Indian Women of Early Mexico

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Double Jeopardy

Indian Women in Jesuit Missions of Nueva Vizcaya

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Everyone knows that the Tarahumaras are an uncivilized class of people; even those who are Christian are ignorant of most of the dogmas of our religion. Therefore they have absolutely no knowledge or understanding of the gravity of their crimes, or of the penalties for them... [In this case] she was just this ignorant not only because of her race but also because she is a woman.¹

The above passage from the proceedings of a late colonial criminal case of husband murder in Chihuahua is one of the very few direct references to the behavior of Indian women that I have encountered in many years of archival research on the transformations wrought by Spanish intrusion among five Indian groups—Acaxees, Xiximes, Conchos, Tepehuanes, and eastern Tarahumaras—in the seventeenth and eighteenth centuries. Their territories in the Sierra Madre Occidental of northern Durango, southern Chihuahua, and eastern Sinaloa became part of the New Spanish province of Nueva Vizcaya. If trying to recover any Indian voice has been problematic in the case of these nonliterate peoples represented almost totally by outsiders
in the written record, then finding the voices of native women has been especially difficult. The following (1) summarizes a sparse documentary record concerning native women in Nueva Vizcaya and (2) analyzes in depth a single case (but one with possibly broad implications) that reveals a good deal about the ways in which Indian women were perceived by the dominant society and suggests strategies for examining the differential impact of colonization on women and men.

Elsewhere I have looked at the effects of Spanish colonialism on indigenous organization of production, labor, land tenure, and demography. I have also examined Indian responses to the impositions of the Jesuit mission system—which ranged from catastrophic population decline to rebellion and to subtler forms of accommodation and resistance. Of the five groups mentioned above, the Acaxees, Xiximes, and Conchos disappeared altogether by the end of the colonial period. Outcomes across and even within groups varied considerably, but the efforts by subordinated peoples to retain certain elements of autochthonous culture were universal. Women, as well as men, were active agents in the perpetuation of shared cultural memories and religious values. Counterhegemonic codes (although constantly evolving and transforming) have been crucial to the survival of Tepehuanes and Tarahumaras. What clues will help us to understand how men and women contributed to the persistence of values and habits that were contrary to Spanish norms? One avenue of inquiry is to look at gender roles in ritual activities; another is to examine the ways in which colonization affected household organization and the sexual division of labor. In pursuing these questions, one must carefully probe the archival record. Although colonial officials steeped in patriarchal and hierarchical values—and especially Jesuits proscribed in their intercourse (in a societal as well as a sexual context) with women—were not inclined to say much at all about them, Indian women do appear in judicial records, population counts, parish records, and reports of economic activities, where they survive. Keeping in mind the trap of dichotomizing formal/informal or public/private spheres, what can gendered labor systems tell us about the construction of indigenous communities and cultural reproduction?

To answer that question—and to understand the effect of missionization on gender roles—one would have to know first what the
sexual division of labor looked like in these societies before contact. Scholars disagree about the nature of sociopolitical organization in these groups before the late sixteenth century. The debate centers on population densities. Some revisionists argue that denser, more stratified agricultural and trading societies were common in the Mexican northwest on the eve of contact. Therefore, they say, the conventional view propounded by Edward Spicer and others which asserts that these were ranchería societies—dispersed, egalitarian, and heavily dependent on hunting and gathering to supplement a more haphazard agriculture—only applies to the aftermath of disorienting socioeconomic transformations induced by catastrophic effects of Old World diseases that preceded sustained contact by Europeans themselves. Although the revisionist view may have some merit in the case of Acaxeex, Xiximes, and Tepehuanes, the Tarahumaras probably conformed closely to Spicer’s description. In either case, women would have been involved in agricultural tasks, but perhaps to a greater degree in the ranchería societies where hunting and gathering were at least as important as agriculture.

Regardless of the merits of this controversy about the late fifteenth and early sixteenth century, it is possible to sketch a composite picture of the division of labor in Sierra Madre groups by the late sixteenth century when Spaniards began sustained penetration into these territories. There was considerable complementarity in productive activities. Both men and women cultivated corn, beans, and squash; gathered mescal and other plants; and transported goods and belongings between shifting ranchería locations. Men exclusively were hunters, and, given the frequency of intertribal warfare, they were also warriors and raiders. Women were responsible for food preservation, preparation, and distribution; weaving; pottery making; and child rearing. Females and males inherited equally from both mother and father. Kinship was reckoned bilaterally, and polygyny was practiced, although it was most common among wealthier males. Marriage partnerships were not immutable. For example, since Tarahumara males and females who were not kin could not interact, partners did not have the opportunity to get to know one another before marriage. Therefore, it was not uncommon for people to marry several times before finding a suitable partner. Abortion was also practiced.
Ritual roles are more difficult to ascertain. Although there is evidence of female shamans, most ritual specialists seem to have been men and the office hereditary. Women were active participants in the ceremonies preceding and following warfare. According to Jesuit accounts of Xixime warfare, for example, young women were central to martial ritual. During battle, a young virgin would fast in a cave. A defeat of her group's warriors signified her lack of virtue, and she was banished. But in victory, the returning warriors presented her with the head of one of their victims. After whispering endearments to this symbolic husband, she led other women in celebratory dancing with this and other severed heads, a prelude to ritual feasting on the victims' bodies. Other communal rituals, which also involved the participation of both sexes, focused on ensuring balance and harmony in the universe and material survival through warfare and agriculture. In the case of the Tarahumaras, the consumption of fermented mescal and maize beer (tesgüino) in celebrations that included ritual dancing also occurred around communal projects, including clearing, planting, harvesting, and construction. The prominence of warfare seems to have conferred more privileged status on men who accumulated prestige based on military prowess and bravery, and women seem increasingly to have been the objects of raids by enemy groups in the late prehistoric period. Does this practice signify that women were highly valued for their potential productive and reproductive capacity, or that they were simply the objects of exploitation for these purposes? Was this a long-standing practice, or the early result of the particularly high mortality of women and infants in epidemics? One could ask many more questions in trying to assess the degree to which these societies were stratified by gender before contact. There is little doubt that a gender hierarchy existed in political and ritual functions. At the same time, the contributions of women to the economic maintenance and reproduction of the household and community were highly valued.

