

MESA REDONDA

Nr. 4

Susan Midgen Socolow
Acceptable Partners: Marriage Choice
In Colonial Argentina 1778-1810



Institut für Spanien- und Lateinamerikastudien

Instituto de Investigaciones sobre España y América Latina

Universität Augsburg



Institut für Spanien- und Lateinamerikastudien

Instituto de Investigaciones sobre España y América Latina

Universität Augsburg

MESA REDONDA dient vornehmlich der internen Diskussion, dem Austausch mit auswärtigen Wissenschaftlern, der Vorstellung geplanter wie in Arbeit befindlicher Forschungen sowie der Dokumentation des Augsburger Universitätspreises für Spanien- und Lateinamerikastudien. — Zur Mitarbeit wird gesondert eingeladen. Für unverlangt eingesandte Manuskripte keine Gewähr. — Der Austausch mit Materialien anderer Forschungseinrichtungen ist erwünscht.

MESA REDONDA tiene como fines primordiales facilitar la discusión interna, el intercambio de informaciones con científicos de otros centros y lugares, la presentación de proyectos de investigación en fase de preparación o realización, así como la reproducción de trabajos relacionados con el premio que otorga la Universidad de Augsburg a personas que hayan tratado temas sobre España o América Latina. — Para la colaboración en MESA REDONDA se cursará una invitación especial. No se asumirá ninguna responsabilidad en los manuscritos que sean remitidos sin previo requerimiento. El intercambio de materiales con otros Centros de Investigación sera bienvenido.

Bezug über / Pedidos a:

Universitätsbibliothek Augsburg (Tauschstelle), Universitätsstraße 22,
D 8900 Augsburg

Susan Midgen Socolow

(Emory University)

Acceptable Partners: Marriage Choice

In Colonial Argentina

1778 - 1810

Augsburg

im Juni 1987

Copyright by the author

Marriage in Western European societies has been a mechanism by which two individuals are joined in a socially recognized union, as well as the institution through which legitimate families are formed. But it is also an institution for cementing ties between already formed families. The choice of marriage partners is therefore of interest to more than just the bride and groom. Because of its crucial role in structuring society, in forming alliances and in delineating kinship groups, the choice of marriage partners, so-called "marriage formation" is a possible area of conflict among different parties.¹

Marriage, in all human societies, usually occurs between individuals belonging to socially endogamous groups. People tend to marry those who they and society perceive as being socially like them, from the same or contiguous socio-economic backgrounds. But there are always important exceptions to this dicta. Despite all formal constraints individuals will always be found who will violate social standards for the quite personal reason of sexual attraction. A society's reactions to these exceptions helps to explain its attitude toward social mobility and social change. While few social groups welcome marriage to those who are markedly different, their efforts to prevent these marriages runs the gamut from lack of action to punitive legislation. Thus the response to "inappropriate" marriage partners is a useful indication of the rigidity or openness of a given social system at a particular time as well as a mechanism which can be

used by a social group to protect its internal cohesion. The following study looks at marriage oppositions in late eighteenth century Rio de la Plata in an attempt to understand better marriage, colonial society and the role of women.

In Roman Catholic societies marriage is one of the sacraments of the Church. As a sacrament, until the end of the eighteenth century, the regulation of marriage lay wholly within the legal jurisdiction of the bishop and the church courts.² It was the Church, basing its decisions on canon law which decided in cases concerning marriage whether a particular couple should be joined together. In the regulation of marriage, Church courts were free to make their decisions independent of direct civil supervision and, for the most part, free of appeals to civil courts as well.³

From the end of the sixteenth century to 1776, the Church in Spanish America applied canon law in those cases relating to marriage. Although marriage was the means by which families were joined, central to Roman Catholic law was the belief that marriage could only take place between two people who had freely consented to share this sacrament. Indeed the Council of Trent decreed that couples had a right to marry of their own will, and could do so without parental consent.⁴ Although parents tried to prevent undesirable marriages, the Church consistently held for couples, going as far as dispensing the banns so that they could marry in spite of parental opposition. Parental objections based on economic or ethnic differences between the couple (novios) were routinely rejected by ecclesiastical courts. As long as canon law impediments did not exist, the Church's policy was pro-marital union.⁵ In 1776, Carlos III, the Bourbon king of Spain, issued a Royal Pragmática which changed dramatically both the rules and the authority governing marriage.⁶ Extended to his American possession two years later by the Royal Cédula of 7 April 1778, this legislation represents a radical departure from

previous norms, and demonstrates that the Bourbon reforms encompassed more than political and economic change. The Royal Pragmática, and succeeding marriage legislation, was indeed an attempt to transform social mores at the basic level of marriage and kinship formation.⁷ According to the Pragmática, all subjects, "from the highest classes in the State to the lowest subjects, without any exception," were to come under the law, although in America "mulatos, blacks, mestizos and members of other similar mixed races who are publicly known and reputed as such" were to be specifically excluded.

From 1778 on, parental permission, never before required under canon law, became the sine qua non of marriage for whites (españoles). Moreover any disputes over marriage were now to come before a civil court (in most cases the juzgado de alcalde) which would rule on whether a marriage could take place; appeal was to the Royal Audiencia. Church courts were not only removed from most cases involving opposition to marriage, but parish priests were strictly enjoined from performing any and all marriages without prior parental approval. In addition any person marrying in spite of parental opposition was to be immediately disinherited in perpetuity. Decision-making power over marriage was thereby transferred from the individual exercising his or her own free will, and the church, to both the bride and groom's parents and the State.

As important as the redistribution of power enacted by the Royal Pragmática, was the re-definition of just cause to prevent a marriage. Although canon law impediments continued to be valid reasons to prevent a marriage, inequality between bride and groom was now enshrined as the principal cause for a successful parental dissent (disenso). If, after a refusal to grant permission to marry, a young man or woman chose to bring formal suit against the dissenting parent, that parent need only prove inequality between the prospective spouses in order to stop the marriage.

The Royal Pragmática was not the first time that the State had openly interfered in matters of marriage. The Spanish Crown had legislated on matters of marriage concerning Royal bureaucrats and military men from the sixteenth century on.⁸ But it was the first time that the entire "white" population came under direct parental and royal control in these matters. The reason for this control was clearly stated in the 1776 Pragmática and the 1778 Cédula: "to contain the lack of order which has slowly been introduced into society with the passage of time." In the eyes of the Bourbon royalists both the Church and young people's individual choice had failed to produce an orderly society. It was now time to take important social matters out of their hands. Further legislation during the next thirty years would only reinforce the new attitude made clear in the Pragmática, eventually limiting the jurisdiction of the Church in matters concerning engagement (esponsales), child and wife-support, and bigamy.⁹

In addition to the eighteenth-century desire of the Crown to control the Church, Charles III's desire to control that most dangerous force, disorder, is clear in the Royal Pragmática. The reason for this social disorder is also specified: marriage between unequals which had become so frequent as to produce "most grievous harm...upsetting the proper ordering of society, and [producing] continual friction and damage to families." In addition, marriage between unequals were offensive to God because it often took place in spite of parental opposition, thereby defying "the honor, respect and obedience which children should render to their parents in matters of such gravity and importance." The aim of the State was to control what it viewed as a dangerous confusion between social and racial groups. To achieve this, the 1776 Pragmática made parental permission a pre requisite for any

Spanish man or woman younger than twenty-five. The assumption was that parents and adult offspring, more aware of the importance of marriage and of the dangers produced by unequal unions, would behave in a more socially desirable fashion.

It should be stressed that by changing the age at marriage from that of canon law (12 for women and 14 for men) to that of the Royal Pragmática (25 for both), the new law was essentially attempting to control the marriage partner of a small group of men, those few who married before reaching the age of majority, and of almost all women. In eighteenth century Río de la Plata it was rare for a Spanish woman to reach the age of 25 without having "taken state." Most women, somewhere between the age of 14 and 21 either married or entered a convent.¹⁰ Men on the other hand tended to marry in their late twenties or beyond, when they were economically able to support a wife and family. Setting the age at which parental permission was required at 25 and below essentially meant that every women now required formal parental permission to marry.

Only in 1803 would this bias against women be corrected when a new Royal Cédula "on the marriage of a family's offspring" instituted a sliding age scale.¹¹ If his father was alive, a man now needed parental permission until the age of 25, a woman until the age of 23. If his father was deceased, but his mother alive, the man's age dropped to 24, and the woman's to 22. For orphaned children, if either paternal or maternal grandparents exercised parental authority, the age became 23 for the man and 21 for the woman. Lastly those under the authority of a tutor could marry at 22 (man) and 20 (woman). Although the law still discriminated against women (mothers having less control than fathers), by pushing back the age of consent for females it did free a large cohort of women to marry without parental control.

The Crown realized that some parents might refuse to give their permission for capricious or irrational reasons, abusing the power over their progeny which the law now gave them. Parents, or those acting in their stead, were encouraged to consent to a marriage unless they had just and rational reasons for their opposition. They were also warned not to use this law to force an offspring into a marriage that was against the minor's desire or vocation. The 1776 legislation also outlined the procedure to be followed in those cases where the prospective spouses chose to challenge parental refusal.

The very existence of parental marriage oppositions, both before and after 1776, reflects a degree of personal independence on the part of young people of marriageable age. Although most marriages were arranged with parental intervention, these cases demonstrate that parental control was not a universal practice. At least some offspring were making their marital choices without parental approval.

By custom and tradition the marriage process in colonial Argentina, as elsewhere in Spanish America, consisted of four steps. First was the betrothal (palabra de casamiento), the spoken words by which a young man promised to marry a young woman thereby establishing an espousal relationship. The betrothal could be given with a promise to marry within a stipulated period or time, or it could be open-ended. The next step was a visit to the local parish priest where the required information on the civil status of the future bride and groom (the expediente matrimonial) would be gathered. If one's betrothed failed to move from the first to the second step within a respectable time period, the prospective bride could begin a suit for breach of promise (esponsales) before the ecclesiastical authorities.

