum of evidence gathered in terms of the physical examination of the girl and the identification and questioning of the culprit was deemed sufficient to issue a verdict. As the authorities in a 1642 Parral case stated, rape was difficult to prove for lack of witnesses and “it was enough to have sufficient indications of its occurrence.”  

Despite the readiness to punish the crime of rape with haste, the mechanisms of justice had little to offer to the women involved. The only redress available to the victims of rape was a financial recompense. In the Parral case one hundred pesos endowment was determined to be an adequate sum. When parents prosecuted for repair of rape damage, they were interested in monetary compensation, but suing the rapists seemed to have been the exception rather than the rule. Although the forcible rape of small girls and young women was a crime distinct enough not to be confused with other forms of be-
behavior, the terms violación and estupro carried a certain ambiguity, and they were also used in circumstances that did not involve forced sexual relations. Here, the assimilation of socioreligious values is betrayed by the vernacular forms of speech. Thus, in the confessions of illicit relationships or in the legal suits about loss of virginity, the expression violó mi virginidad is very common, and yet the relationships described were voluntary. The loss of the state of virginity—regardless of whether the woman had consented—if taking place outside the state of matrimony implied an inflicted violence, one for which the man was assumed to be responsible because a degree of seduction had been used. However, both parties bore the brunt of penitence because both had participated. In the forcible rape of nonconsenting females, their innocence exempted them from sharing the burden of sin, while the man not only sinned but committed a crime.

Débito Matrimonial and the Control of Conjugal Sexuality

Conjugal relations, the only outlet to human sexuality bearing the endorsement of the church, were too important to escape definition, scrutiny, and regulation. Marriage consisted in the physical union of the bodies. The essence of the sacrament was carried out by the actors themselves, and the priest performing the ceremony was regarded as a witness in the name of God and the church. Nonetheless, the church was entitled to define not only the purpose but the manner of sexual relations as part of its pastoral duties.

Unquestionably, the church did not neglect to assume that responsibility and did not recoil from emphasizing the sexual base of marriage in all its implications. In 1587, over twenty years after the Council of Trent, the Pope sought to amplify the physiological meaning of the sexual act by stating that it had to be open to, and capable of, procreation (generationi aptum). This capability was defined in masculine terms. For a marriage to be considered complete and valid, seminal emission had to occur during intercourse. This definition used the only possible active physical evidence of sexuality at the time: that of the man, but in a sense it confused potency with fertility. The papal statement revealed a key concern of the Counter-Reformation church: that the procreative purpose of marital relations be clearly understood by all. Pursuing such understanding, the
confessional of Fr. Clemente Ledesma examined six potential objectives in the conjugal union: 1. the propagation of the species, 2. the satisfaction of the débito (debt, duty) to preserve the faith upon which marriage was built, 3. the respect of the sacrament, which meant the indissoluble union of human nature with the church, 4. the preservation of the body’s health, 5. the prevention of concupiscence, 6. the sole pleasure of the sexual act.68

He affirmed that procreation for the preservation of the human species was to remain the main purpose of marriage and that any action taken to impede it was sinful.69 While four of the remaining objectives were acceptable, the sixth was not. This denial posed a most important moral dilemma to all couples: that of assessing the importance of procreation vs. pleasure. Since the church prescribed that licit enjoyment of sex could take place only within marriage, how much pleasure could a couple take in the sexual act? Confessors explained that physical expressions of love such as kissing, touching, and embracing were permissible to the extent that they stimulated mutual love. However, certain boundaries did exist. Pleasure for pleasure’s sake, excessive enjoyment of the “delectations” of the flesh, and situations leading to “pollution” outside the sexual act were condemned as indecent and alien to Christian modesty and leading to mortal sin.70 These dicta applied to both sexes.

At the very foundation of conjugal relationship lay a concept of “justice” in the sexual exchange, which served to ascertain the practical ways of fulfilling the marital duty (débito matrimonial). Since sexual relations were described in contractual terms, confessors and moral theologians sought to establish what was “just” in the sexual act. Justice was achieved by balancing the request and the payment between the sexual partners. Ecclesiastical knowledge was the result of a long exposure to problems of marital sexuality, and most of the advice contained in confessionals are efforts to maintain peace within married couples. Amicably requested and denied débito was just and acceptable if both partners agreed. Unreasonably frequent requests were unjust on the partner who had to pay, but if discords or sexual “incontinence” outside the home ensued, the requested spouse should accede for “charity’s sake.” Temperance in the use of the débito was the recommended rule. Spouses who indulged excessively in sexual relations could exhaust their sexual abilities—a medical assumption of the period—and thus become unable to pay the débito, which was an act of injustice to the partner. Equally un-
just was the situation in which one spouse used too much corporal penitence on him/herself and exercised sexual abstention that could ultimately lead to the impairment of the sexual faculties.\footnote{71}

A number of “just” causes permitted denial of payment of the débito. Fear of endangering either one’s own life due to infectious illness in the consort or that of the offspring conceived in the act was cause for abstinence. If a pregnant woman had reason to believe the fetus could die as a result of sexual relations she could deny it. Débito requests that would lead to mortal or venial sin, such as those from a legally or spiritually consanguineous person or in any of the physical positions prohibited by the church, could also be denied.

Although the confessonals tried to be gender-unspecific, it is obvious that some of this advice was intended either for the wife or for the husband. Excessive frequency of request was most likely addressed to men; charity and forbearance in the toleration of undesired relations, to the women. In practice, women had few possibilities of escaping the obligation to pay the débito when requested. Husbands were more likely to raise complaints about their wives’ noncompliance to a Christian duty. In all cases, a dialogue of power was established through sexual relations. Due to the rigid privacy in which sexual relations were maintained, verification of such exchange will remain difficult. That such a dialogue was, nonetheless, real is indicated by the evidence disclosed in several available cases.