In what ways were these gendered patterns affected by Spanish colonization? The most obvious changes were effected by several features of the Jesuit mission regime: the curtailment of intertribal warfare, the introduction of livestock, the intensification of agriculture, forced settlement (reducción) in villages with a hierarchy of male officials, and the insistence on monogamy. Spanish imperialism
deemed the latter two introductions crucial to controlling colonial subjects and delegated the regulation of sexual, conjugal, and domestic life to the clergy. The attempted imposition of Spanish cultural norms and Christian religious values met a range of responses that varied across time, place, and gender.

The reorganization of production had direct consequences for the sexual division of labor. The intensification of agriculture near mission villages and the introduction of livestock, especially sheep, tended to move agricultural labor toward a primarily male sphere while the time-consuming task of herding became the preserve of women and children. Men hunted and primarily women gathered, although these activities became circumscribed as the non-Indian population increasingly encroached on wilderness areas (monte). Forced draft labor (repartimiento) took men away from mission villages to work rotations in Spanish mines and haciendas. Sometimes their wives accompanied them, but often women stayed behind to tend their fields (milpas). Colonial demands often necessitated a practical flexibility in the allocation of tasks. Women continued to perform the household chores related to food preparation and cloth making. In fact, their involvement in certain productive activities expanded—particularly in providing personal domestic service to Spaniards and in textile making.

While women’s work probably increased overall as a result of these changes, their participation in Spanish-sanctioned ritual activities and community decision making was minimal. Males were appointed to perform religious duties as catechists, sacristans, and overseers of other areas of church affairs. The Jesuit-imposed hierarchy of village officials (governors, lieutenants, and various enforcers of new rules) excluded women and permitted some males to benefit disproportionately from missionary gift giving as well as from petty trading. These male officials also had greater access to mission resources. The new political regime provided a means for males to acquire distinction, perhaps counterbalancing the loss of warfare as an avenue to prestige, and it had the potential to disrupt traditional pressures toward equalization of distribution. The dependence of nuclear families on missionary gift giving as well as their obligations to mission agriculture subverted indigenous systems of labor reciprocity. Although both men and women succumbed to European-
introduced diseases, women of childbearing age, along with children, were at particularly high risk during epidemics.\textsuperscript{18}

The degree to which native men were influenced by the Jesuits' depreciation of women is not clear, but there are indications that they valued women's productive activity highly. At the same time, Indian men seemed to accept readily the notion of women's obedience to their husbands or at least their presumed timidity or shyness. That this belief had precontact antecedents is reinforced by the following statement attributed by Jesuits to some Tarahumaras who refused conversion. Taunting male compatriots who refused to join them in rebellion against the Spaniards, the rebels reportedly asked them "if the Spaniards were their husbands."\textsuperscript{19} Indian men protested the abuse of their women by Spanish conquerors and settlers, especially rape.\textsuperscript{20} Contemporary observations by Jesuits noted the infrequency with which Tarahumaras used corporal punishment to correct misdeeds; social control was imposed mainly through public sermons by elders. Yet the missionaries also observed that violence and adultery were most likely to take place during drinking parties.\textsuperscript{21} Furthermore, the precontact pattern of raiding for women does not suggest that Indian women had enjoyed an environment that was secure or free from rape and physical abuse. Did such mistreatment increase or abate as Spaniards tried to impose their will? One can speculate that the Spanish example, whereby Spanish men not only escaped punishment for abusing Indian women but also were allowed to act with considerable impunity in using force to control their own women, did not serve to ameliorate conditions for indigenous women.\textsuperscript{22}