Once the marriage application was completed, and the parish priest was convinced that no canonical impediment prevented the

couple from marrying, banns were read, usually on three successive Sundays, publically announcing the couple's intention to marry. Any additional information relating the possible impediments was now reported to the parish priest. It was at this point that parents, grandparents, guardians or other close kin usually refused to give their permission to the planned union. If the couple still insisted on marrying, they could petition the court of first instance, requesting that the dissenting party be forced to present a rational reason for his or her objection to the marriage. In essence the son or daughter who had been refused permission became the plaintiff suing his or her parent, the defendant.

From 1776 on cases of marital opposition were heard before the cabildo court of first instance, the juzgado del alcalde primero or that of the alcalde segundo. Once the Audiencia of the Río de la Plata was founded and functioning in Buenos Aires (1785), all cases generated in the cabildo courts of the audiencia's jurisdiction could be appealed to the high court. The audiencia was never the court of first instance in marriage dissent proceedings but rather the court which could review and override cabildo court decisions.

In theory the new marriage legislation would reestablish social order, but what indeed was the reality? A close reading of the cases which were generated as a result of the Royal Prágmatica provides us with information on how frequently parents actually took advantage of the new legislation to enjoin their children from marrying. Moreover the legal cases concerning marriage dissent provide valuable information about which parents were more apt to oppose the choice of marriage partners of their children, the reasons usually given for their opposition and their degree of success. While far from numerous, the marriage

dissent cases give us interesting insights into late eighteenth century colonial society, the social perceptions of the colonial world, ideas about love, sex and sexuality, and the role of women in society.

Cases from the court of first instance were reviewed for two contrasting urban areas of colonial Argentina. In addition cases heard before the Royal Audiencia were also analysed. The first urban area, the city of Córdoba, was a traditional city, the center of higher education in the Viceroyalty of the Río de la Plata. The city had been closely tied to the mule trade to Potosí in the seventeenth century, and had undergone a period of economic and demographical stagnation during the first half of the eighteenth century.¹² Although Córdoba experienced an economic and demographic revival under the Viceroyalty, the economic base of the city was always too small to support the local population; by the mid-eighteenth century Córdoba became a net exporter of population both to the north (Jujuy) and to the south (Buenos Aires). Furthermore while all sectors of the population had grown since 1750, the non-white groups had grown most quickly. A city of approximately 7,800 inhabitants in 1785, it's 2,500 white citizens often behaved as though they were under siege from other racial groups.

By contrast the port city of Buenos Aires (the major port of the Río de la Plata), had experienced steady economic and demographic growth since the middle of the seventeenth century. A commercial city par excellence, it had been elevated to capital of the new Viceroyalty of the Río de la Plata, thereby taking on a host of new administrative functions. In addition the city had a sizeable artisan group, and a large sector tied to the processing of hides for export. While there was great inequality of wealth in Buenos Aires, the city also provided many opportunities

for the daring and the lucky. According to the evidence provided by census and parish records the city's growing mulato population found in relatively easy to move across blurred racial lines.¹³

How frequently did parental opposition result in legal proceedings? Opposition to marriage which resulted in litigation represented approximately ten percent of all marriages in the Córdoba area, while the corresponding figure for Buenos Aires was less than one percent.¹⁴ Clearly in the older, more traditional society there was more conflict between parents and children over the issue of marriage.¹⁵

There is no way to determine the actual number of colonial parents who objected to their offspring's choice of a spouse. Legal proceedings contain no information on how many parents successfully dissuaded their children from marrying by simple refusing to grant permission. The marriage dissent cases only reflect those cases where children chose to challenge their parents' decision. Given other evidence of the power of parents and their economic control over sons and daughters, these cases might only be the tip of the proverbial iceberg of inter-generational conflict. What is nonetheless obvious is that the majority of offspring accepted the decision which their parents had made as to their marriage plans. Only a stubborn few rejected this decision, preferring to bring their parents into court to counter their authority.

Suing one's parents, grandparents or guardians was a drastic step, especially over a matter as important and far-reaching as marriage. The Crown was sensitive to the delicate nature of the testimony which might be presented in these cases. It therefore enjoined all judges to "avoid defamation of individuals and families." Because of the nature of the proceedings secrecy was of the essence. Proceedings were to be "always behind closed doors."

Although sworn to secrecy, the testimony of several witnesses makes it evident that marriage dissent cases quickly became common knowledge, fueling local gossip with juicy information about the family or families in question.¹⁶ Because of both the type of testimony presented and the legal strategies used, these cases were social dynamite because they could lead to an investigation of the ethnic background of a family. Few people in colonial Argentine society could be sure enough of their social origins to weather close scrutiny back three or four generations with confidence. At the very least these cases produced "hateful testimony, evidence and legal manoeuvres which are the result of the inevitable persistence of the interested parties but which usually produce lasting resentment."¹⁷ The risks were not to be undertaken by the faint-hearted.

Nonetheless several litigants did not stop with the court of first instance. They insisted on appealing negative verdicts to the Royal Audiencia, prolonging the possibility of public airing of family skeletons and dusky progenitors. Of the forty-six cases which were brought to appeal before the Buenos Aires Audiencia after having first been presented to local cabildo jurisdiction, the majority (52 percent) had originated in the Buenos Aires cabildo. Next in importance (20 percent) was the northeastern sectors of the Viceroyalty (Asunción, Montevideo, Corrientes and Santa Fé), followed by the northwest (Mendoza, San Juan, Catamarca), and lastly the Córdoba region.¹⁸ The Buenos Aires region alone appealed more cases than the rest of the entire Viceroyalty.

Put another way, of the 45 cases heard first by the Buenos Aires cabildo, slightly over half (53 percent) were appealed to the higher court. This evidence of the facility with which local residents could and did appeal to the Audiencia reflected the relative advantages of living in a city where a High Court was

seated. Indeed before the Audiencia began to function in Buenos Aires (1783) not one of the seven marriage dissent cases which came before the cabildo were appealed. On the other hand, ninety-three percent of the cases tried before the alcaldes of Córdoba were never appealed, proof of the difficulty, both in terms of time and cost, for people in the cities of the interior to avail themselves fully of royal justice. In essence the cabildos of the interior cities were far more powerful legal and social arbiters than that of Buenos Aires, where quick recourse to a higher court was the general rule.

An analysis of the Buenos Aires cases which were appealed to the Royal Audiencia, and those which were not, yields some provocative insights into the marriage dissent process.¹⁹ The lower court decisions which preceded the appealed cases were almost evenly divided between "racional" (a decision for the parents or tutors) and "irracional" (a decision for the couple wishing to marry). On the other hand a analysis of those cases not appealed presents quite a different pattern. In these cases the alcalde's decision was always for the engaged couple. In other words, while parents were evenly divided among those who accepted a decision which they disagreed with and those who insisted on pushing ahead to a higher court, young people, more determined to marry the partner of their choice, appealed all unfavorable decisions to the higher court.

The costs of bringing a marriage opposition suit were relatively high, although the Crown, in an effort to make this legal process available to all interested parties, had specified that "in these cases, the court is not to charge fees, expenses or any emoluments. The parties (involved in litigation) are only to pay the moderate and necessary charges for paper and for the scribe's services."²⁰ Cases being appealed to the Royal Audiencia also incurred "registration and assignment fees." For those cases

where total costs can be determined, the expenses ranged between 57 pesos 6 reales and 283 pesos 7 reales, averaging 123 pesos 2 reales. These costs, although high, did not prevent a wide range of litigants from appearing as plaintiff or defendant in marriage dissent cases.

As stated earlier, marriage oppositions were the social exceptions, not the norm. Nevertheless they illustrate several social values, and suggest the nature of late colonial Río de la Plata society, as well as the role of women in that society. In the case of Río de la Plata, plaintiffs, defendants and the courts interpreted the vaguely worded Royal edict as referring to one of four different types of inequality, that of race, that of social background, that of morality, or that of economic position.

Given the Spanish obsession about "purity of blood", race, as grounds for preventing a marriage comes as no surprise. In Córdoba as in Buenos Aires, racial inequality was the major reason for parental opposition. In 1791, for example, Pablo Beruti, a Buenos Aires notary (escribano) attempted to stop the marriage of his son José to María Josefa Rocha, daughter of another local notary by claiming that the bride's father was a mulato.²¹ Although the parents of both the prospective bride and groom belonged to the same occupational and socio-economic group, Beruti argued that the bride and groom were "unequal because of blood."

It is important to note that only Negro and not Indian ancestry was an acceptable grounds for a marriage opposition based on race.²² In addition it was not usually the prospective bride or groom who was charged with being the source of the problem. The original transgressor, the person who had introduced the "stain" in the family was usually a mulato grandparent. Indirectly these frequent references to one mulato grand-(or even

great-grand-) parent testify to a significant degree of racial miscegenation, both inside and outside of marriage during the early years of the eighteenth century. In most of the cases the parent of the person charged with having a "stain" had succeeded in marrying an español, thereby further whitening their line. Indeed, if we are to believe the testimony contained in the marriage opposition cases, during the generations which proceeded the Pragmática, inter-racial unions and even inter-racial marriages were common, if not quite acceptable. As a consequence, after the Royal Pragmática young men and women, often believing themselves to be españoles, found their racial purity under attack.