Under normal circumstances only occasional references were made in legal suits or ecclesiastical records to the intimate details of débito matrimonial, uso del matrimonio, or vida maritabile. When an abandoned wife requested the ecclesiastical authorities that her husband be returned home to carry on their married life (para hacer vida maritabile), she was undoubtedly referring to marital cohabitation, as was the judge issuing such return order. Under the stress of marital quarrels, abandonment, or emotionally charged relationships, husbands and wives became sometimes more explicit about the sexual basis of their disagreement. Joseph de Ibarra, suing his wife to obtain her forced return to their home, complained to the authorities that her family had instigated her to deny him the débito, as she had indeed done.\footnote{72} Juana Ortiz, married by force by her mother, confessed to have refused the débito to her husband for fifteen days but finally gave in under the physical abuse of her husband and mother.\footnote{73}

More specific was the suit of María Francisca Velarde, who aban-
doned her husband Vincente Alvarez after three years of marriage. As he complained of being rebuffed (desaires and repugnacias) by his wife and of the denial of marital rights, “as God orders,” she declared that her husband had made “excessive and vicious demands” on her [por serlo en sumo grado [excesivo y visioso] su esposo]. Marital obligations were “notoriously against her health.” During her marriage, she claimed, she had not experienced an hour of pleasure, and had been plagued by constant ailing, thus offering reasons for the imbalance in the marital correspondence. In response, Alvarez argued that his wife’s capricious arguments could deprive him neither of the right he had over her person as her legitimate husband nor of her company and her marital gifts (obsequios). His claim was based on the “reciprocal exchange of services,” a passage of the suit underlined by a legal hand. Alvarez suggested that his wife be punished on account of the scarcity and repugnance he had tolerated from her in the payment of the marital debt.⁷⁴ In this unusual disclosure the débito appears as the symbol of the wife’s submission, since she could only deny her husband his sexual requests under fear of physical damage. This explains why the woman’s attorney tried to make a case against the importunate request of the marital obligation on grounds of health. The ecclesiastic attorney showed discomfort with the public disclosure of “defectos ocultos” in the marriage but, avoiding the issue of the husband’s sexual demands, stated that his alleged mistreatment had not reached the degree of abuse to merit a divorce. But, while canon law dictated female compliance, in practice some women succeeded in avoiding it. In this case the wife appears to have claimed the last victory. In 1766 the husband was still claiming her from Puebla, where he had moved.

The divorce suit of Andrea de España was also largely based on conjugal disagreement over what was a reasonable sexual life. She claimed that her husband, Mateo de Velasco, made unusual and frequent demands of débito. Apparently obsessed by unfounded jealousies, Mateo requested conjugal relations during the day and at a frequency that his wife found unreasonable. When she refused to pay the débito they had loud and heated arguments, overheard by all the neighbors, and he often ended beating her. She claimed that débito should be paid “proportionately,” and at night. During the ensuing inquiry the ecclesiastical judges requested several witnesses to express their opinions on the subject. A friend of the husband acknowledged that he had advised him that a husband “could have [his
wife] whenever he wished.” On the other hand, a married woman friend of the couple stated that she had told Mateo that sexual relations had to be “as God ordered, without lust, and not too often” ["como Dios mandaba, no con lujurias, a cada ratito"]). However, a sixty-year-old spinster (donna la) advised the wife never to deny the débito to her husband. Andrea confessed that her anger and her husband’s crazed behavior drove her to deny him sexual relations (por sus incontinencias se lo negaba de enfadada). No common agreement was found among the witnesses on the “normal” frequency of intercourse, but the old spinster’s submissive advise matched the men’s view that women should make themselves available on their husbands’ terms. Between the anger of the young woman and the advice of the married matron ran a common thread: the feminine hope and desire for consensus on the frequency of débito and a modicum of self-regulation in the man. Their opinion, not surprisingly, coincided with the advice of the church on the subject. However, ecclesiastical rules for the regulation of conjugal relations were weakened by the repudiation of the possibility of the denial of sex and by a heavy reliance on mutual understanding to maintain matrimonial harmony. The few available records speak of difficulties in communication between couples and of sexual relationships fraught by opposite interpretations of domination and submissiveness.

Canonical regulation of marriage gave the church other rights over the sexual lives of colonial couples. It was possible for a priest to ban relations between a husband and wife when either party had engaged in an incestuous or adulterous relationship until the guilty party repented and returned to the fold of the church through penance. Thus, if a couple was involved in the investigation of concubinage, the right to reintegrate intercourse had to be approved by the priest. This was called habilitación de matrimonio. In 1687, Lorenzo de Roelos, of Valladolid, appealed to his spiritual adviser for permission to request and pay the marital débito after ending a relationship with his wife’s cousin. In the case of an Indian woman who had carried on illicit relations with her husband’s brother before her marriage, the priest determined that the union was illegal and requested a dispensation to legalize the marriage from Bishop Elizacoechea of Michoacán. In the meantime he advised the woman “not to ask or pay the débito because if she did, she sinned mortally.” Should she be requested by her consort, she should feign herself sick to avoid “an offense against God.”
Another form of sexual regulation was the dispensation of the mortal sin incurred by *pacto nubendi*. This referred to adulterous relationships carried out by a married person who made a pact to marry his or her lover after the death of the spouse. The Archbishop of Mexico, Antonio Núñez de Haro, granted dispensation to at least eight of these cases in 1789. Indians, whites, and mestizos were all represented in these adulterous relationships, which took place during the sickness of a spouse. In one case the request for dispensation commented on the inability of the church to control the sexuality of the couple. Marriage, in these cases, was adopted as the Pauline solution for sin. The experience of many a parish priest left him with little hope of instilling self-control among the majority of the people. Acting on the recommendation of the priest of Sultepec, the religious attorney of the Archbishopric of Mexico recommended the blessing of the marriage of a couple who had been living consensually because “these working people are of a licentiousness that Your Excellency does not ignore, and the priest is afraid that he will elope with her and their souls will be left without remedy.” The parish priest’s first-hand knowledge of the personal difficulties encountered by his flock in regulating their sexual relations was considerable. It should not be surprising that the anonymous author of a book of advice for married couples instructed them on how to behave when crowded living quarters made difficult or impossible the payment of the conjugal debt in intimacy. Married couples should deprive themselves of what otherwise would be licit, if children or servants could see or hear them. Children should sleep separate from their parents, so as not to encourage them to do what they saw their parents do. Although he chose not to go beyond this allusion, counting on the understanding of his readers, this veiled comment points to the lack of privacy in which many people carried out sexual relations and to the church’s concern about the possible shocking impression on children caused by the discovery and witnessing of their parents’ sexuality. It was also assumed that promiscuity was a learned behavior.