How did Tepehuan and Tarahumara women respond to the changes wrought by contact? Were female strategies different from male strategies in dealing with cultural upheaval? Let me mention some patterns that emerge—at the risk of totalizing the experiences of very diverse Indian women. Both Tepehuanes and Tarahumaras revolted against Spanish rule within a generation of its imposition. I have treated these first-generation revolts elsewhere as millenarian responses to the cataclysmic changes induced by disease and the Spanish demands for labor.\textsuperscript{23} Although there is evidence that the rationale for these revolts (by the Tepehuanes in 1616 and the Tarahumaras at midcentury and in the 1690s) came from precontact ritual specialists, a few of whom were women, and that women partici-
pated in the preparation and hoarding of supplies before the revolts, in no case were women the publicly visible proponents or leaders. This contrasts with studies of later village revolts in Mexico where women played more instrumental roles (see also Robert Haskett's discussion of female activists in chapter 6). After these first-generation rebellions failed to expel the Spanish invaders, Tepehuanes and Tarahumaras sought other options. Many fled to remote, inaccessible areas in the Sierra Madre Occidental where the Spaniards had little incentive to pursue them. Those who could not exercise this option (or did not choose to) resorted to subtler combinations of resistance and accommodation to the colonial system. We are all familiar with the kinds of tactics that have been described as weapons of the weak: foot-dragging, dissimulation, feigned ignorance, pilfering, and clandestine ritual celebrations. When it came to evasive tactics, women had some advantages. For one thing, their infrequent contact with Jesuit priests could be justified within the context of Spanish and Catholic morality, which prescribed that women should remain as much as possible within the protected environment of the house and away from the dangers of the outside world (and their own latent sexuality). There is a parallel in contemporary Tarahumara society in which women are strictly enjoined against interacting with outsiders. Also, as primary caregivers to children, they had high potential for transmitting counterhegemonic ideologies across generations.

Missionaries complained that few women confessed and stepped up their efforts to concentrate on converting children (often by boarding them away from parents in the missions). At least in the early years of missionization, women were more likely to present obstacles to conversion than to serve as cultural brokers. The Christian practice of confession was a problem for Indians everywhere, but the emphasis on disclosing sexual sins tended to further discourage female confession. This is related to women's active participation in the ritual drinking and dancing (tesguinadas) that continued in spaces away from the missions. Jesuits tried with varying degrees of success to put an end to these "demonically inspired lascivious and drunken spectacles" that promoted "indolence, incest, and idola-

theme in European writings about colonial women that use sexual images as metaphors in justifying policies of segregation and exclusion. In eroticizing the cultural differences of the other, Spaniards constructed a superior moral space for themselves.

In general terms, Spanish colonial society held that all women were weaker than men in moral terms and less resistant to temptation. Yet female virtue was central to the Spanish concept of male honor since a man could be dishonored by the public disclosure of the sexual activities of a sister or wife. Therefore, women were deemed to need special protection and especially seclusion to protect their virtue. This restriction of social space theoretically applied to all women regardless of gender or class, but in practice it was mainly and deliberately applied to Spanish women, thus buttressing a racial hierarchy in which otherness could be explained in terms of sexual aberration and perversion. Persuading Spanish men that Indian and mixed-race women were lacking in morality and worthiness was crucial to maintaining a race-based social hierarchy. The colonizers’ value system, of course, was far from the consciousness of many Tepehuan and Tarahumara women who took advantage of the opportunity afforded by autochthonous celebrations—which used overt sexual symbolism in fertility rites—to reinforce communal values and to exercise sexual freedom.

The Christian imposition of monogamy was resisted by both men and women; it was often cited as a primary motivation for revolt. Principal Indian males especially objected to the loss of productivity that resulted from having only one wife because it lowered their status. Furthermore, the higher incidence of female mortality argued for taking more than one wife. But Christian marriage also had potentially negative effects for women. For one thing, it meant that women who did not marry faced greater social and economic uncertainty. More serious, it may have contributed to a higher incidence of violence against women by their spouses.

In general, and throughout New Spain, the Catholic church promoted a politics of marriage that rested on the inviolability of the husband’s authority and his role as a provider. By extension, a wife’s lack of obedience and humility deserved punishment and even justified violence (presumed to be edifying). And adultery merited severe punishment only if it was committed by the wife. The Church also
took on the role of mediator in cases of domestic dissension and violence. The typical consequence for male misbehavior through adulterous relationships or physical abuse of wives (dando mala vida) was an admonition from the local priest to change his conduct. Resort to the judicial system rarely produced results, and women often stayed in abusive relationships. Conjugal violence was also related to alcohol, whose consumption patterns had broadened beyond ceremonial uses in the colonial context. How were women to protect themselves from aggravated assaults? The precontact practice of simply changing partners was no longer an option that could be practiced openly. Nor was Catholic divorce or annulment a practical possibility for Indian women. As the lesson was poetically expressed by Spain’s renowned sixteenth-century writer, Miguel de Cervantes, “Better the worst relationship than the best divorce.” Nor would the Church sanction the return of the wife to her parents’ household. In this situation, as the colonial period wore on, colonial Mexican women not uncommonly resorted to witchcraft.

In fact, witchcraft and magic came to be commonly associated with sexuality and marriage in colonial Mexico. As a means to deal with errant and abusive men, it was practiced not only by Indians but also by casta (mixed-race) and even Spanish women. The most common form involved the ensorcelling of food, but the incantations to and symbols of supernatural power often related to indigenous beliefs and spiritual healing practices. I have seen only a few cases for the Tarahumara area, but they indicate that Indian women (and men) became involved with non-Indians in non-Christian rituals designed not only for curing but also to curb abusive behavior. By the middle of the colonial period, these cases betray the evolution of a popular magical religious culture, which was syncretic in nature and transcended class and caste lines, to mitigate the abuses of domestic violence.