Social inequality including inequality of birth and lineage was the second most frequent reason for marital opposition. In these cases the dissenting parent or guardian attempted to prove that one of the betrothed couple was either an illegitimate child or a child born of an illegitimate parent. Maria Antonia Martinez, impoverished widow of Alonso Garcia, sargento de dragones, denied permission to her son to marry Josefa Mier, daughter of a Buenos Aires retail merchant, because she argued that Josefa's mother was born out of wedlock.²³ Charges of illegitimacy in colonial Argentina were frequent, especially since common-law marriages were widespread among all urban groups below the elite before 1750 and were still the norm in rural areas. The type of illegitimacy, rather than illegitimacy itself constituted the nature of one's social disability. Indeed there was a clear distinction between "natural" children, those born to an unwed mother and an unwed father who could have married had they pleased; and truly "illegitimate" children, those whose parents would not have been able to marry because of some canonic impediment.²⁴ In colonial society it was far less of a social

burden to be a bastard of "unwed single parents" that it was to be the fruit of an adulterous union, an incestuous affair, or the child of a clergyman.

Still another type of social inequality which was claimed as the basis for a marital disenso was distinction between noble and plebe. Spanish-born fathers pointed to their hidalguía arguing that this set them off from others who although "pure of blood" could not make the same claim. This was the argument presented by Pedro Medrano, minister of the Royal Hacienda in Buenos Aires to deny permission to his son Martín to marry the creole Pascuala Iraola.²⁵

Personal morality was still another reason for parental dissent. Questionable sexual morals was a charge frequently brought against lower class young women but not against men.²⁶ Included were claims that women had had sexual relations with several men, that they were "common prostitutes", that their lovers had contracted venereal disease from them, and that they were publicly living with their betrothed in consensual unions. Arguments used against men as a justification for a disenso, included charges included thievery, gambling, vagrancy, personal dishonesty.²⁷ In the rare case where a father used his daughter's pregnancy as a reason to prevent her marriage, the young man was charged not with questionable morality but with seduction.²⁸ While this charge tended to portray the woman in question as an innocent victim, it did little social damage to the man's reputation.

An important and acceptable reason to prevent a marriage was economic inequality. This was the most frequent argument used not only by the mercantile elite of both Buenos Aires and Córdoba in refusing to allow their sons and daughters to marry, but also the defense presented by small shopowners (almaceneros) and artisans. Pedro Ferreira, alternately described as a shopkeeper,

a barowner (pulpero), and a seller of yerba mate, went as far as to kidnap his son from the Casa de Santos Ejercicios to prevent his marriage to the daughter of an hacendado from a nearly rural area. The poverty of the family of the bride-to-be was the primary reason given for the opposition.²⁹ The economic inequality argument always rested on proving that one of the betrothed was from a markedly inferior economic milieu. In addition, proof that the groom-to-be was too poor to support a wife could be included in an economic inequality opposition.

Whenever possible the dissenting parent tried to present a combination of reasons for his/her marriage opposition. Economic inequality might also overlap with noble versus plebeian lineage, or with the question of legitimacy; social inequality and moral misbehavior might both be given as the grounds for a marriage opposition. Trying to prevent the marriage of his 24-year-old daughter, Dominga, to José Raimundo Navarro de Velazco, Francisco Gutiérrez charged that the groom-to-be was racially unequal (mulato), a vagrant, of illegitimate birth, economically unable to support the bride-to-be, and had furthermore seduced the innocent girl.³⁰ In this case the loss of his daughter's virginity and her honor meant less to a father than preventing her marriage to someone deemed to be socially and economically undesirable.

A few marriage dissents were also brought on technical grounds created by the Royal Pragmática. According to the 1778 law, couples could not be betrothed without having first obtained parental permission. In at least two cases, parents claimed to be objecting to a forthcoming marriage because their offspring had failed to adhere to this regulation.³¹ Here parents, lacking any other legal reason for preventing the marriage, evoked technicalities to delay the marriage, using the time to pressure their children to change their plans.

Those marriage opposition cases which originated in the Buenos Aires court of first instance differed from those found under the Córdoba jurisdiction by the relative importance of the four major justifications for attempting to prevent an offspring's marriage. Buenos Aires litigants were far more likely to base their cases on the grounds of economic inequality, with race, social background and morality being lesser considerations. Córdoba cases, on the other hand, put greater stress on racial and social inequalities, and relegating economic considerations to third place. These differing patterns suggest that porteños, experiencing a degree of economic prosperity, were more willing to overlook hazy racial antecedents concentrating instead on the economic position of the prospective spouse's family. Conversely, the cordobeses, inhabitants of a city in economic stagnation, concentrated on race and social rank as the critical variables in their defense of socio-economic position. Nonetheless it should be remembered that both societies were concerned with race, economic standing, social position and morality. The difference between Buenos Aires and Córdoba was thus one of degree not of absolute values.

Depending on the grounds for the marriage dissent, young people had a limited choice of strategies available to counter the obstacles. In cases of opposition because of race or lineage, the most direct and difficult strategy was to present convincing testimony, in the form of baptism and marriage certificates, and live witnesses to counter the charges. Often this approach was impossible because of the rather lackadaisical manner in which parish registers had been kept.³² Live witnesses, while required by law, usually solved little. For each witness who claimed that someone's grandmother was white and a gentlewoman, there seemed to be another who would testify for the plaintiff that she was a mulata, and a common servant. Indeed, unless we

are willing to believe that many witnesses with no family ties to either the plaintiff or defendant were willing to perjure themselves, we are struck by the vague racial perceptions of many colonial people. It was of course that vagueness and the ability for a quadroon or octaroon to pass into Spanish society which made these people so dangerous in the eyes of some members of the local elite.

Because of the difficulties involved with the direct strategy, betrothed couples often attempted to employ another set of tactics. In cases involving racial inequality they often attempted to argue that the African blood found in their intended's family was in truth Indian blood, and therefore because of Royal legislation on the nobility of the Indians, no stigma was involved. This strategy was all the more effective if one could prove that the ancestor in question was a noble Indian instead of a common yanacona.³³

Another strategy was the "us too" approach. Here the young man or woman admitted the impurity of their intended's lineage, but attempted to prove that they too suffered the same blood "stain". Few people in the area were able to offer sound proof of their ancestry going back three or four generations, for few were the children of Spanish immigrant fathers and mothers.³⁴ Miscegenation had occurred to some degree in the lines of many so-called "white" families, with race mixture more prevalent as one went down the socio-economic scale. In those cases where the father had immigrated from Spain, it was the mother's creole line of the family which was fully scrutinized in a search for some touch of mulato ancestry. In addition lacunae in parish registers could always be used to cast doubt on one's ancestors. The net result of this strategy, and of the marriage oppositions in general, was to uncover family skeletons which had long since been buried.

What group or groups in society were most likely to oppose the marriage of their offspring? An occupational analysis of the head of family for cases brought before the Buenos Aires court of first instance shows that the largest group, thirty-nine percent of the plaintiffs, were artisans, peones and small landowners. These were the poor whites of the colony who had the most frequent social contact with people of mixed-blood, but also a group which believed it had much to lose in allowing its offspring to marry into these groups of lower racial and social status. The second largest group of plaintiffs (twenty-two percent) were members of the merchant elite, usually engaged in suits to stop their sons from marrying poor white women. The merchants viewed these alliances as being disastrous for the future commercial prosperity of their heirs. Military officers account for seventeen percent of oppositions, and small shopkeepers another thirteen percent. Lastly bureaucrats were the plaintiffs in nine percent of the cases. Grouping individuals by elite and non-elite occupations (merchant, bureaucrat and military officers versus artisans, small landowners, and peones), we find that forty-four percent of the plaintiffs could be considered members of the local elite, while fifty-six percent were, although españoles, definitely considered to be among the common people. Fear of social or racial contamination was present at all levels of white society, but members of the elite also fought to protect their offspring from choosing marriage partners who were grossly economically inferior.

An analysis of the relationship of the plaintiff to the defendant shows that most frequently it was the defendant's father, as head of the family, who refused to give permission to marry (forty percent). In twenty-seven percent of the cases a male tutor or guardian opposed the marriage. This is not surprising in a patriarchal society. What is more significant is

that twenty-seven percent of marital oppositions were initiated by widowed mothers, and another six percent by sisters or aunts. The relatively large numbers of women involved in preventing the marriage of their children is testimony to their interest and power, as well as indirect evidence of the considerable number of relatively young widows left to provide for their families after the death of an older spouse. Their testimony usually alludes to the economic difficulties encountered in providing for their children, and their determination to fight against a marriage which would bring downward social mobility to their family.³⁵

According to the 1778 Royal Cédula which extended the Royal Pragmática to the colonies, in the absence of parents or guardians, the state itself could step forward as plaintiff in unequal marriages involving those born in Spain. The Río de la Plata material indicates that this was a rare step. Among the marriage dissent cases reviewed, only once did the state attempt to stop a marriage by initiating the opposition process, no doubt in part because the professional ambitions of a local bureaucrat who believed he could further his own career by preventing the marriage of a Spanish-born silk weaver to a mulata woman.³⁶

In only one case was the prospective bride the defendant against the prospective groom.³⁷ It is clear that the groom-to-be, after having promised marriage and sired a child, was no longer interested in fulfilling his pledge. His defense was that he had become engaged believing his intended was an española but had since heard rumors to the contrary. Stretching the meaning of the Royal Pragmática, he now challenged the woman in question to prove that she was not a mulata before a marriage could take place.

Did contested choices tend to be those made by male or female offspring? A analysis of thirty cases of parental opposition shows an almost equal division between parents of the man

(16 cases) and parents of the woman (14 cases) and suggests that both men and women were making independent choices of marriage partners. A review of this sample also shows some interesting variations by social group. Among the elite cases the opposition was more likely to come from the man's parents (eleven oppositions initiated by the man's parents or tutor versus seven by the woman's). That is, the objection was to the choice of the man rather than that of the woman. At the same time as it is clear that economically or racially disadvantageous marriages of either men or women endangered a family's status and reputation, families seemed to be more on guard against their sons mistakes, possibly because their sons had more opportunity to make mistakes. In other words, the abovementioned pattern suggests that elite men had greater opportunity to meet women from other social classes than their more closely guarded sisters.

