

CHAPTER 17



Scandal at the Church: José de Alfaro Accuses Doña Theresa Bravo and Others of Insulting and Beating His Castiza Wife, Josefa Cadena

(Mexico, 1782)

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INTRODUCTION

Systems of honor in colonial Mexico meant that insults were more than just words. Utterances that defamed men and women of good reputation had to be answered or the slight to their personal status within the community would be permanent. Gossip underscored these taints, and although usually not as open, it could serve the same purpose as insults. Local elites believed that systems of honor applied only to them because only they could possess the high status that derived from their superior birth and lineage. From their vantage point at the apex of society, they looked down upon an undistinguished mass of commoners whose lack of virtue was patently clear and whose status could only be dishonorable.

Yet, from the other end of the social spectrum plebeians also conceived of themselves as possessors of honor. They might not compare themselves to a duke or a count, but within their local society they derived honor from proper conduct, legitimate birth, and sexual propriety. This honor was important in their everyday dealings, since they often needed credit and aid from neighbors and friends and thus depended upon relationships of trust. Moreover, plebeians distinguished between various hues of racial categories, which they associated with greater or lesser honor. While their perceptions varied from those of the dominant elite, plebeian self-identities were nevertheless important.

Although insults to an individual's honor had to be answered, reactions differed according to the circumstances. Could a social inferior attack and beat a social superior who had insulted him or her? Was a petition to the courts really a satisfactory rebuttal? In the document that follows, you will read how doña Theresa Bravo, an elite woman, reacted to inferences about her marital fidelity, and how José de Alfaro, a plebeian husband, responded when doña Theresa beat

and insulted his wife. Their individual perceptions of the incident in question differed considerably, not only because they were opponents in a lawsuit, but also because of their distinct social standing. There is much left unsaid in this document. For example, José de Alfaro, the plaintiff, seems to believe that he can advance his cause by harnessing ill feeling toward don Diego Fernández, doña Theresa's husband and a colonial official. It is also clear that José de Alfaro holds don Diego Fernández directly responsible for the conduct of his wife, though doña Theresa's precipitous actions and don Diego's lackluster control over her brought dishonor onto his name. Yet, this was a plebeian perspective—part of the confusion of differing points-of-view found in this criminal complaint.

Documents such as this one are tantalizing because they allow us a glimpse of the tensions within a small town. But many criminal records are fragmentary and, just like this one, do not provide the whole file. In this document we see José de Alfaro and his witnesses argue his case, but we do not have the other side represented. We have to guess at how don Diego would defend himself and how this incident was resolved. No verdict is recorded, and so this case, like so many others, is instructive without providing a definitive resolution. It shows us the tensions in a small Mexican town and how women and men dealt with assaults against their name and body. It hints at larger issues, such as don Diego's status within the town, but these are left hanging.

The setting of the document, the town of San Juan Teotihuacán, in the valley of Mexico, also warrants some consideration. Although a major town of the region, and near the famous pyramids of the same name, the town, by the late eighteenth century, had become part of the intendency of Mexico City. Thus, although a *cabecera*, it was within the orbit of the largest city of the colony. It was, however, not large. In 1791 a census recorded 895 people of Spanish descent, 388 *mestizos*, and 266 *mulatos*. Another count, done in 1804, noted 1,814 Indian tributaries.¹ Clearly San Juan Teotihuacán was large enough to have a varied, racially mixed population, but small enough that people knew each other and personal honor was vital to plebeians and elites equally.

THE DOCUMENT²

17.1 Alcalde Mayor Don Thomas de Velasco Receives the Criminal Complaint

Criminal proceedings as a result of the denunciation by José de Alfaro against doña Theresa Bravo, her daughter Theresa, and her sister Francisca, as well as a woman deposited³ in their home, and don Diego Fernández, the husband of doña Theresa, for the mistreatment of his wife, Josefa Cadena. All are *vecinos* (residents) of this town. The presiding judge in this jurisdiction is don Thomas de Velasco, *alcalde mayor* and commissioner.

To the *alcalde mayor* or his lieutenant (*lugar teniente*) in royal service in the town of San Juan Teotihuacán.

In the town and *cabecera* of San Juan Teotihuacán, on October 16, 1782, before me, Captain don Thomas de Velasco, *alcalde mayor* of this jurisdiction for His

Majesty, may God protect him, this petition and its contents are presented, in the presence of witnesses and in the absence of a notary.