If we are to judge by the archival judicial record, much more rarely did women in colonial Mexico—Indian or non-Indian—initiate or perpetrate violent action in domestic disputes. In the very few cases uncovered by historians in which wives murdered their husbands, they did so by poison. That is why the case highlighted by the opening quote is so noteworthy. In the early morning hours of December 29, 1806, María Gertrudis Ysidora de Medina, a Tarahu-
mara Indian woman from the village of Santa Ana de la Joya, bashed in her husband’s head. Was this incident so anomalous that there is no value in its retelling? At the very least, the case assembled by officials against her conveys salient Spanish views about Tarahumara women. But can an isolated, seemingly deviant event also tell us something about Tarahumara women’s responses to Spanish attempts to Christianize and “civilize” them? The reader will have to judge from the following reconstruction, based on the judicial record of the case itself and documents that describe the socioeconomic milieu of the community in which it occurred.

La Joya was a visita (mission station) of the Jesuit mission of San Francisco Javier de Satevó, founded in the 1640s at the easternmost edge of Tarahumara country. Located in the foothills of the Sierras along the Río San Pedro about sixty miles south of the city of Chihuahua, the mission district flourished economically in its early years and at its peak boasted several thousand head of cattle and sheep that were raised for sale in regional markets. Nonetheless, the expanding landholdings and livestock of Valerio Cortés del Rey along the San Pedro, later to become part of his mayorazgo (entail), portended difficult times for the future, as the Indians realized when they took their complaints over damaged milpas to two governors of Nueva Vizcaya in the 1660s. Following a subsistence crisis and the destructive epidemics of measles and smallpox in the 1690s, the mission declined in numbers of Indians and economic productivity. Subsequently, the silver bonanzas near Chihuahua in the first decade of the eighteenth century increased the demand for mining labor in the nearby missions of Satevó and La Joya. Through the eighteenth century, epidemics and encroachments on mission lands by neighboring Spanish ranchers further impoverished the mission. Population fluctuated in accordance with migrations in and out of the villages, but flight became increasingly common, and labor drafts continued to commandeer those who remained in the villages. Recurrent contact between baptized and non-Christian Tarahumaras frustrated missionaries, who complained of the lack of progress in conversion. Although some mission residents were bilingual by the early eighteenth century, the Jesuits reported in 1725 that those women who did confess would only do so in their native tongue.

By midcentury, demographic and economic transformations in
the region coalesced with increasing official criticism of the Jesuits throughout New Spain and with their plans for expansion into Alta California, to convince the order to turn over its Nueva Vizcayan mission field to the bishop of Durango. When the secularization process was finalized in 1753, only about two hundred people remained in La Joya. Most of those were absent from the village for much of the year, working for paltry wages (usually paid in kind) in the mines or providing repartimiento service on haciendas. Others eked out an existence, harvesting meager fields of corn and beans and foraging for wild foods. Only a handful of villagers owned any sheep or cows. The departing Jesuit missionary doubted that the Indians could support the new parish, noting that they had never contributed more than a few squash, tamales, or ears of corn to the mission’s upkeep.\footnote{47}

The priest of the new parish of Satevó quickly concurred and moved to appropriate mission lands for himself. After opining that his parishioners were insufficiently prepared to celebrate the Eucharist despite the long Jesuit tutelage, he also determined that it was best to avoid celebrating religious feast days because of the “idolatrous” celebrations that accompanied them. Especially chagrined to learn of La Joya’s poverty, he made little effort to offer Mass there.\footnote{48} The number of Indian residents declined to fifty in 1787, and the non-Indian population surrounding the village outnumbered the Indian villagers.\footnote{49} As a result of the expanding non-Indian population, the area surrounding Satevó and Babonoyaba was detached from Chihuahua in 1793 to become a separate administrative district (subdelegación).\footnote{50} In spite of Apache raids and modest silver output, the Chihuahua region was characterized by demographic growth and the expansion of landholding and latifundia in the late eighteenth century.\footnote{51}

By 1800, La Joya still had its quota of elected Indian officials, but power was shifting to the demographically dominant Spanish and mestizo residents whose number included the local schoolteacher and small farmers (rancheros and labradores) to whom the Tarahumaras were leasing and losing lands. The outsiders were supported by officials in Chihuahua who inveighed against the lack of stability in Tarahumara settlements, complaining that the Indians too easily moved from hacienda to hacienda and from mining camp to mining camp, working for short periods without paying off their debts. In the
view of religious and secular authorities, these shiftless natives were not interested in earning their subsistence but rather sought to flee civilized, Christian life (vida política y cristiana) in order to enjoy total license by “having many women and getting drunk.”52 Another manifestation of Spaniards’ concern over their lack of control is evident in the frequent accusations (sometimes founded and sometimes not) of Tarahumara raiding, either on their own or in league with Apaches, which not uncommonly resulted in their imprisonment and execution.53 Resisting official attempts to ensure a secure supply of mining labor and to impose social control over them, many eastern Tarahumaras and other intraregional migrants mixed with immigrant muleteers, itinerant vendors, miners, and artisans, forging new social networks often around amusements such as dancing, drinking, and cockfighting.54

In La Joya, Indians and non-Indians coexisted amid changing social and economic conditions, but they were clearly differentiated as opposites in Spanish discourse. In this heterogeneous ethnic and cultural milieu, Tarahumara communal solidarity was severely eroded and access to productive resources more circumscribed. These problems were exacerbated by drought conditions and food scarcity in the middle of the first decade of the nineteenth century.