In addition to the regulation of sexual life in the stated cases, the clergy had the right to bring together couples who lived separate for a number of reasons. Repeatedly, bishops and vicars gave orders, under pain of excommunication, to husbands and wives to return to their homes and live with their consorts. Neither sex was favored over the other; both consorts had the same duties, and rarely did the
ecclesiastic authorities allow any appeal of their decisions. Several situations leading to such separations became possible in daily life, although none could receive the approval of the church. Men could leave their homes to engage in trading or mining or because they developed total distaste for their partners. While the abandonment of wives was more common, the abandonment of husbands was by no means a rarity. In most of the cases in which the husband demanded the return of his wife home to carry out marital life, the wife had left him due to bad treatment. The descriptions of physical abuse suggest a strain of sexual sadism in some husbands but also the prevalent assumption that husbands had the right to administer some physical “discipline” to their wives. Women suffered beatings with sticks, straps, firearms, and stones. They were threatened or hurt with knives and firearms, thrown out of their homes, and humiliated publicly by husbands before they decided that they could stand no more such mistreatment. The majority, however, opted to suffer and remain silent rather than rebel against their husbands. Only a small number of battered or mistreated wives refused further ayuntamiento carnal (carnal union) with their husbands, choosing to return to their families or to appeal to ecclesiastical authorities to obtain better treatment from their spouses. The exacerbation of marital tensions was the result of the inflexible rule of the church in regard to the obligation of carrying out vida maridada. In the sexual dialogue of power within marriage, the woman’s position was weakened by the circumstances of her economic dependence, lesser physical strength, legal and social subordination to her husband and, not the least, by her “obligation” to fulfill the physical demands of matrimony.

A survey of normative sources and the activities of ecclesiastical courts in midcolonial Mexico confirms a tight theological interpretation of sexual relations. The actual behavior of people in the same period suggests, however, that the response to religious dictates was far from a uniform acceptance or conformity. Men and women had subtle manners to avoid compliance, to challenge them, or to use them to their advantage.

Unquestionably, as a codifier of social behavior the church attempted to enforce its norms as strongly and broadly as it could. The detailed attention given to the classification of all possible forms of sexual behavior became a form of behavioral taxonomy in which
only a narrow and precisely delimited territory was allocated for the expression of one of the strongest human drives. That such carefully defined norms had a powerful effect on social behavior is beyond doubt. The Inquisitorial and matrimonial records offer testimony to the pervasiveness of the religious message. Those who transgressed could be caught and punished. Men under trial were sent to the public jail. Women under scrutiny were separated from their families, either to be deposited somewhere else or to be sent to public institutions in case of stubborn recurrence. The curtailment of the personal freedom of the “sinners” was a somber reminder to all members of society of the power of the church. The fact that the transgressors of ecclesiastical norms resorted to self-denunciation or to confession of their own accord to ease their own feelings of guilt speaks of their ultimate acceptance. By the same token, those who followed the letter of ecclesiastical rules made sure to leave testimonies of their acquiescence and conformity “for the greater glory of God” (para mayor honra de Dios).

And yet, despite such carefully worded and exhaustively catalogued thesauruses of human weaknesses and the many institutional mechanisms available to the church, the same records testify of the uncontrollable nature of sexual behavior. Despite the language of regret and the formulae of penitence men and women acted their sentiments without undue regard to the consequences. Thus, some questions arise. How strong were those ecclesiastical pressures? What was the degree of institutional and collective intolerance? The ambivalence of the social situation in Mexico is obvious. Since the missionary friars confronted a process of conquest in which the sexual mores of the victors underwent significant relaxation, in practice the church had to bend and accommodate its theoretical norms to the social reality. By the seventeenth century certain cultural and behavioral patterns had already been set. A high degree of social tolerance lay behind the high incidence of consensual unions, the numerous illegitimate children, and the variety of ethnic mixtures. Recent demographic studies underline the magnitude of the problems created by what was basically an issue of sexual behavior. At the basis of these population trends are patterns of sexuality, personal choices of partners, and family formation that merit further consideration and show that a strong tension between norm and practice characterized the sexuality of the colonial population. Also important is the dilemma of the church, which in its role of
guardian of sexual mores was caught between its own rigid standards and the inevitable acquiescence to the unruliness of human nature.

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Notes

1. Archivo General de la Nación, Mexico City [hereafter AGN], Bienes Nacionales, leg. 742, exp. 44.
4. In this essay I have used the cases known as *matrimoniales* under the jurisdiction of the ecclesiastical judges and the bishops. The majority of the
cases studied come from the records of matrimoniales of the Bishopric of Michoacán, between the years 1664 and 1800. They cover a broad geographical area within the bishopric, embracing rural and urban zones and a representative cross-cut of the various ethnic groups of colonial society. I have also examined the records of Parral, a mining town in northern Mexico, from 1642 through 1790 and matrimonial records from the core areas of New Spain and Guadalajara throughout the same period. The Criminal section of the Archivo General de la Nación in Mexico City holds many cases of sexual and moral transgressions among Indians. The notarial records of Mexico City, Guadalajara, and Puebla have also helped identify further individual examples of people coping with some of the problematic results of colonial sexual mores, such as the children born out of wedlock. They are also rich sources to study the subtleties in the use of social labels and practices to identify transgressions or compliance with social norms. I did not use inquisitorial records because the Holy Office dealt only with cases of bigamy. Other forms of irregular sexual behavior were under the jurisdiction of the secular church.

5. See Stafford Poole, “The Directorio para confesores: Finishing the Counter-Reformation,” paper presented at the 100th annual meeting of the American Historical Association, New York, 1985. Poole underscores the significance of the Fourth Provincial Council in New Spain in the task of implementing the directives emanating from Trent, stating that “the confessional, together with the parish mission, became one of the key means for securing a general improvement of morals and religious life.” Church synods were also important in keeping an eye on the orthodoxy of behavior of both clergy and parishers. See, for example, Manuel Gutiérrez de Arce, El Sínodo Diocesano de Santiago de León de Caracas de 1687 [Caracas: Academia Nacional de la Historia, 1975]; Pedro Felipe de Azúa e Iturgyen, Sínodo de Concepción (Chile) 1744 [Madrid and Salamanca: Consejo Superior de Investigaciones Científicas and Universidad Pontificia de Salamanca, 1984].