17.2 The Petition and Criminal Complaint of José de Alfaro

I, José de Alfaro, resident of this town, by the proper channels of justice and without giving up the appropriate measure, say that on Sunday the thirteenth of this month, my wife, Josefa Cadena, was coming [out of church] after mass and passed close to doña Theresa Bravo, the wife of don Diego Fernández, *cofrador de las rentas de alcabalas y pulques* (official in charge of the collection of sales taxes and taxes on *pulque*).⁴ Doña Theresa, using the pretext that my wife had brushed against her, which was not true, sprung forward, saying to her, "Oh, you black whore, you dare to brush against me." And throwing her to the ground, not only doña Theresa, but also her daughter, her sister, and the woman who was deposited with them and was in their company, hit her [Josefa] many times. Although don Diego was present, instead of trying to calm them, he said, "Give it to that black whore again." In this way, my wife came out of this attack with marks on her face and a big scratch. She has bruises all over her body because of the beating, and, since she is pregnant and now she is bleeding, we are worried about the unfortunate consequences of this encounter and that she might lose not only the baby's life but also her own.

In the above related events, doña Theresa and her husband, as well as the other accomplices, insulted my wife and me in a very grave manner and in all the ways imaginable. To a married woman, no insult is greater than to call her a black whore, since this offends her fidelity and her *calidad*.⁵ Her honor is publicly known, and she is not a black but rather a *castiza*.⁶ In regards to actions, none is worse than to have hit her all over her body and to have marked her face.⁷ What makes all this much worse is that the insults occurred in public and in the presence of a numerous crowd who were leaving mass. Don Diego is a participant in this crime, not only because he did not prevent it as he should have and as would have been easy for him due to the power vested in him as a husband, but also because he encouraged his wife and the others who insulted my wife, to consummate the humiliation.

And since it is not just that this woman remains unpunished, and that my wife and I remain humiliated and insulted without proper redress, I file a civil and criminal complaint against doña Theresa, her husband, and the associated accomplices. I am justified in the admission of my complaint. It is proper that information be collected as a result of this petition, and this inquiry should also extend to the life and customs of don Diego. If it is true that he lives in disarray and scandal, he should be exiled from this town. The other cases pending against him in this jurisdiction should be gathered together with this one.⁸ As a result of the criminal indictment, Your Excellency should arrest the guilty parties, and since don Diego is an employee of the *rentas*, his immediate supervisor, don José de Leon Peñaroja, should be informed so that this service will not be abandoned nor will it suffer.⁹ Don Diego should be freed of the corresponding position and any secret tasks, so that Fernández can present himself at the prison. But, before all

else, Your Excellency should send the two surgeons of this village to examine my wife and to declare their observations under oath. This will serve as the clearest proof of the crime about which the witnesses will testify. And having done all of this, you may deliver to me the judicial decrees to put my complaint in order. As such, and with all the appropriate protestations, I implore Your Excellency to provide justice. I swear and in lieu

[José de Alfaro] does not know how to sign.

[Signed by] Licentiate Manuel Cordero

17.3 The Alcalde Mayor Issues Orders to Investigate the Complaint

And seen and read by me, I received it as presented under the law, and in response to his petition, I must order and I so order, so that the basis of his complaint be shown, the information in the petition must be collected, extending to include the life and customs of don Diego and notification of the two surgical experts, don Felipe Antonio Herrera and don Bernabé de Castro, residents of this town, that they should examine Josefa Cadena, the legitimate wife of the complainant. They must swear and declare their findings according to the law and for the benefit of justice. By this decree, I so order and sign in the presence of witnesses. I certify.

Thomas de Velasco
José Segura and Juan Benavides,
witnesses

In the said day, month, and year, I, the undersigned *alcalde mayor*, acting in accordance with the above mentioned, ordered to appear in court don Felipe Antonio Herrera, master surgeon, with certification of the *protomedicato*.¹⁰ In his presence, which I certify, I informed him of the parts of the order as they relate to him. He is to examine the person of Josefa Cadena and verify the blows that the petition alleges she received. He must declare the results of his examination in the appropriate form and in conformity with the law, according to his knowledge and experience. He stated that he had heard the order, that he understood it, and that he would follow these orders as soon as possible. He signed in the presence of the *alcalde mayor* and the witnesses who acted in the proper form. I certify.

