Marriage Promises and the Value of a Woman's Testimony in Colonial Mexico
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In the early seventeenth century, the declarations of middle- and upper-class women in colonial Mexico regarding their promises to marry were greatly respected, and women appeared as a matter of course in Mexican church courts as witnesses to marriage applications and engagements; a century and a half later women's declarations regarding such promises were considered skeptically, and few women testified as witnesses and then only if permission from their husbands was obtained and noted. Women's testimony was increasingly deemed unreliable by church court judges and admitted only if it corroborated that of male witnesses or was authorized by men. Why should attitudes toward the reliability and candor of female voices have altered so radically over this period?

Modern feminist scholarship has until now focused principally on socioeconomic changes in the status of women during the early modern era. The value and respect accorded women, however, was also influenced by changes in cultural evaluations of prestige. Anthropologists Sherry
Ortner and Harriet Whitehead have argued that the cultural values according to which prestige is assessed have the greatest import for the cultural construction of gender. For Spaniards in colonial Mexico, these values were encoded in the system of honor. Although both men's and women's behavior was subject to evaluation according to the code of honor, very different cultural criteria operated for the two sexes.

Honor stemmed from either superior birth or moral integrity. During the sixteenth and seventeenth centuries, in Spain as well as in Spain's colonies, honor primarily signified moral integrity. For women in colonial Mexico, this dimension of honor meant premarital chastity and postmarital fidelity; for men, it meant courage and fidelity to promises made.

Although the criteria for honorable conduct were different for men and women, the behavior of one sex could influence the honor of the other. Since a woman's status was defined by her relationship to men, the prestige of her father, brother, or husband established her standing in the community; a lapse in courage by her male kin disgraced her as well as them. Yet a woman's sexual activity and thus honor similarly could affect the status of her male relatives.

Nevertheless, studies of honor in Spanish society and elsewhere have tended to examine women's honor largely through men's responses to women's breach of moral standards. To focus on women, this study will explore how women's honor became displaced as a central indicator of prestige as the regard for writing and written communication became increasingly pervasive and as money and material wealth became, in the capitalist system, accepted symbols of social status.

The testimony about promises to marry upon which this article is based


is drawn from the records of the principal institution mediating conflicts about honor, the Catholic church. Because marriage provided the best remedy for a woman’s loss of honor, ordinary marriage license applications often referred to the mode of concluding an engagement or the initiation of sexual activity, particularly if a couple wished to have the church marry them secretly. The approximately 16,000 such applications made in the archdiocesan court of Mexico between 1574 and 1779 are thus a rich source of information about prevailing standards of honor. In addition, disputes over honor, typically arising from parental opposition to an intended marriage or breach-of-promise case, gave rise to a smaller number of complaints and formal lawsuits filed in the archdiocesan court.  

The code of honor was an imported Spanish cultural ideal that differed markedly from the criteria for prestige found among Indians and blacks. As many Spanish priests noted with exasperation, Indians did not share the Spanish reverence for virginity; nor did the Africans, although clerical complaints on the subject were noticeably rare. Not surprisingly, concern with the code of honor was greatest among ethnic Spaniards and racially mixed persons, that is, those most likely to have assimilated or inherited Spanish ideas about social respectability. The term “Spaniards” as used in these records referred both to whites, regardless of social position, and to those of high social standing, even if racially mixed. License applications and court records of these two groups constitute the bulk of the data from which this study is drawn.

**Women’s word upheld by the code of honor, 1574–1689**

As defined by medieval theologian Peter Lombard, the essence of marriage in the Roman Catholic tradition is the consent of the parties, and an oral

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5 Throughout the colonial period, marriage applications (later known as *informaciones matrimoniales*) from couples residing in different parishes, or difficult or potentially troublesome applications from throughout the diocese, remained in the hands of the archdiocesan court of the provisor and vicar general. Ordinary applications for the Spanish and racially mixed parishes of Mexico City were also initially kept by the archdiocesan court until the numbers became unwieldy. This function was transferred gradually to the parishes during the seventeenth and eighteenth centuries. This archive of this archdiocesan court is located in the Archivo General de la Nación, Mexico City, and is found primarily in the * Ramos* Matrimonios and Archivo del Provisorato. Occasional cases are also located in Clero Regular y Secular, Civil, Juzgado de Capellanías, Bienes Nacionales, among others, all in the Archivo General.

6 Juan Baptista, *Advertencia para los confesores de los naturales* (México: M. Ocharte, 1600), fol. 16v; Alonso Peña Montenegro, *Itinerario para parrocos de Indias* (Madrid: Fernández de Buendía, 1668), lib. 3, trat. 4, no. 4. Because slaves had no honor in Spanish society, Spaniards had no concern for their honor. Slaveowners were interested in the reproductive capacity of their female slaves; any effort to preserve virginity was antithetical to such interests.
declaration best indicates the true interior state and intention of the couple. Spoken words are thus seen as the expression of an interior state of being and constitute the heart of the marriage ceremony.7

In church law, engagement was created by “words of the future” [palabras de futuro], the promise to marry in the future. The essence of marriage and engagement as verbal commitments is linked to the fundamentally oral culture of medieval Europe in which these definitions originated.8

Despite the advent of the printing press around 1450, the spoken word remained important during the sixteenth and seventeenth centuries.9 Speaking and doing were synonymous, and words were widely regarded as deeds.10 In early modern Europe and seventeenth-century New Spain, ecclesiastical tradition and respect for verbal commitments influenced the

7 The conflict over the essence of marriage between the twelfth and fourteenth centuries was resolved in favor of Peter Lombard’s reformulation of Roman law “consensus facit nuptias” — “marriage is made by mutual consent expressed in the present tense” (Sentences, composed ca. 1150). The principle of Roman law is contained in Justinian’s Digest, D. 50.17.30, D. 23.2.22. Charles Donahue, “Canon Law on the Formation of Marriage and Social Practice in the Later Middle Ages,” Journal of Family History 8 (1983): 144–58, esp. 144–45; William W. Buckland, A Textbook of Roman Law from Augustus to Justinian, 2d ed. (Cambridge: Cambridge University Press, 1932), 112–16; Paul Girard, Manuel élémentaire de droit romain (Paris: Larose et Forcel, 1924), 162; Jaime Mans, Legislación, jurisprudencia y formularios sobre el matrimonio canónico (Barcelona: Casa Editorial Bosch, 1951).


character of engagements; the oral promise itself constituted the engagement.