6. The most important sixteenth-century inquiry into marriage and its meaning was that of Alonso de la Vera Cruz, who wrote a classic treatise on the matrimonial customs of the indigenous population and the theological problems they posed to Christianity [Speculum coniugiorum]. In the seventeenth century the most distinguished canonist of marriage was Thomás Sánchez, who wrote Disputationes de sacro matrimonium sacramentum, 3 vols. [Madrid, 1602, 1605]. Another theological treatise was that of Basilio Ponce de León, author of Tractatus de sacramentum matrimonium (Salamanca, 1624). See also Ernest J. Burrus, “Alonso de la Vera Cruz: Pioneer Defender of the American Indians,” Catholic Historical Review 70, no.4 [Octo-

7. The following confessional and works on moral theology have been consulted: Anon., Ave María Purísima: Breve instrucción a los cristianos casados y utiles advertencias a los que pretenden serlo, 4th ed. [Mexico City: Imprenta de los Herederos del Lic. Don Joseph de Jauregui, 1791]; Joan Baptista, Advertencia para los confesores de los naturales [Mexico City: M. Ocharte, 1600]; Gabino Carta, Práctica de confesores: Práctica de administrar los sacramentos, en especial el de la penitencia [Mexico City: Viuda de Bernardo Calderón, 1653]; Cinco circunstancias de una buena confesión y método de examinar para ella la conciencia. Por un religioso de la regular observancia de N.P.S. Francisco [Mexico City: Felipe Zúñiga y Ontiveros, 1788]; Jaime de Corella, Práctica del confesionario y explicación de las 65 proposiciones condenadas por la Santidad de N.S.P. Inocencio XI [Valencia: Imprenta de Jaume de Bordazar, 1689]; Doctrina christiana y catecismo para instrucción de los indios y de las demás personas que han de ser enseñadas en nuestra Santa Fe. Con un confesionario y otras cosas necesarias para los que doctrinan [Ciudad de los Reyes: Antonio Ricardo, 1584]; Vicente Ferrer, Suma moral para examen de curas y confesores [Mexico City: Imprenta Nueva Madrileña de D. Felipe de Zúñiga y Ontiveros, 1778]; Clemente de Ledesma, Confesionario del despertador de noticias de los Santos Sacramentos [Mexico City: María de Benavides, Viuda de Juan de Ribera, 1695]; Juan Machado de Chávez, Perfeto [sic] confesor y cura de almas [Madrid: Viuda de Francisco Martínez, 1646]; Juan Antonio de Oviedo, Destierro de ignorancias: En orden al más acertado y fácil uso de los santos sacramentos [Mexico City: Imprenta de D. Francisco Xavier Sánchez, 1738]; Pablo Señero, El penitente instruido para confesarse [Mexico City: Juan José Guillena Carrasco, 1696]; Juan de la Torre, Espejo de la filosofía y compendio de toda la medicina teórica y práctica [Amberes: Imp. Plantiniana de Baltasar Moreto, 1668]; Diego de Torres, Vida natural y católica [Madrid: Imprenta del Convento de La Merced, 1734]. For an analysis of confessionalists in Portuguese and used in Brazil, see Lana Lage da Gama Lima, “Aprisionando o desejo: Confissao e sexualidade,” in História e sexualidade no Brasil, comp. Ronaldo Vainfás [Rio de Janeiro: Graal, 1986], pp. 67–88.

8. A mortal sin leads to the condemnation of the soul; it “excludes from the kingdom of God.” It needs to be confessed in the sacrament of penance. A venial sin “does not make it impossible for one to be intent upon God as the ultimate end” [New Catholic Encyclopedia [New York: McGraw Hill, 1967], 17
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10. A simple vow was that taken by beatas and lesser members of the male ecclesiastical hierarchy; a formal vow was that taken by ordained priests, monks, and nuns. Having sexual relations in a sacred place, such as the church or a cemetery, was also sacrilegious, even if the act was carried out between husband and wife. For further analysis of sin and its distinctions, see Bonaventure A. Brown, *The Numerical Distinction of Sins According to the Franciscan School of the Seventeenth and Eighteenth Centuries* (Washington, D.C.: Catholic University of America, 1948).

11. In determining the many nuances and degrees of sin, the ecclesiastical authorities did not always agree among themselves. Thus, a complicated casuistic examination of circumstances was undertaken by doctors in moral theology and confessors to determine the degree of sin and the qualifying circumstances surrounding it. Confessors and moral theology writings often cite the opinions of several sources, some of whom may contradict the interpretation of the author.


14. *Ave Maria Purisima*, pp. 8, 14–15, 17. As a counselor for the education of married women, Fr. Alonso de Herrera also advised against lust in marriage. See his *Espejo de la perfecta casada* (Granada: Blas Martinez, 1636), pp. 139–40. A man approaching his wife with unreasonable lust was compared to an adulterer: “será muy grande [el pecado] el llegarse a la propia mujer como bestias, encendidos en fuego libidinoso.” The Synod of Concepción (Chile) urged those who were to contract marriage to confess all their sins several days before the wedding. See Azúa e Iturgoyn, *Sínodo*, p. 90. The Synod of
Santiago de Cuba (1684) gave similar advice. See Juan García Palacios, Sinodo Diocesana (sic) [Havana: Imprenta del Gobierno y Capitanía General, 1844], p. 145.

15. Oviedo, Destierro, p. 39. In a recent work, Jean-Louis Flandrin points out that among the early Christian theologians the mention of love in the discussions of sexual practices between spouses is sorely missing. Only Tomás Sánchez and Francisco de Vitoria, in the sixteenth century, make concessions to that sentiment. It is perhaps due to this peninsular tradition that we have acknowledgment of passions and affection in the moral guides used in Spain and Spanish America during the seventeenth and eighteenth centuries. See Jean-Louis Flandrin, “Sex in Married Life in the Early Middle Ages,” in Western Sexuality: Practice and Precept in Past and Present Times, ed. Philippe Ariès and André Béjin (Oxford: Basil Blackwell, 1985), pp. 114–29.