The gory details of the murder of Mariano Burero, like his wife a Tarahumara Indian and known for his excessive indulgence in drinking and gambling, spread like wildfire through the small village. José Cervantes, the lieutenant governor of La Joya, was making his rounds to collect payments (in agricultural products) for the parish priest who resided in Satevó. When no one responded at Burero’s home, he looked around and found Ysidora behind the house. Cervantes pressed her for the whereabouts of her husband three times, and she finally responded that he was inside but that he was dead and she had killed him. She begged Cervantes not to report the crime for the sake of her children.55

It was time to call for help. Cervantes related what had happened to the pueblo’s governor, Francisco Medina, who happened to be Ysidora’s father and who ordered Cervantes to return to Burero’s home with the local constable and four neighbors. On entering, they discovered Mariano’s body. His skull had been crushed, and a large rock, presumably the murder weapon, lay nearby. Ysidora was nowhere in
sight, so the constable sent Cervantes off to look for her. He discovered her heading out a mile or two from the village and took her back for questioning by the local justice. Perhaps realizing for the first time the seriousness of her predicament, she attempted to blame the murder on Cervantes but quickly recanted.

Two days after the murder, the thirty-year-old prisoner testified that she had killed her husband after he returned home in the early morning hours, dead drunk from tesgüino. As soon as he passed out on his bed, she took a huge rock and dropped it on his head, killing him instantly. When asked her motive, she answered that her husband had always treated her badly (siempre le dió mala vida) as everyone in the village knew. On this particular occasion, before going out to carouse, her husband had bound her hands and feet and left her tied up all night in freezing temperatures, freeing her only when he came home at sunrise. The subdelegado (district official) asked why she had resorted to murder, thus demonstrating her "lack of piety," instead of presenting a formal complaint to the authorities. She replied that she was sorry for what she had done but at the time had not been thinking clearly, as she was nearly numb with cold and blinded by rage.

Testimony was also taken from five local citizens—all male and non-Indian. Although the general consensus was that Mariano was something of a drunk and a wastrel given to gambling, none of these witnesses admitted to having firsthand knowledge that he mistreated his wife. One of them, the schoolteacher, had once heard from Ysídora's mother that Mariano had injured her daughter's arm. At a hearing held in March after the court had appointed a prosecutor and counsel for the accused, only two other witnesses were called to testify. Neither the prosecutor, Juan Antonio Borunda, nor the defender, Domingo Tarango, was literate or trained in law; still they were the "best that could be found in this jurisdiction of miserably poor cultivators and herdsmen." Ysídora's father and governor of the pueblo, Francisco Medina, one of only two Indian witnesses in the whole proceeding, testified that his daughter had brought a complaint against her husband in June of the previous year. Mariano had beaten her with a mesquite club, injuring her so severely that she had taken refuge in her father's house to recover. After three months, Mariano took her home and resumed his beatings. Medina stated that his son-
in-law had been a ne’er-do-well gambler and drunk who could not even feed his family. He, Medina, had assumed the role of provider.

José Ribera, the former governor of La Joya, provided further testimony. Also a local healer, he had attended Ysidora in her father’s house after her arm had been severely injured by her husband. He added that when he was governor, the accused had presented a complaint charging that her husband was having an affair with another woman in the village. Ribera characterized her actions as that of a jealous woman but reported that he had fulfilled his obligations by admonishing Mariano to stop his philandering.

It would seem as though the case was building against Mariano. In fact, the defender’s first tack was to emphasize that Ysidora had acted in self-defense after a repeated pattern of abuse. He attributed her failure to report the beatings to fear of Mariano’s retribution, which could be deadly. Tarango also cited Mariano’s failure to provide for his family, one of the main tenets of Catholic marriage. Not so, countered the prosecutor, who suggested it was quite likely that Ysidora had been misbehaving and committing adultery just like most of the other Indian women of these villages. More probably, Mariano had tied her up because she insisted on going to the party. Everyone knew, he added, that the women could rival the men in their capacity for drunkenness. What else could one expect from an ignorant Indian—especially an Indian who was also a woman?

The prosecutor argued that there was no corroboration for the allegations by Ysidora and her father that she had been abused. Why hadn’t the governor disciplined Mariano for these acts? Furthermore, Borunda was convinced that she had committed a heinous crime, one that had been premeditated and that deserved the punishment prescribed by Spanish medieval law in cases of parricide. She should receive two hundred lashes and then be thrown into the river inside a bag into which a viper, a dog, a cock, and a monkey had also been placed.⁵⁶

In the face of the prosecution’s call for the death penalty, the unschooled defense attorney moved to change his strategy, perhaps because he realized that the self-defense argument was not supported in the law. Ysidora was indeed uneducated and stupid, he argued, but as a simple Indian, she should be treated as a minor by the court. In their rudimentary state, Indians were naturally incapable of un-
nderstanding malice. Indian women, involved in their domestic chores, were even more innocent and naive. And they were more susceptible to “malignant inner forces” that compelled them to carry out acts of violence—in a state of temporary insanity invoked by demons.\textsuperscript{57} In sum, even the defense attorney portrayed Ysidora as miserable and ignorant, condemned both by race and by gender.