Church authorities required only that marriage promises be spoken in the future tense. Local custom was far more stringent, prescribing engagement ceremonies, that is, the public or private witnessing of the engagement, and even specifying the language of the promise itself. Such customs varied widely across Catholic Europe. Wealthy families in fifteenth-century Florence held elaborate ceremonies in the presence of a notary; sixteenth-century English peasants often held public festivities that rivaled the wedding. Colonial Mexican couples, however, preferred private exchanges in their own homes with family or friends as witnesses. When Juan de Monguiar became engaged to Juana Moreno in 1629 he called upon his friends to witness his declaration; Alonso Delgado and Ana María Vargas were surrounded by friends in the main room of Ana María’s house as they promised to marry, embraced, and exchanged gifts. Antonia Castañón, accompanied by a servant, met her fiance in the doorway of her home while friends and relatives faced them from the street. The two pledged to marry, and Antonia gave Juan an elaborate ring. In 1629, Diego Sánchez de Peralta and Augustina de Alva met together with a group of their friends in a house in the countryside outside the town of Chalco in order to avoid the inquisitive eye of Augustina’s grandmother. The two joined hands as they solemnly promised to be husband and wife, then embraced and exchanged presents.

In order to persuade priests and church officials of the legitimacy of engagements, young Mexican couples brought their witnesses to describe the exchange of promises. Twelve percent of these witnesses were female. Because the essence of the promise to marry was the spoken word, witnesses to the verbal pact were essential to prove to church officials the existence of a promise to marry.

Witnesses also sometimes noted two symbolic elements at the engagements, an embrace and a gift. The physical touching—a kiss or, frequently,
a joining of hands—merely symbolized the future physical union of the couple. The exchange of gifts, like the physical gestures, did not validate the engagement in church law; nonetheless, it had a great cultural importance.

In the seventeenth century, couples and their witnesses sometimes called engagement gifts “signs” of the intention to marry. Signs and the use of the word “signs” are associated with a predominantly oral mode of communication. A sign is a visualized word, and designating engagement presents as “signs” reinforced the oral nature of the commitment to marry.¹⁴

During the medieval period, the difference between a promise of future marriage (“words of the future”) and the declaration of present intent (“words of the present”) had been ambiguous. Several important medieval canonists held that, if a pact of future marriage was followed by sex, the couple was legally married. Only in the fourteenth century was this doctrine rejected and Peter Lombard’s formulation accepted by the church as the sole valid form of Catholic marriage.¹⁵

Since only the spoken word was necessary to establish the legality of a marriage, the period of engagement remained critical for a woman’s sexual virtue. The idea that marriage began with a promise to marry followed by intercourse persisted as a popular idea, however,¹⁶ and couples who promised to marry often began to have sexual relations and expected to marry not long thereafter.¹⁷ If parents attempted to halt the union or one of the

¹⁴ AGN, Matrimonios, vol. 88, fol. 339v; vol. 48, no. 122 (1628); Archivo del Provisorato, caja 15, Castañón-Crespo; Matrimonios, vol. 10, no. 27 (1629). Other cases are in AGN, Matrimonios, vol. 13, no. 7; vol. 71, no. 9 (1612); vol. 61, fol. 331 (1605); Ong, Presence, 280.


¹⁷ Spanish clerics frequently complained of this practice: e.g., Baptista, fol. 7 (n. 6 above); Manuel Pérez, Farol Indiano (México: F. de Rivera Calderon, 1713), 44; AGN, Matrimonios, vol. 86, fols. 319–72v (1770); vol. 121, no. 96 (1729); vol. 33, no. 40 (1764); vol. 73, no. 43 (1773).
parties experienced a change of heart, however, the honor of the young woman became a prominent issue because virginity had often already been lost. Couples faced with parental opposition often appealed to the Catholic church, which insisted on the right of couples to marry despite familial wishes to the contrary. Between 1574 and 1689, church officials consistently permitted young men to marry women with whom they had had sexual relations under promise of marriage despite opposition from their parents and guardians. \(^{18}\)

Couples in such circumstances worked to convince church officials of the importance of marrying to protect the honor of the young woman. Nicolás Cardenas and Juana Rodríguez made plans to marry, but her family opposed the match. When Juana became pregnant, the couple appealed to ecclesiastical officials for help and were allowed to marry secretly to forestall interference from her family. In 1629, Tómas Menses came before the ecclesiastical magistrate with a similar problem. He had promised to marry Antonia Gutiérrez, who had become pregnant. To protect both of them from the “great scandal and troubles” that her brothers, who believed she was a virgin, would inflict if they knew of her unmarried pregnancy, he asked for and was granted a secret marriage. \(^{19}\)

On other occasions men refused to honor their promises or tried to postpone marriage indefinitely. If there were no witnesses to the exchange of promises, the man might claim he had never promised to marry; if such witnesses did exist, he might argue that the woman had not been a virgin. But such subterfuges were rare in early seventeenth-century Mexico. Since the social consequences of losing one’s virginity prior to engagement were, for women, so dire (exposed to scorn, humiliation, and degradation by her kin), \(^{20}\) family, friends, and ecclesiastical officials assumed that no woman would engage in sexual activity with a man without a promise to marry.

Whether sexual intercourse had taken place was not at issue so much as whether a promise had been made. In some cases young women even appear to have informed family members of the location of their trysts in order to be caught. Just after sunset on a Sunday evening in 1621, the

\(^{18}\) Remedying lost honor was a factor in half of the conflicts over marriage choice in the archdiocesan court of Mexico from 1589 to 1689. Patricia Seed, To Love, Honor and Obey in Colonial Mexico (Stanford, Calif.: Stanford University Press, in press), chap. 4.

\(^{19}\) For example, AGN, Matrimonios, vol. 10, no. 140; vol. 10, no. 210 (1629); Archivo del Provisorato, caja 23, Pérez Vargas-Morales (1698).

\(^{20}\) Sanctions against a woman who engaged in sex with a man who failed to fulfill his promise to marry would have been private since her honor and that of her family were intertwined. To embarrass a woman publicly—by throwing her out, for example—would have disgraced her family even more, so the family, if possible, claimed publicly that a sexual relationship had never occurred. Yet within the family itself, such a woman would have been subject to verbal and often physical abuse, sometimes resulting in death. If lucky, she would become a virtual nonperson or at best relegated to the lowest level of the family hierarchy.
father of Inés de la Isla found her with Diego Torres. Her father demanded that Diego marry his daughter immediately, and the next morning he appeared in church court to begin the steps toward marriage. The question of whether Inés had been a virgin when the couple began relations was not raised, nor did Diego deny that he promised to marry her. Men’s acquiescence in such circumstances was based on their fear of the woman’s male relatives as well as on cultural norms that demanded male valor and fidelity to their promises. The presumption was that honorable men would not engage in intercourse without promising to marry.