17. The Council of Trent (1545–63) determined that impediments of consanguinity, incurred to the fourth degree of relatedness by previous councils, were to be reduced to the second degree, but the church stressed that such impediments applied both to legitimate and consensual unions. No changes were made on the impediments incurred by spiritual kinship. Stronger strictures were placed on the marriage between eloped couples and transient members of any parish. Concubinage was excoriated. The council also reiterated the need to respect the free will of the contracting partners. See Ignacio López de Ayala, tr., El sacrosanto y ecuménico Concilio de Trento, 5th ed. (Madrid: Imprenta Repulloa, 1817), pp. 293–309.

18. See August Knecht, Derecho matrimonial católico [Madrid: Editorial Revista de Derecho Privado, 1932]. This source discusses the historical origins and development of all legislation on marriage. See also Justo Donoso, Instituciones de derecho canónico americano, 2 vols. (Valparaíso: Imprenta y Librería del Mercurio, 1849). Donoso was an expert Chilean canonist who wrote shortly after the closing of the colonial period and had a first-hand
knowledge of canonical law during that period. See also Carta, Práctica, p. 92; Machado de Chávez, Perfeto Confesor, pp. 463–65.

19. See Thomas Calvo’s essay in this volume.

20. AGN, Bienes Nacionales, leg. 742. Among the localities registered were Texcoco, Metepec, Huehutla, Temoyan, Tesontepex, Tepoztlan, Itapalapa, and Tepetlato. Those living in ranchos or haciendas, either in Mexico City or in Michoacán, should be considered strictly rural people. On the other hand, the smaller communities partake of both rural and urban characteristics. The cases recorded in Criminales, involving mostly Indians, are sparse in occupational descriptions. Among those noted are small merchants, miners, and muleteers. Sixteenth-century cases do not state occupations. Women’s occupations are missing.

21. The notarial records provide wills in which people acknowledged offspring born out of wedlock and some of the circumstances surrounding the upbringing of those children. The testators had also to declare their own birth status. These clues help identify the socioeconomic circumstances of many people. High-ranking members of society are less frequently represented in records of moral transgression, but by no means absent. See Ann Twinam’s essay in this volume.


24. Genealogical Society of Utah, Archivo Histórico del Antiguo Obispado de Michoacán. [Hereafter referred to as GSU AHAOM.] Section 5, leg. 734, reel 763602, José Proquinto Acevedo, 1798. They probably were second cousins with related great-grandparents; in the same source see expedientes on Eusebio V. Zabala and María Eugenia Gaitán and on Vicente Valencia, Section 2, leg. 75. reel 751242; Isidro Pérez de Vargas, 1686, section 5, leg. 256, reel 733975; Juan Rueda, 1759, AGN, Bienes Nacionales, leg. 93, exp. 36; Salvador de Avila, 1789, leg. 742, exp. 39.

25. GSU, AHAOM, section 5, leg. 734, reel 763202, José Torres, español, 1798; section 5, leg. 770, reel 763247, Rosa de Espino, española, 1705; section 2, leg. 88, reel 757264, Cristóbal de la Cerda, mestizo, 1691; section 5, leg. 734, reel 763202, José Leandro de Chávez, mulato, 1798.

26. “El amor hace suaves y dulces los trabajos, y como en la vida conyugal se ofrecen tantos y tan grandes, si falta el amor entre los casados, se vuelven intolerables—pero el amor los hace más fáciles,” Anon., Ave María Purísima: Breve Instrucción, p. 13; Fr. Antonio de Guevara, Libro primero de las

27. AGN, Bienes Nacionales, leg. 292, exp. 2. A love letter of the late 1790s is addressed to “Amado: Dueño de mi vida” [My love: lord of my life] and confesses these feelings: “Every day I wake up very happy thinking that you will be my lord and I yours. All my dreams, my thoughts, and my senses belong to you; I wish to speak of nothing else but you . . .” In a letter addressed to her husband in the late 1720s, a wife calls him “dear owner of my eyes” and “darling of my heart,” although later on she temporarily left him on grounds of marital quarrels. See GSU, AHAOM, section 5, leg. 770, reel 763239, Doña Manuela Maldonado. Other eighteenth-century love letters contain expressions such as “mi vidita,” “te adoro,” “corazón herido,” and other endearments [Criminales, 215, fols. 109–39; 8, exp. 10; Bienes Nacionales, Leg. 1056, exp. 1].

28. GSU, AHAOM, section 18, leg. 2, reel 793805, María Francisca, mestiza, 1798; section 5, leg. 770, reel 763238, Francisca Méndez de Torre, española, 1720; María Teresa, española, 1721. The last used the term “ruegos impro- tumos” to describe her lover’s persuasive words. See also section 1, leg. 20, reel 778785, Josefa Sánchez de Aldana, 1700; section 5, leg. 734, reel 763202, Eusebio V. Zabala, español; AGN, Bienes Nacionales, leg. 742, no. 17, 39. “When I met the aforesaid Mariana I instigated and chased her to have her yield to the relationship,” confessed Andrés de la Cruz, mestizo from Teson- tepec, Mexico.


30. GSU, AHAOM, section 5, leg. 770, reel 763238, María Manuela de Vargas, española, 1717.

31. GSU, AHAOM, section 5, leg. 770, reel 763238, José Dávila Morales a nombre de Josefa Monasterios, 1723.

32. For a full explanation of the meaning of betrothal in canon law, see Knecht, Derecho matrimonial, pp. 111–51; Daisy Rípodas Ardanaz, El matrimonio en Indias [Buenos Aires: Conicet, 1977], pp. 63–67. See my comments on betrothal in the introduction.