For the non-elite groups the situation is quite the opposite. Here the parental objection was made more frequently to the daughter's choice rather than the son's (four cases begun by the man's parents versus seven by the woman's). While it is somewhat hazardous to generalize from this data because of the small number of cases involved, this difference suggests that while lower class Spanish women enjoyed some degree of geographical mobility and social independence, they were not encouraged to use this freedom to make marriages that frustrated their family's desire to maintain some social position. At the same time, the marriage opposition case itself demonstrates the narrow limits of all women's freedom.

Couples involved in marriage dissent cases were anxious to reach a verdict as soon as possible, in the hope that their planned marriage could soon take place. But their parents or guardians often wished to slow down the legal proceedings, bet-

ting that time itself would discourage the young couple. For those eager to prevent a marriage, questions of procedure could supply welcome ammunition. Delay as a parental strategy was more common when it was the man's parent who opposed the marriage. Long delays did not endanger the reputation of a young man, but they could be most harmful to a young woman, especially in those cases where pre-marital pregnancy demanded speed.

In theory speed was of the essence in all cases. The Crown realizing the social danger which these cases represented encouraged the court of first instance to complete its hearings and present a decision within seven days from beginning the case. Another seven days was granted to begin an appeal, and the Royal Audiencia was to make a final decision within two weeks from receiving the case. The total time elapsed between the beginning of the initial process and the appeal decision was therefore to be one month.³⁸

In its desire to complete proceedings within the stipulated time period the Cabildo and the Royal Audiencia tried to set time limits: defendants were given two to three days to state the reason for their opposition to a marriage, and an additional three to four days to present witnesses who would verify their claims. Nevertheless for a sample of nineteen cases where elapsed time can be fully documented the court of first instance took an average of 35.75 days to adjudicate a case. Appeal added another 53.2 days to the process. Instead of one month, the average marriage dissent ran for three months from start to finish. Moreover whenever a procedural question was raised in the course of an opposition, the case would be slowed down for at least another two months. A major jurisdictional question such as whether marriage dissent cases involving military men should be heard by the civil court could delay the proceedings for up to four months.³⁹

The same concern for a woman's honor can be seen in the few cases in which a prospective bride or her parents brought a dis-enso case because the groom had changed his mind about the desirability of the marriage.⁴⁰ These cases and surviving breach of promise cases under ecclesiastical jurisdiction suggest both the need to save a woman's honor by going through with marriage once formal espousal had been declared, and the importance of marriage to a woman's social standing.

Although a woman's honor was linked to her virginity, it is clear from the marriage dissent cases that a difference was made between sexual relations once a couple had become engaged, and other liaisons.⁴¹ For the masses sexual relations after betrothal were common. Indeed at times there seems to have been a confusion in the mind of young women between engagement and marriage for both could be public ceremonies which created lasting obligations.⁴² The acceptance of sexual relations between espoused persons also explains the large number of women with children bringing breach of promise suits. The two cities' elite guarded their daughters more carefully than non-elite families, but the suspicion of sexual relations between espoused couples seems to have been general.⁴³

A woman therefore did not lose her honor as much by giving her virginity to the man she was to marry, as she did by failing to marry that man. For many of the women involved in these cases, losing a marriage dissent was therefore a loss of more than a legal case. It could be at one and the same time the loss of social position because of "inferior" racial heritage and the loss of personal honor. Furthermore, because it was assumed that engaged couples had sexual relationships, the woman who failed to marry her fiancé (whether or not it was known that she had lost her virginity) was assumed to be tarnished, inferior, dishonored.⁴⁴

Presumably, still more dishonored was the woman who had prior sexual experiences with another man without promise of marriage. Indeed there was no clear line drawn between this woman and a prostitute, for both were considered to be "worldly, corrupt and licentious."⁴⁵ Even worse was the woman who kept any of the fruits of her scandalous behavior, publically nursing any children who might have resulted from their liaison. This behavior was especially reprehensible for it ran counter to the ideal of feminine modesty.⁴⁶ No wonder the parish registers of Córdoba and Buenos Aires are full of Spanish "niños expósitos," illegitimate children abandoned on the doorsteps of the leading citizens of the town.⁴⁷

Paradoxically there could be still other advantages to abandoning a child rather than baptizing him or her as an "hijo natural." In a 1794 Royal Cédula, abandoned children who were racially white were granted the same civil legal status as legitimate children.⁴⁸ In Buenos Aires at least, this cédula was interpreted retroactively and covered expósitos born years earlier.⁴⁹ In addition as long as an abandoned child appeared to be Spanish (by phenotype), he or she would be assumed to be Spanish (by genotype), and would be duly registered in the book of Spanish baptisms. In the race conscious world of colonial Río de la Plata, it was better to be assumed to be Spanish than to be known to be mulatto.⁵⁰

In addition to information about concepts of honor, the disensos provide a view of colonial women and their place in society as perceived by the social elite. The ideal for Spanish women was to be protected, indeed to be subjected to the men of their family.⁵¹ To protect an unmarried woman, she was never to be left alone, even within her own home, for one never knew who could enter and what could happen.⁵² To retain their honor, women should not appear in the streets of the city without at

least a servant accompanying them; to be alone in the street was a sign of either extreme poverty or prostitution. Indeed adhering to the ideal, elite women preferred not to appear before open court, requesting instead that the judges and scribes come to their homes to question them whenever possible.

The local elite came closest to mirroring faithfully this vision of the protected sheltered female, but other social groups displayed differing realities, often in stark contrast to the ideal. Economic constraints often made it impossible for women who thought of themselves as española to conform to the social model. White women ran pulperías, and sold tripe and meat, fending for themselves while their husbands traveled to the estancias of the interior to buy cattle.⁵³ Poor whites and mulatas, (who by definition did not have to worry about their honor), could be found peddling bread, meat pies and other food on public squares. Still other sewed, wove linen, spun, or worked as nursemaids (amas de leche). White women, both married and single, worked in "trabajos mugeriles."⁵⁴

Other women, usually orphans of the city's middle groups, were placed with respectable older women after the death of their mothers, or sent to the Colegio de Niñas Huérfanas.⁵⁵ Even those women, española, legitimate, and brought up in a protected environment, found it difficult to make good marriages if they were from poor families.⁵⁶ The society's conception of social position, while based to a large degree on the idea of ethnic purity, also included economic dimensions.

Saving a woman's honor was intimately tied to the honor of her family. Indeed the extent to which an individual was tied to his or her family, the extent to which one's conduct was a reflection of that family, is made dramatically clear by the marriage dissent cases. Eighteenth century society was organized around the family, its social position, and the perservation of

its honor. Because the concept of family was wide, the choice of a marriage partner was crucial to not just one's nuclear family, but also to aunts, uncles, cousins and other members of the extended kinship group. A bad marriage, a marriage to someone beneath one's social or racial standing could blemish all members of one's family, casting doubt on the entire family's claim to whiteness or hidalguía, and limiting the future marriages of first and second cousins, nieces and nephews.⁵⁷ In the words of one witness "equality between the marriage partners is of great importance to all the family's descendents, just like nobility."⁵⁸

To protect their family's honor, parents often tried to use force to prevent undesirable marriages. In at least four cases, sons were imprisoned, kidnapped or sent out of the city, to separate them from their intended brides.⁵⁹ This type of force was not used against daughters in the cases reviewed. Women were, by their very nature, assumed to be more docile and malleable, and could therefore be more easily contained within the confines of their household. Some young men did request that their fiancées be removed from their parents domain and placed in "depósito" so as to escape being subjected to undue parental pressure, but this was rarely granted by the court because of fear of further scandal.⁶⁰ This attitude of the civil court was in dramatic contrast to the earlier willingness of ecclesiastical officials to move young women to a safe and neutral ground, a policy which safeguarded the exercise of free will concerning marriage partners.⁶¹

Young men also ran away from their parents home, usually seeking refuge with the family of their betrothed.⁶² While this strategy might have produced a degree of short-term independence, in the long-run it usually provided ammunition for their parents in legal proceedings. Furthermore living in the home of their

intended was always interpreted as engaging in wanton sexual relations, charges which could be used against the prospective bride. In only one case did a woman run away from home, demanding that she be deposited in a safe home, but here her motives were rather dramatic--to prevent being raped by her stepfather.⁶³

While the tenacity with which many prospective brides and grooms fought their parents in the marriage dissent cases, and an occasional billet doux included in the court papers, leaves little doubt as to the existence of romantic love in the late eighteenth century, in the eyes of parents and authorities romantic attachments were "dangerous." While young people experienced romantic love, the duty of those who were older was to take a hard, rational look at the social consequences of that emotion. Love, passion, and youth had to be controlled for the survival of social order.