Unhesitating acceptance by religious and royal judges and the supportive attitude of families toward women who admitted loss of sexual honor under promise of marriage illustrate the respect in which society held a woman’s solemn declaration regarding such a promise—respect engendered by the social consensus concerning honor’s importance. Men had to be held to their promises, since oaths were the basis of trust among their fellows. Women took a grave risk in exposing their loss of honor. Their courage in so doing gave their assertions weight; their vulnerability gave them moral integrity and entitled them to assistance.

It was, therefore, not only her family that respected her word in this matter but also the institutions of Spanish society in colonial Mexico. The great number of cases in which a woman claimed a suitor was slow in acting on his promise to marry were settled quickly by forcing the suitor to act with honor or suffer the consequences. Only in one case resolved by the church did a suitor deny the existence of a promise, only, under great pressure, to reverse himself days later. The fact that church officials leaned heavily on the male partner in these disputes and made appeals to male standards of honor in order to resolve them enhanced the power and standing of women’s testimony.

Both royal and church officials had jurisdiction in such cases: clergymen could remedy the transgression through marriage, while secular authorities could impose criminal penalties. Royal officials and local police responded to allegations of sexual misconduct by arresting and imprisoning men for having had sex with, and thus dishonoring, young women. Offenders were given the opportunity either to marry or be sent to the Philippines to work on His Majesty’s fortresses, a severe punishment for breaching the code of honor.

Fidelity to marriage promises was thus regarded as a grave responsibility on the part of men throughout the Spanish-speaking world. In the

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21 AGN, Matrimonios, vol. 85, no. 16 (1621); see also Archivo del Provisorato, caja 1, Fernández-Silva (1701); Documento en proceso, Bilbao- Jesús (1708).

22 AGN, Matrimonios, vol. 48, nos. 36, 39 (1628); vol. 65, no. 75 (1669); vol. 2 (1674); vol. 125, no. 2 (1683).

23 For example, AGN, Matrimonios, vol. 90, no. 162; vol. 102, fols. 255–57; vol. 102, fols. 255–57; vol. 86, no. 71 (1620); vol. 88, fols. 27–28v (1629).
seventeenth-century code of sexual conduct regarding matters of courtship and chastity there was a marked emphasis on holding men accountable to honorable behavior. A man who seduced a young woman of similar social standing under promise of marriage could not expect to escape without either carrying out his promise or facing punishment. Assisted by ecclesiastical pressure to marry or by the threat of imprisonment from royal authorities or of direct personal harm from her family, young women could force men to fulfill their obligations. Men might dream of flouting conventions, but in fact their behavior, like women's, was circumscribed—a condition perhaps best illustrated by the story that has become the archetypal Spanish myth, the seventeenth-century legend of Don Juan.

Infamous defrauder of women's honor, Don Juan promised to marry humble women in order to seduce them and deceived noble women by impersonating their betrotheds. His tale thus embodies not universal dreams—as several Spanish literary critics would have it—but the fantasies of men, specifically the fantasy of being able to escape the requirements of the code of honor. Because the culture of the era demanded that Don Juan be punished for his seductions, in the end, God, through the mediation of the father of one of the women he had seduced, takes revenge by casting him into hell for all eternity. Such an ending satisfied the moral sensibilities of the men who were forced to accept the responsibilities attendant to the code of honor. The story encompasses both the fantasy and a warning not to act on that fantasy.

The rise of written promises

Beginning in the 1660s, engagement customs and attitudes toward marriage promises began to change in ways that would eventually undermine the cultural consensus about honor. First, witnesses to the verbal promise to marry became increasingly rare in marriage license application proceedings; by 1670 only hearsay evidence appeared. Witnesses reported that they knew of the engagement but had not actually attended the exchange of promises. The comment "I understand that they have given each other a promise to marry" became increasingly common in court.

At the same time, promises began to be written down. A written statement of intent instead of an oral vow signified that the commitment

24 "Don Juan . . . se nos aparece como un ser de dimensiones universales: es unos de los hijos mas ilustres de la humanidad pensante" (Guillermo Díaz-Plaja, Geografía e historia del mito de Don Juan [Barcelona: Casa Provincial de Caridad-Impronta, 1944]). Salvador de Madariaga, Don Juan y la don-juania (Buenos Aires: Espasa-Calpe, 1950).

25 AGN, Matrimonios, vol. 86, fol. 99v (1677). There are literally hundreds of examples of the increasing use of hearsay, e.g., Archivo del Provisorato, cajas 15, 21, 23, 24, 28, 34; Matrimonios, vols. 2, 60, 71.
would be honored. The language of the promise itself sometimes noted the value of the written word: “I, Tómas José de la Fuente Salazar y Ossorio, Spaniard, born and resident in this city of Mexico, and journeyman barber, state that I give my promise of marriage to Juana Josefa Landeros, maiden and free mulatta [parda] so that with this paper she may compel me to marry her at any time. Therefore I give her this paper in my hand and [my] signature for her greater security. In the city of Mexico on the fourth day of the month of March of 1718.”

In the first decades of the eighteenth century, such written promises to marry began to appear with increasing frequency. They ranged from simple, straightforward declarations to unemotional, sometimes legalistic statements to moving professions of love. In the first category came the following simple but sincere statement signed by Juana Josefa de Arriaga y Velasco. “I... give my promise of marriage to Francisco Núñez. We place as witnesses Holy Christ and to make it true I sign it today on [the] fourth of October of 1705.” Other promises were formal and pretentious: “I, José Tómas de Villanueva y Marcelo, give my word with this obligation that I am making of my own hand and rubric with the signature that I customarily use that by virtue of this I will fulfill [the promise].”

More elaborate and emotional statements sometimes accompanied the simply worded promise to marry. “My life’s sweetheart and all my joy” began one such prefatory letter, “My love, do not believe that I have forgotten you. As soon as I received your [letter] I wrote saying that I will not marry anyone except you, and I beg of you by Our Lady of Carmen not to leave the town, because it will shorten my life. . . . No one else is to be my beloved spouse except you my darling, and I will send you an engagement present better than the little cross. My love, on Tuesday I wrote you a letter that you will receive and [in it] I tell you again and another hundred times that I give you my promise to marry in writing. . . . With affectionate and firm love, your slave who wishes only to serve you.” Enclosed with this lengthy epistle was the following. “I, Ana María de los Dolores Castilla Altamirano, give in writing my promise to marry to Nicolás Antonio Sánchez.”