Thomas de Velasco
Felipe Antonio de Herrera
Juan de Benavides and José Segura,
witnesses

The same day, I, the *alcalde mayor*, made don Bernabé come to the court in his capacity as qualified surgeon, and in his presence, which I certify, I notified him of the sections of the previous order which correspond to him, that he must examine the body of Josefa Cadena. And he understood and said that he heard

and will comply with the order. And he signed in my presence and that of my witnesses. I certify.

Thomas de Velasco
Bernabé Días Castro
Juan Benavides, witness

17.4 Testimony of Don Bernabé Días de Castro, Qualified Surgeon

On the seventeenth day of the said month and year, before me, the undersigned *alcalde mayor*, and the witnesses, don Bernabé Días de Castro, qualified surgeon, appeared and said that, in compliance with the notification of the order, he went to the house where Josefa Cadena, legitimate wife of José de Alfaro, lives, and he found her there in bed and obviously ill. She was afflicted because she had been thrown to the ground while her hair was being pulled. And upon examination of her body, he found a scar from her right eyebrow to her hairline, a scratch apparently made by fingernails. She is a bit more than six months pregnant, and she has been hemorrhaging quite heavily through the natural passage—the mouth of the mother¹¹—since last Sunday. He has not been able to contain the patient's loss of blood in such quantities despite the use of towels that his colleague surgeon, don Felipe Antonio Herrera, who has been attending her, ordered. And if the flow of blood cannot be contained with these remedies, he believes that she is at risk of a miscarriage. This is what he saw and observed in particular. And he can swear to it according to his loyal knowledge and understanding, and he swears by God our Lord and the sign of the holy cross according to the law that what he has testified is accurate and true. And he signed with me [the *alcalde mayor*] and the assisting witnesses. I certify.

Thomas de Velasco
Bernabé Días de Castro
Juan de Benavides and José Segura,
witnesses

17.5 Testimony of Don Felipe Antonio Herrera, Master Surgeon

On the same day, before me, the *alcalde mayor*, who has acted in the expressed form, don Felipe Antonio Herrera, Master Surgeon, appeared and said that in compliance with the notification of the order, he examined Josefa Cadena, whom he has been attending since the day of Sunday when her mother had called him to her side. The patient is six months pregnant, and as the result of a major disagreement that she had with other women, she was injured on her hips, thighs, and groin and showed all the symptoms of an impending miscarriage. He applied all the corresponding medicines and remedies to sustain her despite all the blood she lost, which happens in some pregnancies. And it is now the fifth day, and she has not had a miscarriage as a result of the medicines and remedies, which prevented a fever, and the fact that she did not suffer any brusque movements

or blows to the hips. Otherwise, she only has a scratch to her forehead over the right eye. These are the details of his examination that he can declare, and he swears before God and the holy cross that what he has stated is accurate and true according to his knowledge and expertise. And he signed before me and my witnesses. I certify.

Thomas de Velasco
Felipe Antonio Herrera
Juan de Benavides and José Segura,
witnesses

17.6 The Alcalde Mayor Orders José de Alfaro to Present His Witnesses

On October 17, 1782, I, the undersigned *alcalde mayor*, who acts in the expressed form, made José Cadena, I mean Alfaro,¹² appear personally in this court to notify him that he must present his witnesses so that their information can be offered and understood. He [José de Alfaro] said that he heard and will comply with the order. And he did not sign because he did not know how, so I did in the presence of my witnesses. I certify.

Thomas de Velasco
José Segura, witness

17.7 Testimony of Don Manuel Delfin

On October, 18, 1782, to provide the information he has offered to give and that it is ordered received, José de Alfaro presented as witness a man from whom I took the oath that he made to God and the holy cross in accordance with the law. He said that his name is don Manuel Delfin, that he is married, of Spanish *calidad*, is forty years of age, and is a resident in this *cabecera*. He knows the person who presents him as a witness. And it is true that on Sunday, the thirteenth of the present month, he was leaving early mass in the company of don Diego Fernández, [the two of them] walking together to the place called Agua Fonda, [when] they heard shouts and turned around to see that Josefa Cadena was seated on the ground, in the company of her sister, and doña Theresa Bravo and her daughter Theresa and her aunt Francisca, as well as a woman deposited with them and many other women who he does not remember, were mistreating her with words.¹³ Josefa Cadena got up and tried to hit them, and the young Theresa threw her onto the ground. He saw this because he went there to separate them, which he was able to do. But the others continued to mistreat her with very indecorous words and indecent expressions. And Chepa's [a nickname for Josefa] brother arrived and tried to defend her with indecorous words, and it was then that don Diego Fernández answered them with the same impurity and without stopping. And then, near the house of don Diego, the witness revealed that Josefa had said to doña Theresa that she was a whore and that no one had found a friend under