Both the state and parents would have preferred to avoid the question of love and marriage, arranging instead suitable partners for their children. But the continued existence of cases of filial challenge to parental choices and parental dissent to children's choices reflects the desire of young people to choose their own mates. Regardless of the desirability of parental protection of their female children, evidence presented in the marriage dissent cases shows that young women were able to meet young men, invite them into their homes and begin relationships without the knowledge of either or both sets of parents.⁶⁴

From the point of view of certain colonial parents any freedom was dangerous. Mestizaje coupled with geographical mobility had produced people who were not easily socially or ethnically identifiable, and young people, prone to fall into the trap of romantic love were unlikely to be on guard. Those with hazy antecedents were seen as an omnipresent threat by others of the

same socio-economic group, who no matter how poor could at least boast of being pure white. In part this threat was economic, but even more important were its social consequences, for marrying someone who was racially tainted, someone who by definition showed "pernicious qualities and vile extraction" threatened future generations.⁶⁵

The porosity of racial categories coupled with the fear on the part of the whites that mulattoes would be successful in passing, are illustrated by the case of Juan Bruno, a Spanish-born peddler (tratante), who settled in Córdoba and Eugenia Tejada, a street vendor. Although it was never clear whether Eugenia was a mulata, a quadroon, or a mestiza, after a lengthy, rather public and tempestuous love affair, the couple was married by the Church. Hearing of this marriage, the Córdoba cabildo devoted an entire session to censuring the couple and forbade Eugenia to dress like an española under threat of fine and corporal punishment. This prohibition on dress is especially interesting, for clothing was an essential marker, a way to distinguish the whites from the mulattoes and blacks, in a society characterized by widespread racial confusion.⁶⁶ The ferocity which which the elite of Cordoban society attacked the couple for their marriage, suggests a socio-racial paranoia heightened because of the bride's ability to pass for a white woman, and her spirit. Eugenia Tejada was not the first mixed-blood to marry a Spaniard. But this marriage represented a dangerous precedent because of the bride's phenotype; the couple therefore had to be punished in an exemplary fashion.⁶⁷

Racial barriers were more difficult to overcome in traditional societies such as that of Córdoba city than in more dynamic Buenos Aires. In the rural backlands of both Buenos Aires and Córdoba, poverty and military service tended to lessen racial distinctions between españoles and mulattos or mestizos. The

extent to which this melding had occurred can be seen not only in the difficulty which witnesses often had in agreeing on a person's race, but in the rather cavalier fashion in which rural parish records were kept. By 1770 priests serving rural parishes no longer attempted to enter their flock in ledgers which corresponded to race; instead all were inscribed in the baptism and marriage books reserved for españoles.⁶⁸ Much the same process seems to have gone on in the semi-urban outskirts of the city.

The high level of geographical mobility through the entire Buenos Aires-Córdoba area also added to the vagueness of racial identification. Indeed this mobility was in part due to the fact that by changing residence, one could often also change racial, if not social categories.⁶⁹ It is no accident that the above mentioned inter-racial couple, shamed by the Córdoba cabildo, quickly left the city, seeking refuge first in the countryside near Río Segundo, and then in Luján, along the Buenos Aires frontier. Juan Bruno, like many others, realized that his wife's life would be better in Buenos Aires, "because in Córdoba, people like her are not allowed to be treated like ladies."⁷⁰ He eventually rose to the rank of comandante del río and administrador principal of the town. As the wife of a local official and a man who owned a farm (quinta) outside of Buenos Aires, Doña Eugenia, while never accepted in the highest spheres of porteño society, was nonetheless accorded the respect due an española.

The ability to move from one socio-racial group to another could be found to a lesser degree in the urban setting. Movement was not necessarily upward, and there is some indication that in the case of women, not only their social but their racial category was determined by their husband's group. The case of Ana Maria Josefa Rodriguez, a poor Spanish woman who married the free

mulatto, Francisco Pozo is instructive.⁷¹ In the eyes of the census taker, and indeed in society in general, Ana María had in effect become a mulata herself.⁷²

Parents and tutors refused to give their permission to the upcoming marriage of their sons or daughters fully expecting to be vindicated in a court of law. Surprisingly the decisions reached by the lower and upper courts did not usually support parental opposition. Of eighty-three cases heard in Buenos Aires, Córdoba or before the Royal Audiencia, the judges found parental opposition to be "racional" in twenty-six cases, while their decisions favored the marriage of the betrothed couple in thirty-seven cases.⁷³ Although armed with greater power than ever to decide in cases touching one of the most personal areas of peoples' lives, judges in the Río de la Plata tended to insist on proof of inequality (the letter of the law) in reaching their verdict. Although they reflected the biases of their class, they were not neglectful of the law.

In reaching their decision, the court of first instance of Buenos Aires tended to find more frequently against the parent or tutor opposing the marriage than the Córdoba court.⁷⁴ In addition nineteen percent of Córdoba's first instance cases were dropped by either the prospective bride or groom before completion of the court proceedings, while all Buenos Aires cases were seen to completion. Both trends suggest a greater degree of social and parental intransigence in the more traditional society.

In those cases which came to appeal, the Royal Audiencia proved to be generally supportive of lower court decisions. Only one out of five of the cases appealed to the high court were overturned, but in overturning lower court decisions the Audien-

cia proved as likely to go from a decision favoring the child to one favoring the parent as the other way around. The Audiencia ruled in favor of the parent's opposition in less than one of every three cases which it reviewed.

In general the courts paid little attention to extenuating circumstances which in earlier times might have hastened marriage. A premarital pregnancy, the need for a "marriage of conscience which demands quick resolution" little swayed the judge.⁷⁵ Neither did a long-standing union which had already produced several children.⁷⁶ While the Church had been ever eager (although not always successful) to legitimize unions, the state had other priorities. Even in those cases where it was clear that an illegitimate union would continue if permission to marry was denied, the State defended the concept of equality above all else.

Indeed the new state policy vis-a-vis marriage might have contributed, at least in part, to driving a high illegitimacy rate even higher. Percentage of "white" illegitimate births, as high as nineteen percent in the years prior to 1778, gradually moved upward, reaching thirty-two percent in the 1780's. Although illegitimate "white" births were never at the same level of illegitimate "black" births (the later averaging forty-four percent), the weight now given to parental opposition might have dissuaded some people living in consensual unions from even considering marriage. What is nonetheless clear is that premarital or extramarital relations continued to be fairly common.

The marriage opposition verdicts are an important source of information on elite perceptions of society. In the case of Buenos Aires, the alcalde de primer or segundo voto, the men who made the initial determination in the cases were without exception powerful local merchants. During the years 1785-1805, the years in which the alcaldes tried these cases, all but one of

these alcaldes were also Spanish-born.⁷⁷ In essence the way in which they applied the law reflected the world-view, and priorities of a commercial peninsular-born elite. Needless to say application of the Royal Pragmática was not uniform. Indeed the tendency of parents or tutors to refuse permission to marry on a combination of grounds (i.e., race and economic position), along with lacunae in local records and conflicting testimony, provided the judges with great latitude in reaching their decisions.

In Buenos Aires, as in Córdoba, the central concept in all the marriage dissent cases was that of "equality"; parents and guardians always justified their oppositions because the betrothed were unequal. In a handful of cases the evidence as to inequality was clear and overwhelming, and the alcaldes applied the corresponding legislation. But the majority of cases were more complex, the evidence more contradictory. In these cases the alcaldes of Buenos Aires more than those of Córdoba always considered economic inequality as a factor, even when neither plaintiff or defendant chose to base their case on these grounds. Indeed the merchant city fathers of Buenos Aires showed time and time again that economic position in porteño society overrode race, legitimacy, and upbringing, in difficult cases.

Compare for example the case of Garcia versus Martinez with that of Castro y Ulloa versus Rubio.⁷⁸ In the former case the alcalde de primer voto found the parents' opposition to be groundless. Although the bride's mother was clearly an illegitimate child (sufficient reason for claiming inequality of birth), her family enjoyed a moderate economic position. In the latter case, the marriage opposition was supported by the Court. The bride was española, legitimate, well brought up, but from a family "notorious for its poverty," and therefore an unacceptable wife for the son of a Cádiz merchant.

Not only did the alcaldes interpret the law to fit their conception of equality, they quickly closed ranks when any member of the local elite was involved in marriage opposition proceedings. In cases where important merchants, military officers or bureaucrats objected to their child's choice of a marriage partner, they were assured of the support of the alcaldes even when the reason for the opposition was as vague as "the groom-to-be is from an unknown family."⁷⁹ In at least two cases the merchant alcaldes of Buenos Aires supported their peers when they moved to prevent young Spanish clerks from making marriages which would have seriously limited their commercial futures.⁸⁰ While the alcaldes were probably acting based on the advice of the Cabildo's legal counsel, this asesor, a lawyer by training, reflected the same social bias as the judges.

Race and social position were important variables vis-a-vis their own group, but the merchant alcaldes were little moved by these variables in marriage opposition cases involving others. The scant interest in race can be seen in the case of Casco versus Aramburu, a case in which a chairmaker (silletero) refused to give permission to his daughter to marry a journeyman silversmith (oficial de plateria).⁸¹ Although the father's opposition was based in part on the race of the groom, the court never gathered testimony on the issue. This did not stop the alcalde from declaring the marriage dissent to be without merit. The verdict reflected the social conceptions and prejudices of an elite which while defending its own social position and racial purity, failed to support poor artisans in their attempt to do the same.

The social standing and occupation of the parent opposing the marriage greatly influenced the decision of the local court. Merchants were the most successful plaintiffs, winning all opposition, while small shopkeepers and bureaucrats were only successful in fifty percent of the cases involving their children or

wards. Artisans, peones and small landowners won only one-third of their marriage oppositions. Military officers fared even less well, supported by the court in only twenty-five percent of their actions. They were the group most likely to oppose the marriage of a child on grounds judged to be "irrational" and "authoritarian."⁸²

The fact that Cabildo justice tended to reject their arguments based on race did not mean that white artisans calmly accepted race mixture for their children. While there seems to have been little difference between one artisan and another in the eyes of the local elite, the artisans themselves, especially those who had immigrated from Spain, fought to maintain themselves separate from the mulatto masses.⁸³ The strong racial prejudices of the artisans are reflected in several marriage dissent cases, as is their attention to emblems designating race and class.⁸⁴ Indeed the general racial confusion in the Rio de la Plata made it all the more important that one be on guard against unequal marriages.

In both Buenos Aires and Córdoba, marriage opposition decisions not only reflect the elite's attitude toward the race vis-a-vis the masses, they also show their expectations of sexual behavior. For the alcaldes poor girls, regardless of their race, were presumed to be sexually experienced past the age of puberty. Indeed in the face of evidence to the contrary, the judges could not conceive of poor girls maintaining their purity.⁸⁵ Here we can see the way in which concepts of social class reinforced those of sexuality. The poor were by definition licentious.