Although couples who could read and write had in the seventeenth century occasionally exchanged handwritten promises, during the eighteenth century, the custom was more widespread and was adopted by the illiterate as well. Local scribes (evangelistas) who practiced their trade in

26 AGN, Archivo del Provisorato, caja 20 (1718–19).
27 AGN, Archivo del Provisorato, caja 20, Núñez-Artiaga (1705); caja 14, Villanueva-Artiaga (1773).
28 AGN, Archivo del Provisorato, caja 46 (1728).
29 In 1803 Spanish law mandated written promises to marry, declaring that henceforth only written statements would be valid. Civil law thus codified what had started as social custom nearly a century before. This change, however, affected civil rather than religious
public plazas and street corners wrote the promises down for their unlettered clients. Rather than presenting church officials with a few family and friends who had witnessed their declaration, couples presented the church with a written promise, a silent commitment to marry that proved their engagement. The sound of voices reflecting and indeed guaranteeing the interior will of the person disappeared into the silence of a pen.

At the same time, couples increasingly presented church officials with their engagement presents as proof of their commitment. The growing frequency of this practice was linked to a shift in the meaning of engagement gifts. Once referred to as a "sign," a mere indication of the verbal promise, the gift came to serve instead as a commitment embodied, a material manifestation of the promise itself that became more important than speaking the promise—in the same way that the written (concrete) word became more important than the verbal word. Separating the promise to marry from the spoken word and investing it in an inert physical object—a gift—reflected the growing significance of the physical and material world as Hispanic society in the New World moved into the transition to the modern era.

Eventually the gifts signifying engagement became highly differentiated from those marking courtship. In courtship, young couples often gave each other clothing: silk handkerchiefs, or, for the woman, garters, small personal items (such as cigarette cases), and food items (sugar and cinnamon, special bowls for drinking cinnamon-flavored chocolate, or the small beaters used for making chocolate). For an engagement, however, reli-
gious items, signifying the sacred (engagement) rather than the profane (courtship) were customary. The most common present was a silver reliquary decorated with saints’ images. Other engagement presents included medals, or rosaries of coral, sometimes embellished with elaborate Jerusalem crosses and, among the wealthy, jewels at intervals along the beads. Rings made of gold and jewels or, among the less prosperous, of a copper-zinc alloy that resembled gold were popular as well. Thus the exchange of a category of objects marking specifically engagement eventually lent the same kind of certainty to the declaration of intent to marry as did the written promise.

The shift from oral to written promises and the growing importance of objects as evidence of engagement also reflect a growing skepticism about the sincerity of spoken marriage promises. Beginning around 1670, young men began to treat marriage promises in a cavalier manner, appearing in church courts to deny the promise and to invent “vain pretexts” and excuses for their behavior. Initially these pleas had no impact on the procedures or language of church courts; officials hearing such cases simply dealt with such behavior on a case-by-case basis.

In 1671, the son of a well-to-do Mexico City family promised to marry Doña Teresa Trejo, the daughter of a town councilman. After a year had passed, Teresa’s mother asked the fiancé, José, to fulfill his promise to marry. Appearing before the church court judge, the young man insisted that he had set a year’s limit on the promise to marry, and it had expired. (Hispanic tradition historically had allowed the termination of engagements if a formal time limit had been set for their expiration.) However, because the church court judge rejected this excuse as little more than a pretext, the young man tried another tactic, suggesting this time that the supposedly expired engagement be extended for another three years.

34 For example, see AGN, Archivo del Provisorato, caja 9, Arena-María Teresa (1727); caja 9, Rivas-Zamora (1731); caja 7, Herculario-Benítez (1735); caja 4, Rojo-Tapia (1738); caja 4, Delgado-Ortega (1744); Matrimonios, vol. 102, fols. 377–467 (1749); Matrimonios Indiferente Valdez-Quiroz (1764); Archivo del Provisorato, caja 8, Pacheco-López (1765); caja 20, Carreño-Ayala (1768); Matrimonios, vol. 41, no. 8 (1768); vol. 18, no. 1 (1769); vol. 70, no. 15 (1770); vol. 9, no. 15 (1770); vol. 46, no. 25 (1777); vol. 46, no. 25 (1777); Archivo del Provisorato, caja 44, Ramírez-Nava et al. (1778); caja 3, García-Villagran (1782); Matrimonios, vol. 116, fol. 90 (1785); caja 3, Díaz-Fernandez (1792); caja 8, Grandal-Castillo (1795); caja 45, López-Esora (n.d.); Matrimonios, vol. 5, no. 26; vol. 124, fol. 2. Emile Chenon, “Recherches historiques sur quelques rites nuptiaux,” Nouvelle revue historique de droit français et étranger 36 (1912): 573–660.

35 AGN, Matrimonios, vol. 19, no. 2 (1671). Other early cases include AGN, Matrimonios, vol. 65, no. 75 (1699); vol. 125, no. 2 (1683); vol. 107, no. 2 (1680); Archivo del Provisorato, caja 23, Aresa-Salazar (1674); caja 5, Vergara-Augustina Encarnación (1663); caja 5, Reyes-Andrea Concepción (1684). The phrase “vain pretexts” was that of an ecclesiastical judge, AGN, Matrimonios, vol. 85, fol. 124–v. Later examples include vol. 15, no. 8 (1765); vol. 53, no. 4 (1710); Archivo del Provisorato, caja 3, Sánchez-Montealbo (1726); Matrimonios, vol. 35, no. 2 (1738).
Remarking that José’s statements were malicious and prejudicial to a young woman of considerable social standing, the judge ordered José’s arrest.36 Rather than admitting that his parents were pressuring him to retract his promise, the boy devised a series of subterfuges, a course virtually unheard of in earlier years. José’s case marked the start of what would become endemic cynicism about the obligations that spoken marriage promises entailed.37

This cynicism eventually manifested itself in a number of strategies. Occasionally men admitted that they had only promised to marry in order to obtain sexual favors and had no intention of carrying out the promise. A more frequent tactic was to attack the woman’s honor by denying that she had been a virgin when the relationship began, for the code of honor required the remedy of marriage only if a man deprived a woman of her virginity. This strategy appears first in records of the 1670s and appears often in the records of subsequent years. One young man charged that after their engagement his girlfriend had become involved with another man, but all that could be proved was that the fiancé was extremely jealous. Another young man testified that he could not say whether the woman was a virgin or not because she was the first with whom he had ever had sex. On other occasions, friends of the man colluded to testify falsely that they knew the woman to have had sex with another man. If there was no evidence against the woman’s assertion of her virginity and no possibility of fabricating such evidence, a general attack on the woman’s character was common. One family charged that the woman was “neither . . . honest nor retiring, but is barefoot, scandalous and walks on the streets night and day.”38 Because the presumption continued to be that an unmarried woman was a virgin unless proved to the contrary, either an attack on the deficiencies of the promise in canon law or a claim for competing obligations was a possible strategy in church courts.