33. GSU, AHAOM, section 5, leg. 770, reel 763238, María Manuela de Vargas, 1717; section 1, leg. 20, reel 778785, Doña Josefa Sánchez de Aldana, 1700. A well-to-do white woman who tried to prove the double dealings of her lover pointed out that he had celebrated espousales with another woman at night and with concealment, whereas everybody knew that such occasions were celebrated with joy and the attendance of relatives [con regocijo y concurren- cia de deudos]. Women of several ethnic groups declared having received ob-
jects such as rings, rosaries, medals, and pieces of cloth. Some had reciprocated by giving the men a handkerchief and several medals. References to this custom are found for both the seventeenth and eighteenth centuries. See AGN, Bienes Nacionales, leg. 742: 33; Criminales, 29, exp. 10. These cases refer to Indians in 1732 and 1799, indicating that they had assimilated this practice. See also section 5, leg. 770, reel 763239, Matilde de la Encarnación Cer\_rato, mulata, 1727; section 5, leg. 174, reel 768731, Isidoro Baquedano y Francisca Nicolasa Serdanet, españoles, 1744. Ritual exchange of gifts was a custom also practiced in Brazil and some European countries. See André Buguère, “The Marriage Ritual in France: Ecclesiastical Practices and Popular Practices (Sixteenth to Eighteenth Centuries),” in Ritual, Religion and the Sacred. Selection from the Annales. Economies, Sociétés et Civilisations, ed. Robert Forster and Orest Ranum, vol. 7 (Baltimore: Johns Hopkins University, 1982); Maria Beatriz Nizza da Silva, Sistema do Casamento, pp. 84–89. For a discussion of betrothal and Canon Law in medieval France and England, see Charles Donahue, Jr., “The Canon Law on the Formation of Marriage and Social Practice in the Latter Middle Ages,” Journal of Family History (Summer 1983), pp. 144–58.

34. For a discussion of honor, see Ann Twinam’s essay in this volume. Records of suits for loss of virginity and attempt to enforce marriage promises are not preserved in any particular order in most ecclesiastical archives, making quantitative analysis difficult and time consuming, although potentially possible for future investigators. Researchers could compare the numbers of marriage permits in which premarital sex is confessed, against those in which no irregularities existed. This is the method used by Robert McCaa in a demographic study of a community in northern Chile. See Robert McCaa, Marriage and Fertility in Chile: Demographic Turning Points in the Petorca Valley, 1840–1976 (Boulder: Westview Press, 1983).

35. GSU, AHAOM, section 2, leg. 101, reel 755456, Alonso Gómez de Esparza, español, 1698; section 2, leg. 35, reel 764998, Josefa de los Reyes, 1664.

36. GSU, AHAOM, section 2, leg. 101, reel 755456, Gregorio Pérez de Vargas, 1698; section 5, leg. 772, reel 763247, Luisa Lazcano, 1704, and María de Torres, 1706; section 5, leg. 770, reel 763239, María Teresa, española, 1721; section 5, leg. 36, reel 762781, María Sotelo, española, 1726.

37. GSU, AHAOM, section 2, leg. 101, reel 755456, Antonio Alonso, español, 1698; section 5, leg. 770, reel 763238, Antonio de Cárdenas, 1723; Salvador Romero, mestizo, 1720; Matías Corral, mulato, 1720; section 5, leg. 772, reel 763247, Luisa Lazcano, 1704; Antonio Zamudio, 1701. See Susan Socolow’s work in this volume.

38. GSU, AHAOM, section 5, leg. 254, reel 753973, Juan de Chavarra, mu-
lato, 1756; section 5, leg. 174, reel 768731, Manuel Julian Vidal, español, 1744. See also Genealogical Society of Utah, Archivo de la Sagrada Mitra de Guadalajara. (Hereafter referred to as GSU, ASMG.) Matrimoniales, reel 167980, Matías Núñez, español, 1697. This man, for example, stated that he wished to marry the woman to save her from falling, as she was poor [que no quede perdida, siendo como es pobre]. See also Cristóbal Torres, mulato, 1698, in the same source.

39. GSU, AHAOM, section 5, leg. 36, reel 768731, Antonia Méndez, 1732; GSU, ASMG, Matrimoniales, reel 167980, Domingo de Padilla, 1709; GSU, AHAOM, section 5, leg. 36, reel 762781, María de Sotelo, española, 1728; leg. 772, reel 763247, Francisca Torre, española, 1701. Torres sued a well-to-do man in San Miguel el Grande who had fathered her two children. He won the suit but gave her one thousand pesos for her upkeep and that of their natural children, section 2, leg. 35, reel 764998, Josefa de los Reyes.

40. GSU, AHAOM, section 5, leg. 772, reel 763247, Margarita Gutiérrez, mulata, 1703; section 5, leg. 770, reel 763238, José Dávila Morales, 1723.

41. GSU, AHAOM, section 2, leg. 102, reel 755458, Rosa de Piedra, 1699. When Catalina del Castillo sued Nicolás Morales for loss of virginity, he offered a settlement of clothes. She demanded money instead, later raising the amount she first claimed. He lost patience and, changing his mind about a settlement, demanded that she prove her loss of virginity, thus turning the challenge of proof on her. See section 2, leg. 86 bis, reel 757261, Josefa de los Reyes, 1693; section 2, leg. 102, reel 755458, Catalina del Castillo, 1699. The term inquieta was also used in a 1757 case in Huehuetoca to describe an adulterous woman who was presumed to have had many lovers. See Rosenbach Collection, Philadelphia, 462/25 pt. 11, no. 8, 175761.

42. Depósito was the term used for the internment of the woman under inquiry in a safe and moral home throughout the period of inquiry and until the final judgment in her case was rendered. Depósito could last for months. During this time, women were not supposed to leave the house in which they were "deposited." In the late eighteenth century the property of the man involved would be placed in escrow until the end of the suit. AGN, Criminales, 223, exp. 1; AGN, Criminales, 184, exp. 6.

43. GSU, ASMG, Matrimoniales, reel 167980, José Manuel Marín, castizo, 1692; GSU, AHAOM, section 5, leg. 770, reel, 762781, Francisco de Garibay, 1732.

44. GSU, AHAOM, section 5, leg. 36, reel 762781, Francisco de Garibay.

45. GSU, AHAOM, section 5, leg. 235, reel 772320, Sebastián de Jesús y María Isabel Navarro, española, 1759.
46. GSU, AHAOM, section 1, leg. 18, reel 778780, Antonio Díaz Comparán, 1674; section 2, leg. 89, reel 766499, Fr. Antonio Sánchez Caballero; section 11, leg. 1, reel 793803, Fr. Juan de Salazar, 1800; Archivo Histórico de Parral, Criminales, 1642 [Hereafter referred to as AHP]. Cases of husbands eloping with another woman, or ecclesiastics abducting women, took place but do not appear to have been very frequent. Such cases added complications of adultery and sacrilege.