A number of procedural concerns delayed the subdelegado’s decision; finally, in August 1808, he ruled that neither the status of a minor nor insanity could be applied in this case. Citing the need to have justice served in a public and exemplary manner, he called for the death penalty and sent the judgment on to the audiencia (high court) of Guadalajara for confirmation. There the process stalled once again as trained lawyers appointed to study her case and defend her argued that extenuating circumstances justified a royal pardon. That argument was ultimately rejected, but final confirmation of the death sentence did not take place until early 1811. By this time, Ysidora had been incarcerated for over four years in two jails that the defenders described as “human slaughterhouses.”\textsuperscript{58} Bureaucratic delays and the independence insurrection were responsible for continued inaction, but finally in 1812 the high court ruled to apply leniency in the case due to extenuating circumstances. Citing the lack of premeditation and the neophytic condition of Tarahumara Indians—especially females—in matters of judgment and reason, the audiencia issued a five-year prison sentence.

Added to the five years she had already served, Ysidora Medina’s sentence totaled more than ten years—a long incarceration by colonial standards. In Mexico, the most common penalties for homicide were labor service, fines, and corporal punishment. When jail sentences were imposed, they generally did not exceed five or six years. Capital punishment was relatively infrequent.\textsuperscript{59} Several scholars of the criminal justice system in the Spanish colonies have commented on the fairness and leniency of legal proceedings. Many have detected impartiality in applying the law across racial lines as well as a tendency to consider extenuating factors (such as lack of premeditation, passion, and drunkenness) in sentencing. It is noteworthy that none of these studies has statistically considered gender difference in punishments. Yet in her study of eighteenth-century Chihuahua, Cheryl Martin reports severe judgments against women who
deviated from the norms of female submission and argues that although in this frontier area social boundaries tended to be negotiable in terms of race and class, this was not true in the case of gender, where Spanish patriarchal values could not easily be contested. In the case of Ysidora, lack of premeditation and limited powers of reason were specified as the extenuating circumstances rather than her physical and mental condition at the time of the murder.

What are we to make of this case? From it we learn very little about Ysidora Medina herself. We have no information about her children—how many there were, their ages, or who cared for them. Ironically, we know more about the dead person—the victim Mariano—than about the living defendant and witnesses. And what we do know—that his life was dissipated by drunkenness and gaming—does not evoke much compassion for his demise. Why did Ysidora even admit to the crime? What were the material conditions of her life? Why didn’t her father, the governor of the pueblo, have more influence to protect her? Here we have a crime of passion rendered in abstract legal formulas that expunge vitality: the life of the community is imperceptible; Ysidora’s fears for herself and for her children are only hinted at; her father’s feelings do not surface in the matter-of-fact testimony. Emotion is overwhelmed by will—the will of the state to impose its order—leaving little place for empathy or affection.

Can we look between the lines or spot incidental remarks to fill in the gaps? What is missing? The most obvious omission is testimony that might have revealed more about the conditions of her marriage. The authorities called on witnesses to corroborate or contradict the allegations of mistreatment. How were these individuals selected? Why were there no female witnesses or anyone who had more intimate knowledge of her life? Did this have to do with the fact that Tarahumara women rarely interacted with outsiders? The only sympathetic witness was her father, a member of her own ethnic group. The former Indian governor, although substantiating that she had been injured, chose to emphasize her jealousy over Mariano’s dalliances rather than her afflictions, thus implying that she might have provoked (and therefore deserved) his anger. Male voices are in virtually complete control of the scene, promoting a patriarchal order that crosses racial lines. (The one dissident voice is muted by consanguineal ties.)
This did not mean that there was equality among men in this community whose indigenous core had been decimated. As the non-Indian residents acquired land, native resources contracted and Tarahumara networks of labor reciprocity deteriorated. The traditional ceremonial practice of consuming tesguino at times of cooperative work effort had given way to nightly gatherings at the local watering hole, occasions solely dedicated to drinking, gambling, and carousing. In the changing milieu, colonial officials persisted in their efforts to extract resources through a variety of taxes. As we have seen, even in a time of drought and scarcity, the parish priest did not desist in collecting his pound of flesh from all heads of households in La Joya. This was a village of farmers and ranchers with smallholdings, a community in transition from its indigenous bases but not yet engulfed by the growing tendency to latifundia. While economic stratification moved slowly, it favored mestizos and Spaniards who did not have to provide tribute and labor service. The power of the Indian governorship was obviously diminished.