36 AGN, Matrimonios, vol. 19, no. 2 (1671).
37 The complex origin of male cynicism lies beyond the scope of this paper but can be mentioned briefly. Faced with intransigent parental opposition, many seventeenth-century couples deliberately entered into sexual relations in order to coerce their reluctant elders into consenting to a marriage. Their deliberate manipulation of the requirement for women’s honor (premarital chastity) fostered an increased skepticism about the use of marriage promises and prenuptial sex as means of pressuring others into agreeing to a marriage. Other factors may have included an increased awareness of the discrepancy between public norms and private behavior.
38 AGN, Archivo del Provisorato, caja 42, Sosa-Pérez (1675); Matrimonios, vol. 27, no. 64b (1671); vol. 25, Tapia-Ortiz; Documentos en proceso Rosa-Francisca (1708); Matrimonios, Indiferente Lama-Lopez de Ema (1716); Archivo del Provisorato, caja 31, Bobadilla-González (1729); Matrimonios, vol. 43, no. 19, Tenayuca (1740); vol. 85, fols. 190–203v (1743); vol. 51, no. 64; vol. 43, no. 19 (1740); Documento en proceso Ocampo-Ocampo (1756); Matrimonios, vol. 25, Baptista-Mendoza (1760); vol. 85, fols. 116–20v (1760); vol. 46, no. 25 (1777); Archivo del Provisorato, caja 50, Gandoño-Moreno (1779).
Some men, like the one who promised to marry the councilman’s daughter, attempted to use the elaborate church regulations for breaking an engagement, cloaking their desire to terminate the relationship in the apparently neutral language of canon law. In 1702, María Gertrudis Carmona demanded that José Trujillo honor his promise to marry her. José appeared before the church court of Mexico City and alleged that María was engaged to marry someone else and that, therefore, under church law he was not obliged to marry her. Some young men invoked vague promises to enter the religious life; others cited obligations to widowed mothers or orphaned sisters. Others declared that a threatened loss of income or parental opposition was sufficient to break an engagement. In 1706, Don José Luis Ríos became engaged to Doña Ana Josefa Orozco y Godines. When his mother threatened to withdraw his allowance and disinherit him, José lost his willingness to marry. Ana Josefa, who had had sex with him, was furious and filed suit to force him to marry. He declared that he could not marry since he had good reason—his mother’s threats—for changing his mind. When the ecclesiastical judge asked him to examine his conscience, since he had a duty to marry Ana Josefa, José Luis glibly replied he was under no such obligation. And Ana Josefa lost her honorable status.39 The paramount sense of obligation attached to men’s promises clearly had declined.

While more secure than a spoken promise, even a written promise to marry was no guarantee that the commitment would be honored. In 1710, José de Barrios, a young mulatto shoemaker, gave María de Córdoba a written promise to marry. Shortly thereafter they had sex, planning to marry promptly. His parents, however, were dead set against the match because they would lose his income. Immediately after his brief interlude with María, his parents locked him up for several months, pressuring him to desist, and were eventually successful in convincing him to disregard his debt of honor.40

Men’s resistance to the enforcement of the code of honor grew steadily in the first years of the eighteenth century. Conflicts over promises to marry, over “spousals” as church officials succinctly designated them, became the largest category of litigation heard by the chief magistrate of

39 AGN, Archivo del Provisorato, caja 1, Trujillo-Carmona (1702); Matrimonios, vol. 25, no. 72 (1752); vol. 86, fols. 349–72v (1770); vol. 25, Tapia-Ortiz; vol. 47, no. 72 (1777); vol. 30, no. 40 (1762); vol. 22, no. 1 (1756–57); Archivo del Provisorato, caja 40, Ríos-Orozco Godines (1706).

40 AGN, Matrimonios, vol. 53, no. 16 (1710). An excellent account of eighteenth- and nineteenth-century elopement customs is Verena Martínez-Alier, “Elopement and Seduction in Nineteenth-Century Cuba,” Past and Present 55 (1972): 91–129. Other examples include Matrimonios, vol. 53, no. 4 (1710); vol. 33, no. 40 (1764); vol. 86, fols. 319–72v (1770), in which a man swears that he will sign in his own blood and then later attempts to deny the statement.
the archdiocese of Mexico.\textsuperscript{41} The increase brings to light not merely increased rebelliousness among young men but the ineffectiveness of families’ pressure (outside of court) on a man who failed to fulfill his promise to marry their sister or daughter.

Eventually men’s refusal to abide by the code of honor in regard to marriage promises had an impact on the courts as well. Royal officials responded to the changing attitudes by lessening the punishment from exile to three years in jail. Whereas previously men were jailed indefinitely until they were sentenced or decided to marry, now they were sometimes released on bail.\textsuperscript{42} Predictably, reducing the criminal penalties hastened the devaluation of marital promises.

As the royal authorities mandated lighter penalties, the burden of upholding the code of honor fell increasingly to the Catholic church. Lacking any effective police power to sentence a person to exile or jail, church officials turned to a traditional ecclesiastical alternative: the man could either carry out his original promise to marry or compensate the woman financially. Called a dowry, the money was seen by church officials as both punishment for the man and compensation for the harm done the woman.\textsuperscript{43}

Not all women believed that financial compensation could remedy their honor; at first some refused financial payment.\textsuperscript{44} A woman who insisted that nothing short of marriage could sustain her honor when the man steadfastly refused to carry through on his promise, however, was not likely to be married. The woman lost her honor and gained neither financial nor marital status. In sharp contrast to the previous century, church courts after 1700 were more successful in exacting fines from men for failing to

\textsuperscript{41} Only a partial index to the records of this court (the first half of the \textit{ramo} Matrimonios is available on card fiche in the National Archives, but it shows such cases amounted to 27.6 percent of the court’s docket \textit{[excluding marriage license applications]}).

\textsuperscript{42} AGN, Archivo del Provisorato, caja 1 (1727); Matrimonios, vol. 11, no. 49 (1770); vol. 73, no. 43 (1773), remarks by José Antonio Serralde; vol. 13, no. 21 (1773); Civil 1496, Peláez-Espíndola (1778–79) contrast with AGN, Matrimonios, vol. 86, no. 71 (1620). The location of exile shifted in the eighteenth century predominantly to Havana and Louisiana (Real Ordenanza, November 18, 1787, Civil 1915, exp. 1; Civil 2234, exp. 9, fol. 2–v).

\textsuperscript{43} Ecclesiastical thinking on this subject was clarified in debates at the Council of Trent (Esmein \textsuperscript{n. 15 above}, 2:279–82). For the controversy within the Mexican church over the merits of marriage to escape jailing by the royal police, see Pérez (n. 17 above), 154–57. For examples, AGN, Matrimonios, vol. 11, no. 49, vol. 13, no. 21.