her [Josefa's] bed. It was then that the fight began. All who participated were hit and scratched, but there was no use of arms. That is what he saw and knows of this case. As to the life and customs of don Diego, although he has heard various complaints since he is the administrator of the Royal Monopolies (*rentas reales*), he isn't sure about any of these things. It is true that he talks boldly and with insolence and other improper expressions. This is what he knows in particular and what he can declare in truth. Under oath he affirmed and ratified [his testimony], and he signed with me and my witnesses. I certify.

Thomas de Velasco
Manuel Delfin
Juan de Benavides and José Segura,
witnesses

17.8 Testimony of Manuel José de Ocampo

On October, 22, 1782, for the information that he is giving, José de Alfaro presented as witness a man who took the oath by God and the holy cross in accordance with the law, and under the oath he offered to tell the truth about what he might know and was asked. And he said that his name was Manuel José de Ocampo, married to doña María Josefa de Flores, Spaniard, twenty-eight years old and a resident of this town. On the thirteenth of the present month, in the house of don Juan Soto, having already left the early mass, he was in the door of Soto's house when he happened to turn his head and saw doña Theresa Fernández [Bravo] and Chepa the *chocolatera* (chocolate seller) fighting, but since he was far away he could not hear what they were saying nor did he see the beginning of the fight, nor did he know what they were fighting over. After, he went into the store, and he did not see or know what other persons were involved in the fight. As to the customs and life of don Diego Fernández, the husband of doña Theresa, he does not know if it is orderly or disorderly or anything else that is asked of him. He swears that he has told the truth according to the oath that he affirmed and ratified, and he signed it with me and my witnesses. I certify.

Thomas de Velasco
Manuel Joseph de Ocampo
Juan de Benavides and José Segura,
witnesses

NOTES

1. Peter Gerhard, *A Guide to the Historical Geography of New Spain* (Cambridge: Cambridge University Press, 1972), 274.
2. Archivo General de la Nación, (Mexico) Criminal, vol. 27, exp. 12, fol. 494-501, 1782.
3. Officials deposited a woman when she faced any kind of legal suit. For example, when a wife sued her husband for ecclesiastical divorce (that is, for separation in our terms) or accused a man of seduction or rape, the authorities had her placed in a house of good repute. The people who accepted such women into their houses, therefore, had to be well known

- as honorable and of high moral standards. Don Diego's household—because the authorities had deposited a woman there—was clearly considered to be highly proper.
4. This position made her husband part of the local elite. He was in charge of collecting sales taxes as well as taxes on *pulque*, one of the most popular alcoholic drinks in Mexico.
 5. The term *calidad* refers to the qualities that contribute to the person's overall reputation, one of which was race.
 6. Colonial society created a vocabulary to designate racial mixtures. *Castizo* is often defined as the child of a Spaniard and a *mestizo* but more generally could be applied simply to someone of mixed ancestry.
 7. The emphasis on the injury to Josefa's face is important. In New Spain facial injuries symbolized revenge. Men and women both tried to mark the faces of people who had offended them, very often for sexual reasons. Women marked another offending woman's face when the victim transgressed sexual boundaries by seducing a husband or lover.
 8. Unfortunately there is no information provided about other complaints against don Diego.
 9. As *cobrador*, don Diego was responsible for the collection of taxes.
 10. The *protomedicato* was a medical regulatory board.
 11. "por la via natural de abajo, boca de la madre" (i.e., the vagina).
 12. The *alcalde mayor* here corrects his initial mistake, substituting Alfaro's name for Cadena.
 13. "de rrasones."

DOCUMENT THEMES

African/Afro-Latin American Peoples; Crime; European-Mestizo Peoples; Family; Gender; Honor; Illness/Disease/Injury/Medicine; Insults; Marriage; Popular Culture; Race; Town Life; Violence; Women.

SUGGESTIONS FOR FURTHER READING

Cope 1994.
Gutiérrez 1991.
Lipsett-Rivera 1998a.
Lipsett-Rivera 1998b.
Martin 1990.
Pitt-Rivers 1966.