47. AHP, Criminales, 1720.

48. GSU, AHAOM, section 1, leg. 20, reel 778785, Antonio Samudio, 1701; section 1, leg. 1, reel 793803, Fr. Juan de Salazar.


50. Ave Maria Purísima, pp. 32–38.

51. GSU, AHAOM, section 2, leg. 76, reel 757243, Juan de Abrego, 1687; section 2, leg. 88, reel 757264, Alonso de Aviles, 1691; AGN, Criminales, 223, exp. 1; 142, exp. 18. For an Indian community in 1749 it was decreed that no adultery case should be considered unless the husband initiated it.

52. GSU, AHAOM, section 5, leg. 253, reel 753973. AGN, Criminales, 29, exp. 9. See also the essays by Boyer and Nizza da Silva in this volume, and Bernard Lavallé, Divorcio y nulidad de matrimonio en Lima (1651–1700): La desavenencia conyugal como revelador social [Bordeaux: Université de Bordeaux, 1986].

53. GSU, AHAOM, section 5, leg. 254, reel 753975, Pedro Alvarez, 1756; ibid., Joaquín Velázquez Duque de Estrada, 1756; section 1, leg. 18, reel 778780, Antonio Díaz, 1674.


55. GSU, AHAOM, section 2, leg. 81, reel 757248, Agustín Gabriel, 1688; section 5, leg. 235, reel 772320, 1759, Sebastián de Jesús.

56. AGN, Criminales, 40, exp. 21; 41, exp. 5; 57, exps. 2, 4; 138, exp. 24; 142, exp. 18; 190, exps. 6, 18, 19; 184, exp. 223, exp. 1.

57. AHP, Criminales, 1729.

58. GSU, AHAOM, section 2, leg. 76, reel 757243, Joseph de Abrego, 1687; section 5, leg. 253, reel 753973, Manuela Josepha Arreguín; AGN, Bienes Nacionales, leg. 292, exp. 1. Francisco Pía requested a divorce on grounds of adultery. Having been advised by friends to “return the offense” he chose against
46. GSU, AHAOM, section 1, leg. 18, reel 778780, Antonio Díaz Comparán, 1674; section 2, leg. 89, reel 766499, Fr. Antonio Sánchez Caballero; section 11, leg. 1, reel 793803, Fr. Juan de Salazar, 1800; Archivo Histórico de Parral, Criminales, 1642 [Hereafter referred to as AHP]. Cases of husbands eloping with another woman, or ecclesiastics abducting women, took place but do not appear to have been very frequent. Such cases added complications of adultery and sacrilege.

47. AHP, Criminales, 1720.

48. GSU, AHAOM, section 1, leg. 20, reel 778785, Antonio Samudio, 1701; section 1, leg. 1, reel 793803, Fr. Juan de Salazar.


50. Ave Maria Purisima, pp. 32–38.

51. GSU, AHAOM, section 2, leg. 76, reel 757243, Juan de Abrego, 1687; section 2, leg. 88, reel 757264, Alonso de Aviles, 1691; AGN, Criminales, 223, exp. 1; 142, exp. 18. For an Indian community in 1749 it was decreed that no adultery case should be considered unless the husband initiated it.

52. GSU, AHAOM, section 5, leg. 253, reel 753973. AGN, Criminales, 29, exp. 9. See also the essays by Boyer and Nizza da Silva in this volume, and Bernard Lavallé, Divorcio y nulidad de matrimonio en Lima (1651–1700): La desavenencia conyugal como revelador social (Bordeaux: Université de Bordeaux, 1986).

53. GSU, AHAOM, section 5, leg. 254, reel 753975, Pedro Alvarez, 1756; ibid., Joaquín Velázquez Duque de Estrada, 1756; section 1, leg. 18, reel 778780, Antonio Díaz, 1674.


55. GSU, AHAOM, section 2, leg. 81, reel 757248, Agustín Gabriel, 1688; section 5, leg. 235, reel 772320, 1759, Sebastián de Jesús.

56. AGN, Criminales, 40, exp. 21; 41, exp. 5; 57, exps. 2, 4; 138, exp. 24; 142, exp. 18; 190, exps. 6, 18, 19; 184, exp. 223, exp. 1.

57. AHP, Criminales, 1729.

58. GSU, AHAOM, section 2, leg. 76, reel 757243, Joseph de Abrego, 1687; section 5, leg. 253, reel 753973, Manuela Josepha Arreguín; AGN, Bienes Nacionales, leg. 292, exp. 1. Francisco Pía requested a divorce on grounds of adultery. Having been advised by friends to “return the offense” he chose against
it because “he did not wish his dishonor to become public.” Cases found in Criminales involving adultery among Indians show similar calm responses from the husbands. See expedientes quoted in note 55.

59. AHP, Criminales, 1727, 1790; GSU, AHAOM, section 5, leg. 773, M.A. Torres, 1705; section 2, leg. 81, reel 757248, Agustín Gabriel, 1688. Ferrer stated that after two years of punishment an adulterous woman could return to her husband if he was willing to receive her. See Suma moral, pp. 353–72.

60. Instituciones, 2:157–58.


62. AGN, Bienes Nacionales, 1056, exp. 1 (1777). Civil and ecclesiastical authorities demanded the full rigor of justice.

63. Knecht, Derecho matrimonial, p. 189. Angustia loci was the canonical dispensation applied in cases in which the birthplace and domicile town of the bride was too small for her to have a good opportunity to marry.

64. GSU, ASMG, reel 167980. See cases of Mateo García, Juan Sánchez Valdés, Francisco de la Garza and other members of his family, Juan de las Casas, etc., GSU, AHAOM, section 5, leg. 734, reel 763202, Vicente de Valencia, 1798, leg. 254, reel 753975, Juan A. Gutiérrez and Francisco Ramírez, 1756.


66. French canonists after Trent, and up to the early eighteenth century, supported the concept of seduction in cases of rape of minors. Other canonists argued that such interpretation was not in the spirit of the statements of the Council of Trent. See Donoso, Instituciones, 2:170.