\textsuperscript{44} When María Rodríguez demanded that Lucas Ortega fulfill his promise to her, he denied having ever made such a promise. His offer of 20 pesos to compensate her for damages was rejected on grounds that her honor could not be remedied by anything short of marriage. A threat to institute criminal charges resulted only in raising the promised sum to 30 pesos. This offer was again refused, on grounds that nothing short of marriage could remedy honor. Lucas steadfastly refused to carry through on his promise, and the case ended with María Rodríguez sans honor, sans compensation, sans marriage (AGN, Archivo del Provisorato, caja 1, Ortega-Rodríguez [1702]).
fulfill marriage promises than in preserving women's honor by forcing the men into marriage.  

In 1710, a young man who worked in the Royal Mint attempted to dodge his responsibilities by stating that, although he had sex with a young woman, he had not promised to marry her. In the eyes of church officials, it was highly unlikely that a respectable Spanish girl would have risked her honor without promise of marriage, so the courts asked the man to compensate her by paying her the substantial sum of 100 pesos. The amount of compensation varied with the individual's ability to pay, from 6 or 7 pesos for a poor man or Indian, to 30 pesos assessed against an artisan of modest means, and to 700 pesos required of a wealthy merchant who had dishonored the goddaughter of a Marquis. In subsequent years this remedy became increasingly common and by mid-century appears to have been accepted by men and, often with resignation, by women.

The possibility of a financial remedy, however, signaled not only a different set of consequences for men who failed to honor their promises but the possibility that the consequences could be shared. When taking a woman's honor would likely mean imprisonment or exile, honor was an intensely personal responsibility that could not be shared with anyone else. When the punishment was, instead, a financial hardship, one's obligation to the code of honor could be redeemed by or shared with another (who could earn the money or make it available).

Less severe consequences for refusing to fulfill a marriage promise

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45 AGN, Archivo del Provisorato, caja 10, Oríguela-Solis (1765); caja 1, Cepeda-Ruiz (1764); caja 14, Joaquin-Becerra (1761). For a rare instance of marriage, see AGN, Mat 25, Tapia-Ortiz; more usual are the fines described in n. 47 below.

46 AGN, Matrimonios, vol. 53, no. 4 (1710).

47 The payments which directly related to ability to pay follow a model distribution—30, 50, 100, or 300 pesos—thus rendering means or medians relatively useless as descriptive measures. For examples, see AGN, Archivo del Provisorato, caja 1, Fernández-Silva (1701)—300 pesos offered; caja 17, Reparos-Ríos (1723)—500 pesos; caja 3, Sánchez-Montealbo (1726)—300 pesos; caja 31, Baeza (Alcalde Mayor Totolapa)-Sánchez (1729)—800 pesos; Matrimonios, vol. 51, no. 64 (1731)—50 pesos to the daughter of the owner of a wax shop; vol. 35, no. 6 (1736)—300 pesos; vol. 35, no. 2 (1738)—300 pesos offered; vol. 43, no. 19, Tenayuca (1740)—30 pesos offered; vol. 43, no. 19 (1740)—30 pesos offered by an Indian cacique; vol. 85, fols. 190–203v (1743)—50 pesos; Archivo del Provisorato, caja 14, Lanza Traña-Villaseñor (1754)—300 pesos requested; Matrimonios, vol. 87, fols. 230–327 (1759–60)—50 pesos; vol. 27, no. 46b (1761)—50 pesos; vol. 33, no. 40 (1764)—20 pesos; Archivo del Provisorato, caja 1, Cepeda-Ruiz (1764)—100 pesos, Matrimonios, vol. 86, no. 16 (1770)—7.5 pesos paid to an Indian tributary; Cloro Regular y secular, vol. 34, fols. 408–35—500 pesos; Matrimonios, vol. 107, no. 2—dowry plus 200 pesos court costs; vol. 46, no. 25 (1777)—25 pesos; Archivo del Provisorato, caja 44, Ramírez-Nava et al. (1778)—6 pesos; Civil 1474, Ibarra-Valdivieso (1779)—16 pesos; Archivo del Provisorato, caja 1, Basurto-Montilla—100 pesos and a horse. A settlement, like a marriage, was possible only if the couple were not forbidden to marry under church rules known as the diriment impediments (Esmein [n. 15 above], 1:227–448); Daisy Ripodas Ardanaz, El matrimonio en Indias: Realidad social y regulación jurídica (Buenos Aires: Fundación para la educación, la ciencia y la cultura, 1977), 85–214.
reinforced the waning importance of such promises. The result, of course, was that promises to marry, already less secure than in previous times, became increasingly unenforceable and increasingly meaningless. The consequences for young women were often unfortunate and sometimes tragic.

In 1772, in the small hillside community of Tacubaya outside of Mexico City, Felipe Farno, the collector for a religious confraternity, promised to marry María Gertrudis Aduna. They had a sexual relationship for two years without marrying. When María Gertrudis, by then pregnant, asked the church court to have him marry her or at least support their child, he was arrested in order to be brought to court. Released on bail, he disappeared, never to be heard from again. It was impossible to get him to appear in church court, much less pay for the support of the child he fathered. Isabel Rodríguez lost her virginity to a carpenter named Bentura Flores. She became pregnant and tried to enforce Bentura’s promise to marry. Bentura tried to escape his obligations first by alleging that, even though he had fathered the child, he had not promised to marry her. He argued that he had parents and four sisters to care for, complained of poverty, and, finally, reluctantly offered to pay Isabel 40 pesos. Isabel, however, never lived to hear his offer; she died giving birth to his child. Her mother, furious at the way Bentura had treated her daughter and angry over her death, sued Bentura. There is no record that she was ever compensated.

Neither disappearance while on bail nor lengthy delays in compensation would have been tolerated in the seventeenth century. At that time young men were not usually released for such a serious offense but were held in prison indefinitely until they either married the woman or were sent to permanent exile. In the eighteenth century, release on bail was customary, as was flight to avoid prosecution following release. Moreover, the seventeenth-century church often forestalled delay by ordering men to fulfill their obligations in less than a week or face lengthy imprisonment, but after 1730 church officials increasingly overlooked such delays, which often resulted in the woman’s abandoning her efforts to obtain either marriage or financial compensation.