How successful was the Pragmática in preventing the social disorder caused by interracial marriage or marriage between social unequals? To judge from the cases considered here and from later legislation, the Pragmática was less than totally effec-

tive, and eventually more draconian measures were enacted. In 1805, a Royal cédula prohibited the marriage of any Spaniards regardless of his or her age to any casta without the prior authorization of the Viceroy or Audiencia.⁸⁶ Clearly earlier legislation had failed to establish order, and it was now time for the state to take an even more active role in controlling social behavior.

A survey of marriages performed from 1750 to 1810 in three of the six parishes in Buenos Aires confirms that the Royal Pragmática had an effect which although not total was nonetheless important.⁸⁷ Before 1778, the year of the enactment of the Pragmática, the total number of marriages between obvious social unequals (marriages between whites and other races or marriages between legitimate and illegitimate persons) averaged 23.4 per one hundred. The rate of these marriages after 1778 fell to 10.1 per hundred. Parents and tutors, and platense society as a whole increasingly found unequal marriages objectionable, even though the courts did not necessarily agree.

The Bourbon Reforms and legislation such as the Royal Pragmática served to intensify racial categorization. Earlier, both in urban and in rural areas racial labeling had been vague. In a society where many people of mixed race had been able to drift from one category to another, where country people could migrate to the city changing their occupations and perhaps forgetting certain details of their background, people were now made increasingly aware of their racial inferiority. Race had always been important, but the categories had blurred, and now the Royal Pragmática allowed parents and the state to redraw the lines once again.

In the Río de la Plata, the Royal Pragmática tended to encourage the tightening of social and racial mobility at the very moment when the area as a whole was experiencing economic

and demographic growth. This aspiration to narrow acceptable marriage partners was not without its blatant ironies. Consider for example the case of Francisco Ramos, a brick-maker, who married a woman reputed to be a mulata in the early 1770's. In 1796 the same Francisco Ramos was engaged in a marriage dissent case with his son because the latter wanted to marry a woman reputed to be a mulata.⁸⁸

Moreover new marriage legislation did not produce a uniform degree of reaction throughout the colony. In the case of Córdoba, the large number of marriage opposition cases in proportion to the total number of marriages performed suggests that inhabitants of urban areas which experienced little or no economic expansion were more likely to engage in this type of litigation than those living in zones undergoing economic growth. This in turn raises the possibility that in economically stagnant areas there might have been a greater tendency for people to choose prospective mates from among those who were economically or racially dissimilar and/or a greater willingness to challenge parental authority to defend that choice.⁸⁹

In America, the Royal Pragmática of 1776 provided legal justification to construct racial and economic barriers in the most personal domain, that of family and marriage. Moreover, because the legislation was a valid reflection of the social philosophy of the times, its effects were felt beyond the institution of marriage. Other social and religious organizations such as Third Orders, which already practiced a socio-racial discrimination, limiting membership to whites of certain social standing, now justified their conduct by turning to the Royal Pragmática.⁹⁰ The Pragmática did not create the attitudes which produced social and economic discrimination, but rather legitimized already existing prejudices and biases.

Notes

1. Much work on marriage and the family has been done in French and English history. See for example the essay by Robert Wheaton and that by Beatrice Gottlieb in Robert Wheaton and Tamara K. Hareven, eds., Family and Sexuality in French History, Philadelphia: University of Pennsylvania Press, 1980; Lawrence Stone, The Family, Sex and Marriage in England, 1500-1800, New York: Harper and Row, 1977; Gerald L. Soliday, ed., History of the Family and Kinship. In Latin American history although much recent work has concentrated on family and kinship relatively little has been written on the social role of marriage. Exceptions to this include Robert McCaa, "Calidad, Clase, and Marriage in Colonial Mexico: The Case of Parral, 1778-90," Hispanic American Historical Review, 64:3 (August 1984), pp. 477-501; Maria Beatriz Nizze da Silva, Sistema de casamento no Brasil colonial, São Paulo: Editôra da Universidade de São Paulo, 1984. In addition the following studies have made use of cases of marital opposition: Asunción Lavrin, "Aproximación histórica al tema de la sexualidad en el México colonial," Encuentro: Estudios sobre la Mujer, 2:1 (octubre-diciembre 1984) pp. 23-39; Verena Martínez-Alier, Marriage, Class and Colour in Nineteenth-Century Cuba: A Study of Racial Attitudes and Sexual Values in a Slave Society, Cambridge: Cambridge University Press, 1974; Patricia Pauline Seed, "Parents Versus Children: Marriage Oppositions in Colonial Mexico, 1610-1779," Ph.D. dissertation, University of Wisconsin, 1980.

2. Justo Donoso, Instituciones de derecho canónico americano, 2 vols., Valparaiso, Chile: Imprenta y librería del mercurio, 1849, vol. II, p. 155.

3. Seed, p. 31-32.

4. Domingo Cavalario, Instituciones del derecho canónico, 3 vols., Paris: Librería de Don Vicente Salva, 1846, vol. II, p.

168; Donoso, vol. II, pp. 152-153.

5. Canon law impediments fell into two categories. The first group, disjoining obstacles (impedimentos dirimentes) were by far the more serious, being just cause to annul any marriage. These impediments included age (younger than 12 for the bride and 14 for the groom), prior marriage (bigamy), and kinship (both affinal and spiritual kinship). The second group of impediments, called constraining obstacles (impedimentos impedientes) prohibited marriage during certain days in the religious calendar, or marriage performed in the absence of banns. These obstacles were of a lesser order of importance, and marriages incurring these impediments, while illegal, were not automatically annulled. Until the end of the eighteenth century, marriages in Spain and her colonies were governed by this Church law. Any opposition to marriage had to be made on one of two principles: either lack of free will of one or both of the parties in contracting the marriage; or the existence of an impediment which would render the marriage invalid should it take place. For more information on canon law see Jaime Mans, Legislación, jurisprudencia y formularios sobre el matrimonio canónico, Barcelona: Casa Editorial Bosch, 1951. The Latin and Spanish texts of the Council of Trent are found in Ignacio López de Ayala, El sacrosanto y ecumenico concilio de Trento, Madrid: Imprenta de Repulles, 1817; the English text has been published in H.J. Schroeder, trans., Canons and Decrees of the Council of Trent, St. Louis, Missouri: B. Herder, 1941. See also Daisy Ripodas Ardanaz, El matrimonio en Indias: Realidad social y regulación jurídica, Buenos Aires: Fundación para la Educación, la Ciencia y la Cultura, 1977, p. 85 y passim. At least one historian has suggested that the decisions of ecclesiastical courts contributed to the rate of interracial marriage and miscegenation. See Eduardo R. Saguier, "Church and State in Buenos Aires in the Seventeenth Century," Journal of Church and State, 26:3

(Autumn 1984), pp. 508-513.

6. The Pragmática sanción para evitar el abuso de contraer matrimonios desiguales, issued on 23 March, has been published in Richard Konetzke, Colección de documentos para la historia de la formación social de hispanoamérica, Madrid: Consejo Superior de Investigaciones Científicas, 1962, vol. 3, 406-413. Konetzke also reproduces the Royal Cédula issued by the Junta de Ministros which led to this Pragmática. (Colección de documentos, vol. 3, pp. 401-405.) as well as the 1778 Royal Cédula extending the Pragmática to America. (Colección de documentos, vol. 3, pp. 438-442.)

7. The Pragmática would be clarified and reiterated several times during the next twenty years. See for example the Royal Cédula of 26 May 1783; that of 19 April 1788; that of 8 February 1790; that of 27 February 1793; that of 17 February 1798. Konetzke, Colección de documentos, vol 3, pp. 527-529; pp. 625-626; pp. 670-671; pp. 711-714; pp. 759-766. In 1792 still another cédula would require a Royal license for all students studying in institutions of higher education under royal patronage. Included in this rubric were "casas y colegios de mujeres." Konetzke, Colección de documentos, vol 3, pp. 706-707, Royal Cédula of 11 June 1792.

8. Ripodas Ardanaz, El matrimonio, pp. 317-360.

9. The Royal Order of 8 March 1787 forbade any church court from trying a case of broken engagement if that engagement had been made without prior parental permission. Konetzke, Colección de documentos, vol. 3, pp. 623-625. The Royal Cédula of 22 March 1787 limited the jurisdiction of the church court in matters concerning "alimentos y tenencia de hijos" to divorce cases only. The next year bigamy was placed under civil rather than ecclesiastical jurisdiction.

10. Susan Migden Socolow, The Merchants of Buenos Aires, 1778-1810: Family and Commerce, New York:Cambridge University Press, 1978, pp. 39-40.

11. Konetzke, Colección de documentos, vol. 3, pp. 794-796, Royal Cédula for 1 June 1803.

12. Anibal Arcondo, "Demografía retrospectiva de Córdoba, 1700-1813," Serie Material de Trabajo No. 16, Universidad Nacional de Córdoba, Instituto de Economía y Finanzas, 1976.

13. For additional information on the racial composition of Buenos Aires see Susan M. Socolow, "Buenos Aires at the Time of Independence," in Stanley R. Ross and Thomas F. McGann, eds., Buenos Aires: 400 Years, Austin, Texas: University of Texas Press, 1982, pp. 18-39; Susan M. Socolow and Lyman L. Johnson, "Population and Space in Eighteenth Century Buenos Aires," in David J. Robinson, ed., Social Fabric and Spatial Structure in Colonial Latin America, Syracuse and Ann Arbor: Syracuse University Press and University Microfilms, 1979, pp. 339-368.

14.