It is tempting to speculate about how the particular situation of Ysidora and Mariano may have related to the loss of indigenous structures and networks of support. Yet any attempt to fit the particular circumstances of this case into a larger societal context can only be suggestive. In general, the way the case was argued conforms to other studies of the colonial period in demonstrating a tendency for officials and elites to attribute “uncontrollable” behaviors to calidad, or racial status. In this view, poverty and misery were inherent conditions of base birth and not the results of a hierarchical and inequitable colonial system. The persistent Spanish evocation of this belief served to perpetuate a race-based hierarchy. In this schema, Indian men stood far down the ladder, but a gender ethic that considered all women to be naturally lacking in moral fiber and potentially unruly dictated an even lower status for Indian women. In a dominant society that conceived female sexuality as being in need of vigilant regulation to preserve racial purity and Spanish control, judgments were particularly harsh in regard to Indian women whose different cultural practices were construed as perverted and depraved. This was perhaps even more true in volatile frontier conditions that engendered a patriarchal order struggling to maintain clear social boundaries and obsessed with protecting itself from female trespass.
But strictures on Indian women did not emanate solely from their colonial oppressors. In this case, an Indian spouse, although relatively powerless in the society, was potentially lethal within the family, buttressed as he was by Spanish and Catholic patriarchal law and practices. The status and respect for their productive contributions enjoyed by Indian women before Spanish colonial rule were overshadowed and eroded in the more acculturated communities by the Church’s insistence on female subservience. Even worse, Indian women’s alleged promiscuity and lascivious nature nourished the fantasies of European males and justified the violence of Indian men.

In this case, the Jesuits’ imposition of monogamous unions grounded in wives’ submission to husbands provided the context and rationale for Mariano to literally tie Ysidora to her “proper place.” Furthermore, his excessive consumption of alcohol—beyond ceremonial usage—and his failure to provide for his family may be linked to the gradual breakdown of Tarahumara identity and cooperative labor efforts. In the late eighteenth century, the old mission villages of the eastern Tarahumara were overpowered by growing numbers of mixed-race and Spanish outsiders. In an atmosphere of double jeopardy—both ethnic and gendered—Ysidora’s rage might be viewed as a state of cultural illness. Was there no antidote to her powerlessness? For a fleeting and dazed moment, she must have thought she had found it. The relief turned out to be just as ephemeral as her resistance.
43. TI: will 42.
44. TI: will 29. The terms used are camissa [sic] (shirt), ex (trousers), ypil (huipil, or dress), and pic (slip, or petticoat). TE: document (will) 242.
45. TI: will 24.
47. Thompson, “Tekanto,” 154–76.
48. LC: will 11.
49. Data from LC (Cacalchen, 1646–78, 25 testators, 2.0 average surviving children mentioned per testator), TI (Ixil, 1765–69, 46 testators, 3.0 average), and TE (1785–1813, 9 testators, 4.2 average).
50. LC: will 33.
51. TI: wills 30 and 36.
52. TE: document 284. There are other instances of violence against women in the Maya-language record, but the case circumstances tend to be complex. For example, a Maya resident of Tabi complained ca.1580 that the batab had beaten the man’s wife for not surrendering to the batab’s adulterous advances, but this accusation was thrown in among many others in a larger feud between the two men (Tulane University, Latin American Library, Tabi MSS, 33; see also Restall, “Subordination and Resistance”); the 1812 cabildo of Bolompoche accused the local priest of beating a Maya noblewoman, but this was one of a series of alleged acts of violence otherwise committed against men (AGN, Bienes Nacionales, 21, 20, 2–4).
53. AGN, Inquisición, 69, 5, 277.
54. TE: document 275.
55. ANE-Y, 1819(iv), 19r.
56. Cline, Colonial Culhuacan, 165.
57. All comparisons to Nahuas of central Mexico in this and the previous paragraphs are based on Cline, Colonial Culhuacan, 167–68.

Chapter 12. Double Jeopardy

I am indebted to William L. Merrill as well as the following for their critical comments on this manuscript: Karen Powers, Irene Matthews, Susan Kellogg, Sonya Lipsett-Rivera, Donna J. Guy, and Jennifer Brown.

1. Causa criminal seguida del oficio . . . a María Gertrudis Ysidora de Medina, india del pueblo de la Joya, por haber dado muerte, dormido a
Mariano Burero su marido con una peña que le echó en la cabeza, 1806–1812, Biblioteca Pública del Estado de Jalisco, Archivo Judicial de la Audiencia de Nueva Galicia, Criminal, caja 18, exp. 14 (417). I took extensive notes on this document in 1993, but the detailed analysis in this chapter was enabled by William L. Merrill who provided me with a complete photocopy.


10. Jesuits commented on the frequency with which married couples changed partners: Andrés Pérez de Ribas, *Historia de los triunfos de nuestra santa fe entre gentes las más bárbaras y fieras del nuevo orbe* is one of the best contemporary ethnographic sources if read critically. The most recent edition is a facsimile reprint (México: Siglo Veintiuno Editores, [1645] 1992); see bk. 10, chap. 7. See also *Carta ánua de Padre Juan Font, 1607*, in *Crónicas de la Sierra Tarahumara*, ed. Luis González Rodríguez (México: Secretaría de Educación Pública, 1984), 156–60; and report of P. Juan María Ratkay, Carichic, March 20, 1683, translated from the Latin in the Bolton Collection, Bancroft Library, Mexicana 17.