48 AGN, Archivo del Provisorato, caja 3, Farno-Aduna (1776); Matrimonios, vol. 110, no. 7 (1772). For similar cases, see Matrimonios, vol. 85, no. 51 (1760); Archivo del Provisorato, caja 1, Villaseñor-Montano (1770).
49 For example, AGN, Archivo del Provisorato, caja 1 (1727); Matrimonios, vol. 73, no. 43 (1773), remarks by José Antonio Serralde; Civil 1496, Pelaez-Espindola (1778); ecclesiastical officials also began to release men on bail. AGN, Documentos en proceso Bilbao-María de Jesús (1708); Archivo del Provisorato, caja 14, Lanza Trailla-Villaseñor (1754–55); Matrimonios, vol. 15, no. 8 (1765); vol. 47, no. 72 (1777); vol. 25, Tapia-Ortiz.
50 Circa 1730, church officials in the archdiocese of Mexico shifted treatment of spousal cases from de oficio to de parte, thus leaving the initiative for action and decision making in the hands of the parties to a suit. For a more complete account of this alteration in ecclesiastical administrative procedure, see Seed (n. 18 above), chaps. 6, 11.
The consequences of these changes for women were considerable. Honor, once lost, could not be restored. The public disclosure of lost honor in such a case meant the end of any future status aspirations; honorable marriage was out of the question. Since financial judgments, even when ordered by church officials, became increasingly difficult to collect, women were often reduced to penury or to dependence on charity from other members of their families—uncles, brothers, or anyone who would occasionally contribute to their upkeep and that of their children.

The devaluation of marriage promises I have described is rooted not only in weakening social sanctions regarding the obligation to marriage promises but, more profoundly, in the shift from oral to written expression of those promises. In societies primarily dependent upon oral communication, speech is conflated with action and is thus a direct and unmediated manifestation of a person's reputation. Stories passed down in oral tradition, themselves accounts of others' deeds and words, merely reinforce the seamless links between a person's reputation, actions, and speech. In contrast, in societies in which written and, later, printed texts have gained prestige and wide distribution, the habit of abstraction—the separation of persons from their deeds and words—is strongly developed. Such societies, including all European societies, are thus able to explain events in terms of abstract forces. Through the act of writing, which anticipates a silent reading, statements, declarations, and affirmations become separable from the speaker. In eighteenth-century Mexico, as in Europe during the century before, the written word replaced the oral as the one that mattered and that agents of authority would enforce.\footnote{Ong, \textit{Presence} (n. 8 above), 195–207, 256–67; Yates (n. 8 above), 84 ff. For the importance of the link between honor and the person, see Pitt-Rivers (n. 2 above), 4.}

When a man's promise to marry a woman could be written down or embodied in objects such as engagement presents, it became separable from the person. In eighteenth-century Mexico, this separation signified more than a simple transition from oral to written expression, it foreshadowed an alienation\footnote{The OED defines "alienation" as a process of setting a person apart from his performances or actions. See also Raymond Williams, \textit{Keywords: A Vocabulary of Culture and Society}, rev. ed. (New York: Oxford University Press, 1983), 33–37.} of men from their personal integrity, their honor, with the result that they no longer felt an intensely personal obligation to fulfill promises that were merely spoken. Whatever a man's personal reputation, he could be held only to what he wrote or agreed to in writing. The growing use of literate forms gradually reduced the importance of personal virtue.\footnote{See n. 51 above.} Thus honor—in the sense of personal virtue—declined in part because it was linked to an oral tradition whose central role in the culture was gradually eroding.

A growing body of scholarship on the transition from largely oral to

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largely written communication in European society casts new light on such basic subjects as law, the family, and politics, and it persuasively links the complex shift from the oral tradition to literacy with changes in cognition, thought, and values within society. In colonial Mexico, the shift toward enhanced valuation of written communication over the oral, not necessarily accompanied by a marked increase in literacy, favored the written over the spoken marriage promise and undermined the idea of honor as personal virtue.

Scholars have constructed two models of the transition to mass regard for literacy in Europe. By no means mutually exclusive, both suggest how this shift might have undermined spoken promises to marry and the value of honor which such promises embodied. One scenario emphasizes the history of Christianity and the prestige of reading a sacred text and, thus, eventually of literacy itself. Mass access to Bible reading in the vernacular, encouraged first by Protestantism and accepted only gradually by Catholicism, acquainted large numbers of people with the concept that truth was embodied in written rather than oral declarations. For belief in the power of spoken words to crumble, actual levels of literacy do not have to rise, but the social prestige attached to reading and writing must come to the fore.


This is what Christianity's doctrinal focus on biblical texts and commentary accomplished. The erosion of popular faith in vows and words as the essence of an engagement is one manifestation of the more general European valuation of literacy as it developed in a Europeanized colonial society.

The other scenario attributes the growing prestige and authority of writing to the technical advances writing facilitated in increasingly bureaucratized institutions of authority. The use of written communication among church and secular officials in their own organizations and the increasing reliance upon written information to make judicial decisions outpaced oral modes. Writing ensured certainty in the governance of religious and secular institutions and in legal and judicial procedures of all kinds. As the general population became more involved with institutions that relied upon written communication, the identification of oral assertion with honorable conduct disintegrated. In the proceedings of church courts in colonial Mexico, the spoken vow gave way to written contracts and pledges. Both the parties involved and the community witnessing the case viewed spoken vows with increasing cynicism.

The decreasing severity of consequences for men's failure to honor their promises, and in particular the increasing prominence of fines as punishment for violating a woman's honor, contributed still further to the separation of a man from his promise, by enabling other men to share the obligations of promises. Since promise-keeping lay at the heart of the traditional definition of honor, this transformation of male honor, together with the growing prestige of literacy, had significant consequences for women and for relations between the sexes.

Women were at a substantial disadvantage relative to men in the declining importance of oral communication, since they were less often able to read or write. A rudimentary indicator of literacy, the ability to sign one's name to the marriage license applications, shows a dramatic discrepancy between men and women. In a sample of these applications over a two-hundred-year period (1574–1779), the percentage of women who could manage to put even a few letters together was 16 percent; the figure for men was more than 46 percent. The criterion of certainty which had once applied equally to men and women—oral testimony—was transformed when men's testimony gained greater credibility because of their greater access to the more prestigious form of verification—writing.

Just as men's promises to marry were devalued, so women's assertions that they had consented to intercourse only under promise of marriage lost

57 Martin, Livre, pouvoirs et société; José Antonio Maravall, Poder, honor, y elites en el siglo XVII (Madrid: Siglo Veintiuno, 1979).
58 The data come from 659 marriage license applications located in the archdiocesan court archive in which conflicts appeared between parents and children over choice of the latters' marriage partner.
credibility. The decline in the power of spoken words applied to both men's promises and women's claims that there had been a promise. Women were doubly harmed, however, because they were still held to the code of honor which required premarital chastity even though their statements regarding their loss of sexual status were no longer believed. Without written corroboration, a woman's sworn assertions now carried little weight with church officials. Now a written promise, a gift, or widespread public knowledge of the engagement was necessary to corroborate a woman's word.59