67. This amplification of the concept of per copulam aptam ad generationem (capability to generate life) was issued at the request of the Spanish Nuncio, who asked for a dictate on whether or not eunuchs could be validly married. Since the finality of marriage was procreation, and eunuchs could not impregnate, the Pope invalidated their marriages. On the other hand, the marriage of old people was still acceptable even though procreation was not probable, because the male organs had not been mutilated. See Knecht, Derecho matrimonial, pp. 257–63. The Partidas dealt in detail with impotency, reflecting medieval concerns about spells and sustaining the ecclesiastical concept of the centrality of procreation in sexual relations. See Quarta Partida, Title viii, pp. 913–16 in Scott’s translation.

68. Ledesma, Confesionario, p. 336.

69. Some theologians were of the opinion that couples could agree “not to
have sexual intercourse to prevent a multitude of children.” Common accord on this subject was essential, however, since the denial of payment of débito to prevent offspring was not acceptable to the church. See Ferrer, Suma moral, pp. 377–80.

70. Ibid., p. 382; Oviedo, Destierro de ignorancias, p. 49; Diego de Torres, Vida natural, p. 74; Ledesma, Confessionario, p. 336.

71. Ferrer, Suma moral, p. 379. Ferrer stated that there was no obligation to pay the débito when it was “requested much too frequently, which is repugnant to decency and health” (Ibid., p. 370). The Partidas endorsed the ecclesiastical duty of the débito even on days when the ecclesiastical calendar suggested avoidance of “carnal intercourse.” “If one of them should make a request of the other for this purpose on any of these days, the latter should manifest no opposition, but is bound to comply.” See Quarta Partida, Law viii, p. 889 in Scott’s translation.

72. GSU, AHAOM, section 1, leg. 20, reel 778785, María Ruiz, 1701; section 5, leg. 770, reel 763239, Angela Gómez y Juan Francisco de los Reyes, españoles, 1724. Angela had rejected her husband, “not wanting to sleep with him one night.” She had had an adulterous relation with another man, bearing him three daughters with the knowledge of the husband. Her priest confessed having given up on her spiritual salvation, due to her obstinate refusal to return to her husband. As a punishment for refusing to carry out vida marrable with her spouse, he had held her in deposit, far from the town of San Pedro Petatlan, where the couple resided.

73. GSU, AHAOM, section 2, leg. 75, reel 757242, Da. Juana Hortiz, 1686. The use of force in marriage was a cause for invalidation. In these cases, however, it is obvious that neither the woman was aware of Canon Law nor did the priest care to enforce it. See section 5, leg. 773, reel 763247, Catarina del Castillo, 1711.

74. GSU, AHAOM, section 5, leg. 235, reel 772320, Vicente Alvarez, 1759.

75. AGN, Bienes Nacionales, leg. 911, Mexico, 1715. Separated for some time from her husband, Andrea returned to him when she found herself pregnant.

76. GSU, AHAOM, section 2, leg. 76, reel 757243, Lorenzo de Roelos, 1687.

77. GSU, AHAOM, section 5, leg. 254, reel 753975, Ber. Joseph de Pereda, 1756. See also section 5, leg. 254, reel 753975, Juana Maria Briceño, 1757. These cases were based on the concept of diriment impediment of consanguinity in the first degree, on the transversal line.

78. AGN, Bienes Nacionales, leg. 93, unnumbered expedientes. See Donoso, Instituciones, 2:160.

79. AGN, Bienes Nacionales, leg. 93. The priest referred to “el peligro de
incontinencia que resulta de una amistad tan inveterada, y de una reincidencia tan contumaz es difícil de evitar por otro medio que el del matrimonio. . . ."

80. Ibid., leg. 93. Simple vows of chastity made by the laity were impendent impediments. They had to be rescinded by the bishop. A Chalco man who had made a rash vote of chastity at eighteen requested to be released because he was "gravely agitated by the stimulus of concupiscence." His petition was granted. Ibid.

81. Ave María Purísima, p. 45.

82. GSU, AHAOM, section 2, leg. 56, reel 765260, Juan de Arias, 1675; section 2, leg. 192, reel 755458, Nicolás Patiño, 1699; section 3, leg. 772, reel 763247, María de Silva, 1705; Da. Catarina Martínez de Borja, 1706. There are many other cases for the 1710s; section 5, leg. 254, reel 753975, Francisco Téllez Carvajal, 1756; GSU, ASMC, Matrimoniales, hojas sueltas, reel 167971. See investigations of Juan de Dios Rivera, Vicente López, and Juan de Salvada, 1691, 1692.

83. See Richard Boyer's paper in this volume.

84. AGN, Criminales, 29, exp. 9, 1800; 138, exp. 24, 1785; 140, exp. 18, 1749; 190, exp. 6, 1802; 176, exp. 5, 1753. GSU, AHAOM, section 1, leg. 10, reel 778780, Antonia de la Cruz, india, 1687; section 2, leg. 56, reel 765260, 1675; section 2, leg. 60 bis, reel 765269, Joseph de las Heras, 1678; section 1, leg. 20, reel 778785, María Ruiz, 1701; section 5, leg. 770, reel 763238, José Manuel Méndez, 1723. These forms of physical abuse were experienced by women of all ethnic groups, and they could be just cause for divorce if the wife decided to request it. See work by María Beatriz Nizza da Silva in this volume. For a study of divorce proceedings in nineteenth-century Mexico, see Silvia Arrom, La mujer mexicana ante el divorcio eclesiástico [Mexico City: SepSetentas, 1976].

85. GSU, AHAOM, section 5, leg. 770, reel 763239, Manuela Maldonado, 1728. She entered a convent after leaving her husband for bad treatment.

86. All the essays in this book corroborate the existence of a dialectic of power and defiance between socioreligious norms dictated by the church and the people who challenged them.

(on page 94)

7. Sexually explicit drawing showing couples. Garbled messages refer to the loss of virginity by a woman and a condemnatory allusion to anal sex. Source: Archivo General de la Nación, Mexico City, Inquisición, vol. 1505, exp. 3 (1789).


10. Drawing showing figures in sexually suggestive positions. Source: Archivo General de la Nación, Mexico City, Inquisición, vol. 1505, exp. 3 [1789].