Disenso Cases as a Percentage
of Marriages Performed, 1781-1810

	<u>Córdoba</u>	<u>Buenos Aires</u>	<u>Total</u>
Number of cases	86 ^a	45 ^b	131
Number of marriages	857	6103	6960
Marriages/Cases	10.03	.74	1.88

a-Alfredo Pueyrredon, "Aporte documental al estudio del mestizaje en el Rio de la Plata," Revista de la Universidad Nacional de Córdoba, Homenaje jubilar a Monseñor Doctor Pablo Cabrera, (Córdoba, 1958) part 2, pp. 241-283 presents a complete list of disenso expedientes. They are all found in the Escribanía section of the Archivo Histórico de la Provincia de Córdoba (hereafter

called A.H.P.C.).

b-The Buenos Aires disenso cases of first instance are scattered through legajos found in the Tribunales section of the Archivo de la Nación Argentina (hereafter referred to as A.G.N.A.). These cases have also been studied by Nelly R. Porro in the following articles: "Conflictos sociales y tensiones familiares en la sociedad virreinal rioplatense a traves de los juicios de disenso," Boletín del Instituto de historia argentina y americana, 26 (1980), pp. 361-393; "Los juicios de disenso en el Río de la Plata: Nuevos aportes sobre la aplicación de la pragmática de hijos de familia," Anuario histórico jurídico ecuatoriana, 5 (1980), pp. 193-229; "Estrañamientos y depósitos en los juicios de disensos," Revista de historia de derecho, 7 (1980), pp. 123-150. The total white population of the two intendencias during the decade 1785-1795 was approximately 18,000 for Córdoba and 25,000 for Buenos Aires; approximately 2,500 whites were found in the city of Córdoba while the city of Buenos Aires boasted approximately 16,000 españoles. These numbers are based on data reported in Jorge Comandrán Ruiz, Evolución demográfica argentina durante el período hispano (1535-1810), Buenos Aires: EUDEBA, 1969, pp. 80-81. For a further discussion of the population of Buenos Aires see Lyman L. Johnson, "Estimaciones de la población de Buenos Aires en 1744, 1778 y 1810," Desarrollo Económico, 19-73 (April-June 1979), pp. 107-119; Johnson and Socolow, "Population and Space" p. 341-353.

15. Both the cases from Córdoba and those from Buenos Aires demonstrate the same general periodicity although the specifics differ somewhat. In Córdoba the first disenso case was presented in 1781; the decade of the 1790's was by far the most litigious with two years, 1794 and 1795 presenting dramatic ratios of disensos per total number of marriages performed (.32 and .42 respectively). In addition the highest annual number of cases, ten, came before the Córdoba alcaldes in 1797. The Buenos Aires cases occurred over a period from 1779 to 1802 period. These disensos peaked in the first half of the decade of 1790.

16. In almost every disenso case studied, several witnesses stated "I know the parties engaged in this litigation and I have heard about the matter under consideration." In addition several cases contain internal evidence that even the most confidential details of the proceedings were often well known to the general

public. A.G.N.A., Galeano versus Berza, Tribunales, Legajo M-17, Expediente 7, IX-41-8-1; Lasaga versus Lasaga, Tribunales, Legajo 208, Expediente 12, IX-38-6-3; Porro, "Los juicios de disenso," 211-212.

17. Archivo de la Provincia de Buenos Aires (hereafter called A.P.B.A.), Quesada versus Quesada, 7-5-15-71.

18.

Origin of Cases Brought
on Appeal to Audiencia Court

<u>Region</u>	<u>Number of cases</u>	<u>Percent</u>
Buenos Aires	24	52
Córdoba	6	13
Northeast	9	20
Northwest	7	15
TOTAL	46	100

Notes: A list of cases can be found in Zulema López et al., "Aplicación de la Legislación sobre matrimonios en hijos de familia en el Río de la Plata," Tercer Congreso del Instituto Internacional de Historia del Derecho Indiano, (Madrid, 1973), 779-799. These cases are found in the Archivo de la Provincia de Buenos Aires.

19.

Lower court marriage decisions
and appeals to the High Court,
1779-1805

<u>Decision of first court</u>	<u>Case appealed</u>	<u>Case not appealed</u>	<u>Total cases</u>
Support parents	10	0	10
Support couple	12	12	24
Case dropped	--	7	7
Unknown	--	2	2

No decision	2	--	2
TOTAL	24	21	45

Notes: Twenty-two of the twenty-four cases which were appealed were done so at the request of the litigants; (in the two other cases the cabildo failed to reach a decision and voluntarily turned the case over to the Audiencia). Of the twenty-one cases not appealed, two must be excluded because it is impossible to determine the cabildo's court of first instance decision. Seven more cases were never appealed because of the parties to the case, usually the dissenting parent, experienced a change of heart and dropped the case before it came before the magistrates. Of the remaining twelve cases which were not appealed, the alcalde's decision was for the couple.

20. Konetzke, Colección, p.441, Royal Cédula of 7 April 1778, article 7. The most costly case found was A.P.B.A., Balcarce contra Martinez, 7-5-17-4; the least expensive was A.P.B.A., Luque contra Luque, 7-5-14-103.

21. A.P.B.A., Beruti versus Beruti, 7-5-16-23. Other cases in which race is the major grounds for disenso included A.G.N.A., Aizpurúa versus Aizpurúa, Tribunales, Legajo A-17, Expediente 4, IX-10-33; Troncoso versus Carvajal, Tribunales, Legajo C-14, Expediente 9, IX-10-7-1; A.P.B.A., Santucho versus Ríos, 7-5-14-100; Baylón Pineda versus Belgrano Pérez, 7-5-16-20; Martinez versus Guerrero, 7-5-14-101; A.H.P.C., Ica versus Rosas, Escribanía 2, 75, 24; López versus Romero, Escribanía 2, 98, 22.

22. Maria Rosa Quintana, india and widow of Miguel Salazar, español, successfully prevented her son from marrying a mulata by arguing that this marriage would prejudice her descendants. A.P.B.A., Salazar versus Quintana, 7-5-16-24. For cases where Indian blood was ruled insufficient grounds for opposition to a marriage see A.H.P.C., Peralta versus Bernal, Escribanía 2, 84, 18; Cabrera versus Peralta, Escribanía 2, 84, 1; Baigorri versus Baigorri, Escribanía 4, 46 (11), 10; A.G.N.A., Arias versus Flores, Tribunales, Legajo 141, Expediente 24, IX-37-5-5.

23. A.P.B.A., García versus Martínez, 7-5-14-37 and 7-5-16-21. Cases based on illegitimacy also include A.G.N.A., Cañete versus Yégros, Tribunales, Legajo 208, Expediente 7, IX-38-6-3; Arroyo versus Arroyo, Tribunales, Legajo 120, Expediente 15, IX-37-2-4; A.P.B.A., Gardel versus Gardel, 7-5-15-38; Navarro versus Gutiérrez, 7-5-16-27.

24. For a more detailed description of the various types of illegitimacy which existed in Hispanic society see Woodrow W. Borah, "Marriage and Legitimacy in Mexican Culture: Mexico and California," California Law Review, 54 (May 1966), pp. 946-1008.

25. A.P.B.A. Medrano versus Medrano, 7-5-17-3. Additional examples of cases which used a noble versus plebe argument include A.P.B.A., Quesada versus Quesada, 7-5-15-71; Azcuenaga versus Azcuenaga, 7-5-16-38; A.H.P.C., Dias versus Alday, Escribania 1, 410, 6.

26. The sexual morality of the bride-to-be was attacked in A.G.N.A., Ochagavia versus Ochagavia, Tribunales, Legajo E-6, Expediente 12, IX-40-9-2; Ocampos versus Pérez, Tribunales, Legajo 0-4, Expediente 17, IX-41-9-3; Alvarez versus Camargo, Tribunales, Legajo 208, Expediente 11, IX-38-6-3; A.P.B.A., Espinosa versus Ferreira, 7-5-16-35; Galain versus Sosa, 7-5-16-25; Quesada versus Quesada, 7-5-15-71; Merlo versus González Movellán, 7-5-15-41 and 7-5-15-64; Paulet versus Ortuña, 7-5-16-26; Ramos versus Ramos, 7-5-14-38.

27. Among these cases are A.P.B.A., Quesada versus Quesada, 7-5-15-71; Luque versus Luque, 7-5-14-103; and Azcuenaga versus Azcuenaga, 7-5-6-38.

28. These cases include A.P.B.A., Navarro versus Gutiérrez, 7-5-16-27; Casco versus Aramburu, 7-5-16-22.

29. A.P.B.A., Espinosa versus Ferreira, 7-5-16-35. Cases

where economic inequality was the prime justification for the marriage opposition also include A.G.N.A., Candelaria versus Candelaria, Tribunales, Legajo T-6, Expediente 6, IX-42-7-6; A.P.B.A., Castro y Ulloa versus Rubio, 7-5-15-68; Casco versus Aramburu, 7-5-16-22.

30. A.P.B.A., Navarro versus Gutiérrez, 7-5-16-27. Approximately forty percent of all marriage dissent cases contained overlapping charges.

31. A.P.B.A., Salazar, 7-5-16-24; Paulet versus Ortuña, 7-5-16-26.

32. See A.P.B.A. Merlo versus González Movellán, 7-5-15-41 and 7-5-15-64 for reference to vague way in which the church inscribed people in baptism and marriage book of Spaniards.

33. In A.P.B.A., Balcarce versus Martínez de Bustamante, 7-5-17-4, the bride-to-be claimed to be a descendant of a cacique.

34. A.P.B.A., Cuello versus Gauto, 7-5-14-107.

35. A.P.B.A., Galain versus Sosa, 7-5-16-25.

36. A.P.B.A., Guerrero versus Martínez, 7-5-14-101. The bureaucrat, Don Rafael Guerrero, treasurer of the Royal Exchequer office in Santa Fé, acting as self-appointed "padre de foresteros" quickly become embroiled with a local parish priest who performed the marriage because both parties were adults with no canonic impediment preventing their union, and no parent protest had been voiced.

