

**Marriage Conflict in Colonial
Latin America**

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HIS 492

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19 December 2023

Concepts and ideologies of marriage have existed for as long as mankind. The need to suppress loneliness and find a lifelong partner seems practical; a part of human nature. However, the evolution of human interaction and belief systems has altered the simplicity of finding a companion. Religious and cultural ideas began to recognize marriage as a sacred institution, and because of this many historians have studied the ways marriage and religion intertwine. During the time of exploration and colonization of the New World, it was common for European explorers to prophesize their beliefs to the natives under the crown's influence. Many European colonizers emphasized the importance of Christianity and its values. Values like social honorability, Jesus, and the purity of marriage followed the explorers into the West. Preaching the purity and honor that comes from marriage was a large part of colonial influence in Spanish America. Many sailors had the intention of keeping marriage sacred, especially to promote Christianity and protect their honor. However, like many religious concepts, keeping its sanctity became difficult over time. Despite laws preventing illegitimate marriages, over time, even pure Spanish explorers found themselves disturbing the rules that defined proper marriage. Spanish laws that interfered with marriage held no practicality and required extreme effort to implement.

Spain's colonization of the Americas brought the exchange of various items and ideas. Sailors in Europe packed their ships with all sorts of animals, food, diseases, and ideas while on their way to the Americas. Ideas spread by Spanish colonizers influenced the structure of the lives of the natives. Their Catholic roots followed them along their journey across the Atlantic Ocean and became the key component to establishing rule in the new land. As the exploration continued and the Spanish colonies began to grow, the interaction of the people began to grow with it. Eventually, the Spanish explorers began reproducing with natives and slaves that also coexisted in these areas. Back in Spain, the Spanish nobles did not appreciate the race mixing

occurring in their colonies. Interrupting the purity of Spanish blood was not considered honorable. Desperately wanting to keep racial mixing and illegitimate marriages hidden from the roots of their Catholicism, the Spanish Crown began implementing laws that directly affected marriages in colonial Latin America.

Unfortunately, the Spanish Crown would soon find out that their authority did not always hold up. The ideologies that followed the explorers would inevitably be disregarded due to human nature. Illegitimate marriages were still a very common situation in the history of colonial Latin America. The implementation of certain marriage laws unveiled that improper marriages might have been more common than legitimate ones. How could a cause that seemed so crucial to the Catholic Church in Spain be misjudged in its colonies? This paper is intended to uncover the effectiveness of Spanish rule in colonial Latin America through the institution of marriage.

Courts and Marriage

Established on March 23, 1776, the Royal Pragmatic asserted control of marriage throughout the Spanish Empire. Initiated originally to protect the bloodline of the Spanish Crown, the Royal Pragmatic was King Charles III's solution to keeping the less honorable away from honorable blood. The law required children under the age of twenty-five to receive parental consent for marriage. Elite and noble parents did not want to discredit their honor by allowing their children to marry into a lower status. This law prevented any unhonorable or illegitimate marriages from occurring¹.

The Royal Pragmatic of 1776 became one of the first ways the religious sacrament of marriage lost the authority of the Church. Now the audiencias and legislation had a say on the

¹ Alicia Torres, "La Real Pragmática En La Real Audiencia de Quito: Raza, Clase y Género Hacia Fines de La Colonia," *Hispanic American Historical Review* 100, no. 4 (2020): 595–621, <https://doi.org/10.1215/00182168-8646921>, 597.

proper forms of marriage. Although some jurisdiction was granted to Church leaders to implement the restrictions, the laws no longer derived from the Church itself. Bishops had the authority to deny any marriages that did not have a certification of consent, however, issued court cases about marriage were taken care of by the Royal Courts². If marriage was considered a great sacrament of the Catholic Church, why was their authority removed? According to Steinar Saether, the King was able to enhance his power if he controlled the interactions of his colonists. He states, “Here it will be argued that the most important object of the law was to strengthen paternal authority and filial obedience, and in this manner enhance the power of the King, who, according to the Bourbon absolutist rhetoric, was the father of all fathers. In other words, the law was meant to fortify the paternalist, hierarchical bonds on which the empire was thought to rest.”³

When Spanish explorers colonized the Americas, a large goal of theirs was to promote Catholicism to the native population. The implementation of the Royal Pragmatic disrupted the idea that Catholicism was a primary reason for colonization. The need for power and control sparked a chain of events that inevitably questioned the true authority of the crown.

During his research, Latin American historian Chrisitan Buschges concluded that there was an influx of court cases once the Royal Pragmatic came into power⁴. Spanish rule forced courts, also known as the Audiencias, to carefully look at any marriage cases brought in front of them. Cases of divorce and adultery ended up at the forefront of many Audiencias. The Royal Pragmatic also allowed fathers to submit lawsuits against men who married or wanted to marry their daughters. The new authority fathers gained over their family's perception increased the

² Patricia Seed, *To Love, Honor, and Obey in Colonial Mexico: Conflicts over Marriage Choice, 1574-1821* (Stanford University Press, 1988), 213.