12. Relación de la entrada que hizo el gobernador de la Nueva Vizcaya Francisco de Urquiola a la conquista, castigo y pacificación de los indios llamados xíximes, 1610, University of Texas, Nettie Lee Benson Library, Joaquín García Icazbalceta Collection, Varias Relaciones, I-1.

13. Report of Padres José Tardá and Tomás de Guadalajara to P. Francisco XMéz, August 15, 1676. There are several versions of this report; I have used a copy transcribed by William L. Merrill and Luis González Rodríguez from a copy in Rome (Archivum Romanum Societatis Jesu, Mexicana 17, 355–92) soon to be published. See also Thomas Sheridan and Thomas Naylor, eds., *Rarímurí: A Tarahumara Colonial Chronicle, 1607–1791* (Flagstaff: Northland Press, 1979), 32–34.


17. José Rafael Rodríguez Gallardo to Juan Antonio Balthasar, August 18, 1750, Archivo General de la Nación, Mexico [hereafter cited as AGN], Provincias Internas, vol. 176, exp. 6.

18. Susan Deeds, “Algunos aspectos de la historia demográfica de las misiones de los jesuitas en Topía, Tepehua y Tarahumara Baja,” paper
presented at the IV Congreso de Historia Regional Comparada, Ciudad Juárez, October 1994.

19. Testimony from interrogations regarding the Tarahumara revolts of the 1690s, declaration of Tadeo, Papigochic, May 25, 1697, Archivo General de Indias, Sevilla (hereafter, AGI), Audiencia de Guadalajara, leg. 156, fol. 206.

20. Pérez de Ribas, Historia de los triunfos, bk. 9, chaps. 1–4.


30. Descriptions of these ceremonies, which the Jesuits did not un-
derstand either in religious or in social terms, are interspersed throughout the early chronicles and reports, for example, in Pérez de Ribas, Historia de los triunfos, and Tardá and Guadalajara, 1676.


32. Patricia Seed, To Love, Honor, and Obey in Colonial Mexico: Conflicts over Marriage Choice, 1574–1821 (Stanford: Stanford University Press, 1988). Of course, deviations from the ideal were rife, as many of the essays in Lavrin, Sexuality and Marriage, attest. See also the discussion in Ana María Alonso, Thread of Blood: Colonialism, Revolution, and Gender on Mexico’s Northern Frontier (Tucson: University of Arizona Press, 1995), 73–103.

33. Testimonies in AGI, Guadalajara 156, fols. 664–670.

34. Reff, Disease, Depopulation and Culture Change, 240.


38. See, e.g., in the AGN: Inquisición, vol. 516, exp. 7; vol. 791, exp. 31.

39. Taylor, Drinking, Homicide, and Rebellion, 85–87; Lipsett-Rivera, “La violencia.” It should be noted that the case studied in this chapter contains a reference to another instance of husband murder in the Valle de San Bartolomé (Valle de Allende).
40. The following summary and analysis is based on the lengthy document cited in note 1.


43. The case is found in Archivo de Hidalgo del Parral (hereafter, AHP), microfilm reel 1667, fr. 738–43.


45. Deeds, "Mission Villages," 359–61; P. Pedro de Estrada to P. Rector Francisco Xavier de la Paz, Satevó, February 19, 1743, AGN, AHH, Temp., leg. 316, exp. 5; various land cases in AGI, Guadalajara 113, and Archivo de Instrumentos Públicos, Guadalajara, Tierras y Aguas, lib. 22, exp. 2; juicio de residencia del gobernador Belaunzará, AGI, Escribanía de Cámara, 394.


49. Padrones, 1787, AHP, microfilm reel 1787b, frames 1382–85.


53. William L. Merrill, "Cultural Creativity and Raiding Bands in


55. It is curious that this is the only mention of children in the entire proceedings.

56. Partida 7, título 8, ley 12, of the Siete Partidas refers to parricide. I am still unsure as to the significance of these symbols, but mutilation and other draconian punishments were prescribed by Romano-Visigothic tradition for private crimes; see P. D. King, Law and Society in the Visigothic Kingdom (Cambridge: Cambridge University Press, 1972), 89–91. The prosecutor in this case noted that the penalty had been modified in modern times to hanging the victim before placing him or her in a cask with the first three animals, but without the monkey for obvious reasons.


58. Taylor, Drinking, Homicide, and Rebellion, 102, comments on the unsanitary conditions of colonial jails and argues that incarceration was mainly a way of detaining the accused before trial rather than a form of punishment.

59. These findings for colonial Mexico are based on different samples analyzed by Taylor, Drinking, Homicide, and Rebellion, 97–106; and Colin M. MacLachlan, La justicia criminal del siglo XVIII. Un estudio sobre el tribunal de la Acordada (México: Secretaría de Educación Pública, 1976), 113–42.


62. For more on this, see Lipsett-Rivera, “Space, Solidarity and Sexual Danger.”

Chapter 13. Women’s Voices from the Frontier

1. The generic term “Chichimeca” was applied to all northern non-sedentary groups. In the Saltillo region the major group in the sixteenth