At the same time as a woman's testimony about the existence of her own partner's promise to marry became devalued, so did her testimony as witness to men's promises to marry. By the mid-eighteenth century women had virtually disappeared from even their small role as witnesses in marriage license applications.60 Commenting in 1715 on a family conflict over marriage, the legal adviser to the ecclesiastical court of Mexico City observed, "The first two witnesses are under 25 and the last two [are] women, who by general rule are excluded from testifying." He finally decided to admit their affirmation only because it corroborated that offered by the men, thus "purging them of the stain of sex which is founded on their [female] imbecility."61 On other occasions, when women were testifying as to the existence of an engagement on behalf of a couple whose parents sought to prevent a match, their declarations were attacked because no record was made of their having received formal permission from their husbands to testify. Formally requesting women to seek permission from their husbands before testifying and noting this permission on the record doubly reminded women of the inferiority of their oaths.62

The declining credibility of women's testimony about the existence of marriage promises paralleled the declining prestige of the old code of honor. The standard of honor required that women maintain their virginity prior to marrying, or at least prior to receiving a promise to marry from the man with whom they would have sex. When honor as virtue became a less compelling social requirement, women lost much of their direct access to sources of prestige. Although a woman's testimony that a marriage promise

59 For example, AGN Matrimonios, vol. 27, no. 110 (1770); vol. 13, no. 6 (1709); Archivo del Provisorato, caja 17, Reparas-Rio (1723); Matrimonios, vol. 85, fols. 190–203v (1743); vol. 25, Baptista-Mendoza (1760); vol. 110, no. 7 (1761); vol. 15, no. 8 (1765); vol. 73, no. 43 (1773).
60 This is based on two studies: 270 contested marriages in the archdiocese of Mexico between 1690 and 1779 and a study of 400 applications for the Spanish and mixed-race parishes of Mexico City between 1752 and 1753. For data on the period 1574–1689, see n. 14 above.
61 AGN, Archivo del Provisorato, caja 18, Guerrero-González. In another case, the advisor to the highest Mexican court denied the trustworthiness of witnesses presented for a case, saying, "Four witnesses have only rumor, [some] are underage, none are natives of the area, one is a woman" (AGN, Civil, vol. 2298, no. 7).
had been made lost credibility, her admission to having had sex (under promise of marriage) still disgraced her in colonial Mexican moral terms. Since she had no written promise to corroborate her testimony, the marriage promise was unlikely to be fulfilled, although she would probably receive financial compensation for the loss of her virginity. However, as this scenario became more frequent, a woman's declarations that she had engaged in premarital sex in response to a marriage promise began to be seen as a strategy to win monetary reward from the court, and the veracity of her testimony was questioned. This concern about women's economic motivation foreshadowed society's changing attitudes toward wealth and status.

**Oral testimony and the economics of marriage**

Young men's increasing reluctance to carry out their marriage promises and the eventual acquiescence of institutions to this reluctance created a vacuum of moral reasoning in which economic considerations—"interest" in the language of the day—began to assume primary importance in shaping ideas about social prestige.63 In the years preceding the development of capitalism in Western Europe—a period historian Pierre Vilar has labeled "adaptation to capitalism"—a new ideology of status began to supplant the old code of honor.64 Attitudes favorable to money-making challenged older beliefs in the evils of usury, self-seeking, and the pursuit of gain. While the desire for money and power had always been present, with these new "adaptive" ideologies came an entirely novel respectability for such ambitions. As a result, worth came to be evaluated more openly in

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63 Historians of Europe have argued that a similar phenomenon resulted when poverty-stricken young men were unable to fulfill their marital promises. While this may have been important in western Europe, in colonial Mexico it was not the poor who increasingly sought to evade promises to marry but, rather, the sons of well-to-do provincial merchants, miners, and landowners, a group whose general level of prosperity was rising throughout this period. While these men sometimes claimed that "poverty" prevented them from marrying, they were able to do so only because money had become a legitimate reason to avoid fulfilling an obligation of honor. Such an excuse was notoriously illegitimate (and indeed rarely used) before 1700. It was thus not the objective economic standing of the parties that had changed, but the underlying attitudes toward money that had altered. For example, AGN, Matrimonios, vol. 34, no. 57 (1726); vol. 35, nos. 7, 8 (1736); vol. 15, no. 8 (1765); Seed (n. 18 above), chaps. 7–9.

monetary or economic terms, and status ultimately tied to wealth gradually supplanted virtue as the prevailing standard of social prestige.66

By the mid-eighteenth century, in Mexico, the change was marked by a growing concern among wealthy families with maintaining (or obtaining) status and an increasing preoccupation with the economic consequences of matrimony for families.66

The increasing reliance on wealth as the indicator of social prestige altered the cultural construction of gender. Since women did not acquire great wealth through their own actions but, rather, largely through inheritance from husbands or fathers, and since they no longer had access to an independent source of prestige—namely, their word of honor regarding the terms under which they had sex with a man—women were forced to attain status through the activities of their husbands and fathers. Dependent upon men to establish their economic standard, middle- and upper-class women became dependent upon male prestige to have their cases and their testimony heard and believed in court. Gradually these women were silenced, their voices heard primarily through the medium of male members of their families.

Historian Jean-Louis Flandrin attributed the disappearance of enforcement of promises to marry in seventeenth-century France to a relaxation of the canonical standards for breaking an engagement. Arguing that this signaled the beginning of an era in which people could win release from their promises to marry simply because they did not love the other person, Flandrin considered it a positive step in the developing acceptance of


sentiment. The disadvantage, however, is that promises to marry could then be used cynically. Men could promise to marry to obtain sexual favors and then recant on the grounds that there was no emotional involvement, no love. For men who had sincerely promised to marry and then changed their minds, the change was no doubt a welcome relief from the massive hypocrisy forced upon them by the canonical requirements. The effect was not necessarily the same on women, for church officials in colonial Mexico had rarely forced women, even those who had lost their virginity, to accept men they did not wish to marry. The change in favor of sentiment meant greater freedom for the man to disregard his promises to marry but no corresponding loss of responsibility for the woman. Two people still consented to the sexual act, but after the decline in the enforcement of promises to marry only one bore the consequences—the woman. The era of the modern double standard was inaugurated.

The modern era ushered in conditions that made the Don Juan fantasy a reality. The ability of men to seduce women and avoid the consequences came about with the waning of a code of honor in which men’s spoken word and women’s sexual virtue were primary values. When words lost their power to create reasonable expectations for conduct, the woman’s word regarding her sexual virtue waned as well, but sexual virtue was still expected of her, and she suffered serious consequences when it was questioned.

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68 The prelates of colonial New Spain were usually scrupulous in permitting women to forgo marriages they did not desire. Since marriages among Spaniards in Mexico were arranged by the parties themselves, to argue for release from a marriage promise on the grounds that one was not in love was easy for the facile and cynical. While that may reflect a growing evaluation of sentiment, such cynicism is not usually seen as advantageous for women.