37. A.P.B.A., Merlo versus González Movellán, 7-5-15-41 and 7-5-15-64.

38. See the Royal Pragmática of 23 march 1776, article 9 (Konetzke, Colección de documentos, vol. 3, 409-410).

39. See for example A.P.B.A., Quesada versus Quesada, 7-5-15-71.

40. A.P.B.A., Quesada versus Quesada, 7-5-15-71; Merlo versus González Movellán, 7-5-15-41 and 7-5-15-64. On the importance of virginity see Lavrin, "Aproximación histórica," p. 29.

41. A.P.B.A., Espinosa versus Ferreira, 7-5-16-35. According to Lavrin in Mexico "the practice of giving a promise to marry was used frequently...to initiate physical relations..." Lavrin, "Aproximación histórica," p. 30.

42. A.P.B.A., Merlo versus González Movellán, 7-5-15-41 and 7-5-15-64.

43. See the testimony in A.P.B.A., Cuello versus Gauto, 7-5-14-107.

44. A.P.B.A., Cuello versus Gauto, 7-5-14-107.

45. A.P.B.A., Ramos versus Ramos, 7-5-14-38.

46. A.P.B.A., Espinosa versus Ferreira, 7-5-14-38. "She has not even shown the modesty which is natural to her sex and has publicly raised a child which she had by another man."

47. A review of the baptism records of the porteño parish of San Nicolás de Bari for the years 1750-1753 shows that approximately 28 percent of all births were illegitimate. In addition, one out of every eight illegitimate children was abandoned. In an attempt to cope with this problem, a casa cuna later called a casa de niños expósitos was set up in Buenos Aires in 1765.

Socolow, The Merchants of Buenos Aires, p. 222.

48. Royal Cédula of 19 February 1794, Konetzke, Colección de documentos, vol 3, 723-725.

49. A.P.B.A., Gardel versus Gardel, 7-5-15-38.

50. A.P.B.A., Ramos versus Ramos, 7-5-14-38.

51. A.P.B.A., Castro y Ulloa versus Rubio, 7-5-15-68 describes a virtuous woman as one who is "sheltered, chaste and obedient."

52. A.P.B.A., Espinosa versus Ferreira, 7-5-14-38; Ramos versus Ramos, 7-5-14-38.

53. A.P.B.A., Baylón Pineda versus Belgrano Pérez, 7-5-16-20; A.G.N.A., Lasaga versus Lasaga, Tribunales, Legajo 182, Expediente 2, IX-38-2-4; Fonseca versus Fonseca, Tribunales, Legajo 208, Expediente 6, IX-38-6-3.

54. A.P.B.A., Casco versus Aramburu, 7-5-16-22.

55. A.P.B.A., Castro y Ulloa versus Rubio, 7-5-15-68; Baylón Pineda versus Belgrano Pérez, 7-5-16-20.

56. A.P.B.A., Castro y Ulloa versus Rubio, 7-5-15-68.

57. A.P.B.A., Galain versus Sosa, 7-5-16-25.

58. A.P.B.A., Quesada versus Quesada, 7-5-15-71.

59. A.P.B.A., Castro y Ulloa versus Rubio, 7-5-15-68; Quesada versus Quesada, 7-5-15-71; Espinosa versus Ferreira, 7-5-16-35.

60. A.P.B.A., Calancha versus Delgado, 7-5-16-34; Casco versus Aramburu, 7-5-16-22.

61. Saguier, "Church and State in Buenos Aires," 510.

62. A.P.B.A., Paulet versus Ortuña, 7-5-16-26; Ramos versus Ramos, 7-5-14-38.

63. A.P.B.A., Cuello versus Gauto, 7-5-14-107.

64. In at least one case the woman and her family were totally unknown to the man's tutor. A.P.B.A., Paulet versus Ortuña, 7-5-16-26.

65. A.B.P.A., Baylón Pineda versus Belgrano Pérez, 7-5-16-20.

66. Clothing in and of itself was a crucial symbol to colonial society. One's dress reflected one's racial status; it identified people. Only white women could dress in silk garments or use silk shawls (mantas) and aproned skirts (delantales). Mulatas, on the other hand, wore clothing made of picote, a coarse, glossy fabric. Just as dress was an emblem used to separate races, the use of prescribed forms of social behavior filled the same function. Because mulattos were enjoined from eating at the same table with whites, any person who consistently refused an invitation to sit and dine was suspected of being a mulatto. The same assumption was made if one was publicly addressed as "aunt" or "uncle". (A.P.B.A., Ramos versus Ramos, 7-5-14-38.) Only white women could appear in church accompanied by a slave carrying their church rug. (A.P.B.A., Balcarce versus Martinez de Bustamante, 7-5-17-4.) Furthermore all españolas, regardless of social origin or economic situation insisted they be called doña to underline their superior status. For information on dress and other social conventions see A.H.P.C., Acuerdos municipales, Libro 28, folio 162, acuerdo of 2 April 1746 and A.P.B.A., Balcarce versus Martinez de Bustamante, 7-5-17-4; Baylón Pineda versus Belgrano Pérez, 7-5-16-20.

67. A.P.B.A., Balcarce versus Martinez de Bustamante, 7-5-17-4. The alcaldes of Córdoba would again order a woman of doubtful racial origin not to wear silk in 1785. A.H.P.C., Escribanía 2, 64, 6.

68. A.P.B.A., Merlo versus González Movellán, 7-5-15-41 and 7-5-15-64.

69. A.P.B.A., Merlo versus González Movellán, 7-5-15-41 and 7-5-15-64; Balcarce versus Martínez de Bustamante, 7-5-17-4.

70. A.P.B.A., Merlo versus González Movellán, 7-5-15-41.

71. A.P.B.A., Galain versus Sosa, 7-5-16-25.

72. Facultad de Filosofía y Letras, Universidad de Buenos Aires Documentos para la historia argentina, Vol. XI, Territorio y población, Padrón de la ciudad de Buenos Aires, 1778, (Buenos Aires: Compañía Sud-Americana de Billetes de Banco, 1919) p. 601.

73. In the remaining twenty cases the verdict is unknown [7]; the case was dropped before a verdict was reached [8]; the couple managed to marry before a verdict was delivered [3] or the case was judged to be within the church's domain and was transferred to an ecclesiastical court [2].

74. Buenos Aires decisions were for the couple in fifty-five percent of the cases, and against them in thirty-six percent. Córdoba decisions were for the couple in thirty-one percent of the cases, and against them in thirty-four percent.

75. A.P.B.A., Galain versus Sosa, 7-5-16-25.

76. A.P.B.A., Martínez versus Martínez, 7-5-17-1.

77. Before 1785 Buenos Aires marriage dissent cases were routinely heard by the Viceroy; cases outside of the city's jurisdiction were heard by the local Intendant. After 1805 the Viceroy again served as court of first instance for marriage oppositions. For Buenos Aires only eight cases fall into either of these time periods. Porro, "Los juicios de disenso," 203-204.

78. A.P.B.A., Garcia versus Martinez, 7-5-14-37 and 7-5-16-27.

79. This was the reason for refusing Magdalena Somalo permission to marry Santiago Costa. A.P.B.A., Somalo versus Somalo, 7-5-17-25, 7-5-17-26 and 7-5-17-60. See also Azcuenaga versus Azcuenaga, 7-5-16-38; Balcarce versus Martinez de Bustamante, 7-5-17-4; Medrano versus Medrano, 7-5-17-3; A.G.N.A., Gregorio de Espinosa versus Belgrano Pérez, Tribunales, Legajo E6, Expediente 11, IX-40-9-2.

80. A.P.B.A., Castro y Ulloa versus Rubio, 7-5-15-68; Merlo versus González Movellán, 7-5-15-41 and 7-5-15-64. In the second case Don Manuel Ribas, a merchant who employed González Movellán as an agent-clerk in Los Arroyos used economic pressure in the form of money which González Movellán owed him for goods received (cuentas pendientes) to prevent the young man from going through with the marriage.

81. A.P.B.A., Casco versus Aramburu, 7-5-16-22.

82. A.P.B.A., de la Valle versus González, 7-5-18-115 and 7-5-14-53. Juan González, an army captain was declared to have no basis to oppose the marriage of his daughter Maria Mercedes to Manuel de la Valle, accountant (contador) in the Royal Tobacco Monopoly.

83. Lyman L. Johnson, "The Impact of Racial Discrimination on Black Artisans in Colonial Buenos Aires," Social History 6:3 (October 1981), 301-316.

84. A.P.B.A., Ramos versus Ramos, 7-5-14-38; Baylón Pineda versus Belgrano Pérez, 7-5-16-20; A.H.P.C., Basualdo versus Gómez, Escribania 2, 94, 12.

85. A.P.B.A., Castro y Ulloa versus Rubio, 7-5-15-68.

86. Royal Cédula of 27 May 1805, Ricardo Levene, ed., Cedulario de la Royal Audiencia de Buenos Aires, (La Plata: Archivo Histórico de la Provincia de Buenos Aires, 1938), vol. III, 293-295.

87. The three parishes reviewed are Cathedral North (La Merced), San Nicolas de Bari and Nuestra Señora de la Concepción.

88. A.P.B.A., Ramos versus Ramos, 7-5-14-38.

89. This hypothesis about the effect of economic decline on demographic patterns is quite different from that presented by Marcelo Carmagnani, "Demografía y sociedad: la estructura social de los centros mineros del norte de México, 1600-1720," Historia Mexicana, 21:3 (enero-marzo 1972), p. 441. Carmagnani finds that "when the period of decline in mineral production begins...the Spanish group tends to close in upon itself more and more.

90. Balcarce versus Martínez de Bustamante, 7-5-17-4.