³ Steinar A. Saether, “Bourbon Absolutism and Marriage Reform in Late Colonial Spanish America,” *The Americas* 59, no. 4 (2003): 475–509, <https://doi.org/10.1353/tam.2003.0056>.

⁴ Boyer, Richard Everett, and Geoffrey Spurling. *Colonial lives: Documents on Latin American history, 1550-1850*. New York: Oxford University Press, 2000.

number of lawsuits filed against marriage by a lot. Fathers began suing any man their daughter engaged in simply to protect his family's name. The involvement of courts in marriage problems gave legal repercussions to people who did not follow these laws. Although it gained traction and allowed colonists to be a part of the legal system, the results of the cases often became problematic once the courts got involved.

In 1784, Don Manuel Valdiviseo issued a lawsuit against Juan Teodoro Jaramillo for marrying his daughter, Dona Baltasara Valdiviseo. According to Valdiviseo, Jaramillo did not have the same level of nobility as his family. Valdiviseo's lawyer, Ramon Jaramillo petitioned to the Audiencia that Jaramillo was a plebian and not noble enough to marry Baltasara. He states, "...I say that in the name of justice [and] in order to serve the superior judgment of your highness, [you should] please declare, with a just and clear judgment, that the name Jaramillo is plebian and of humble birth and cannot and shall not enter into marriage with dona Baltasara." The evidence used to determine Jaramillo's lineage was hearsay from his family and friends. His extended family tried to justify to the court that his mother and father had pure Spanish blood. However, Jaramillo's occupation lessened the court's perception of him being noble enough to marry Valdiviseo's daughter. Although the court case does not include the exact results of Valdiviseo's lawsuit, it does state in the case, that Doña Baltasara would receive punishment if she followed through with the marriage⁵.

Although there is no documented result for Juan Teodoro Jaramillo, the results of these court cases were often justified by hearsay. During the late colonial period, there was no scientific way to prove someone's lineage. Accusations about honor came from what other

⁵ Richard Everett Boyer and Geoffrey Spurling, "Don Manuel Valdiviseo y Carrion Protests the Marriage of His Daughter to Don Teodoro Jaramillo, a Person of Lower Social Standing (Quito, 1784-85)," essay, in *Colonial Lives: Documents on Latin American History, 1550-1850* (New York: Oxford University Press, 2000), 224

people knew about you. In the case of Jaramillo, many of his family could justify his lineage and claimed his uncle, cousins, and mother all held high noble status. On the other hand, his occupation as a silversmith diminished his honor. These documented court cases provide useful information on the marriage problems occurring in the Spanish Empire. However, many of them could not come to a justifiable solution; making laws of marriage much harder to implement. Hearsay justification only worked to a certain degree; sometimes it prevented real solutions from developing.

Audiencias also faced the problem of keeping track of marriage cases alone. Colonists who found themselves caught up in marriage scandals often found themselves breaking other laws. Many documented cases of adultery also corresponded with race mixing and illegitimate marriage cases. Along with that, court cases found in Peru also highlighted the violence that happened because of committed adultery.

In Lima, Audiencias closely followed cases of adultery; the act of cheating on your married spouse. In theory, adultery disturbed pure Catholic marriages and was equivalent to sinning. According to author María Emma Mannarelli, adultery had special penalties in the court because “...it was the most threatening of extramarital relationships and source of greatest discord.”⁶ In January of 1633, Juan de Reina was found lying in bed with a married woman. The husband of the woman and Reina ended up drastically wounding each other, fighting over the woman⁷. Violent actions like this often occurred long before the courts got a hold of the adultery case. Court cases like Jaun de Reina’s often focused on the violent actions that occurred because of the adultery, not the actual marriage conflict.

⁶ María Emma Mannarelli, *Private Passions and Public Sins: Men and Women in Seventeenth-Century Lima* (Albuquerque: University of New Mexico Press, 2007), 57.

⁷ Mannarelli, *Private Passions and Public Sins* 59.

Documented court cases that reflect committed adultery also expose the relationship women had with the court system. According to Mannarelli's article, "Private Passions and Public Sins," women faced more scrutiny and consequences when it came to committing this awful crime. Any man who faced adultery accusations typically got away with it. Additionally, Doña Baltasara in Valdiviseo's case, was the one who received a threat from the court. Although she agreed to proceed with the marriage, she still had no ground to give her input. The discrimination women faced in the court system also contributed to the mistreatment of the laws. Women who constantly faced consequences for their actions disregarded the enforcers.

Honor and Legitimacy

Honor and legitimacy allowed for a good social lifestyle for the people of the Spanish Empire. Pure Spanish blood and indigenous or slave people did not mix because it altered the pure family's honor. The notion of honor revolved around all of colonial Latin America. Protecting your honor became one of the main goals of many families in colonial Spanish America. To understand the extreme importance of honor, historian Ann Twinam writes, "We must meet Spanish American elites on their own ground and use their concept of honor as the lens through which to view colonial sexual standards and practices."⁸ Just like Juan Teodoro Jaramillo, honor played a large role in the way a man lived his life in Spain.

Many primary sources indicate that families created an entire lifestyle formed around protecting their honor. A painting from the Modern Latin American Art collection from the University of Texas titled "Caste: From Spaniard and Mestiza, Castiza" (*De Espanol y Mestiza;*

⁸ Ann Twinam, *Public Lives, Private Secrets: Gender, Honor, Sexuality, and Illegitimacy in Colonial Spanish America* (Stanford, Calif: Stanford University Press, 2007), 123.

Castiza) from 1780 illustrates a Spanish family interacting with a Mestiza woman⁹. Even without much historical background on colonial Latin America, it is easy to depict the Spaniards from the Mestiza. The Spaniards in the painting are found wearing fancier garments with shoes on their feet. Whereas the Mestiza is barefoot on the dirt, and her clothes do not completely cover her body. She is also presented to be participating in some sort of labor with her mule next to her, and the mule's crate is loaded with fruits. The illustrated differences found between the mestiza and the Spanish family prove the importance of honor to everyday people. If concepts of honor did not matter to the colonies, the depiction in the painting would not have been so obvious.

However, despite the tradition of keeping Spanish blood pure, race mixing became very common throughout the Spanish Empire. In 1552, Alonso Munoz, the father of two mestizo children, decided he wanted his children to embark on a journey from their home in Peru back to his home in Villa de Alarye, Spain. Alonso Munoz's children Fransica and Fransico had two different mothers who were indigenous to Peru. Alonso believed that sending his fortune back to Spain would prevent his two wives from getting a hold of it. He also believed that if his children resided in Spain they would have access to his wealth and be raised properly, away from the indigenous people¹⁰. The irony behind Munzo having children with indigenous women and not wanting his children around them to protect their honor is not just applicable to Munzo's family. This case also developed at a very early time in the Spanish colonization.

⁹ Mexican Mexican, "Caste: From Spaniard and Mestiza, Castiza," Spanish family encounters Mestiza working woman, 1780, Modern Latin American Art at University of Texas.

¹⁰ Jane E. Mangan, "Moving Mestizos in Sixteenth-Century Peru: Spanish Fathers, Indigenous Mothers, and the Children in Between," *The William and Mary Quarterly* 70, no. 2 (2013): 273, <https://doi.org/10.5309/willmaryquar.70.2.0273>. See Simon de Alzate, *Testamento (will) of Alonso Muñoz, Aug. 13, 1552, Pro-tocolos 9, fols. 631–34, Archivo General de la Nación (AGN), Lima, Peru* for primary source of Alonso Muñoz's account

Many Spanish men found themselves being sexually involved with indigenous women and slave women, regardless of the notion of honor. To prevent their honor from being toggled, many of these men chose to ignore their actions and pretend their blood and children's blood remained pure. Men who ignored their sins in the colonies made it extremely hard for the Spanish crown to monitor honor and race mixing. It also made illegitimate marriages harder to scope out, especially when the fathers sent their illegitimate children back home to Spain.

Since honor and legitimacy created the backbone of colonial Latin American society, secrets, and private decisions existed throughout many families to prevent their honor from being questioned. A court case from 1873 found in Buenos Aires revealed that Maria Iguerra was charged with infanticide for drowning her baby in a well. Maria, who had the child with another man, killed her baby to protect her honor. If Maria had kept her illegitimate son her ability to become an honorable wife and mother would be altered¹¹. No man would want to marry her and affect their honorability. Women, like Maria, who found themselves facing this tough decision often protected their honor and not their children. Honor would disrupt their pure lives, no one would want to marry them and the public would shame them.

Juana Larramendia, a young woman from Argentina, also found herself being convicted of infanticide for the same reason as Maria Iguerra. Her newborn child was illegitimate and would diminish her honor¹². However, just like the men who sent their children back to Spain, women still participated in unhonorable actions even while acknowledging the laws. Most women did not have a say in their illegitimate relationships. As seen before, women, in

¹¹ Kristin Ruggiero, "Honor, Maternity, and the Disciplining of Women: Infanticide in Late Nineteenth-Century Buenos Aires," *Hispanic American Historical Review* 72, no. 3 (1992): 353–73, <https://doi.org/10.1215/00182168-72.3.353>. see *AGN, Tribunal Criminal, ser. 1: I, 2, 1873, María Iguerra and Pedro Danglá*.

¹² Ruggiero, "Honor, Maternity, and Disciplining of Women" see 11. *AGN, Tribunal Criminal, ser. 1: L, 2, 1871, Juana Larramendia*.

particular, also faced more scrutiny for betraying their honor. Despite this, the fact that these court cases exist proves that women still participated in adultery and sin.

Honor seemed like the only factor that may have prevented the colonists in colonial Latin America from defying Spanish law in public. The documents researched above prove that colonists and Spaniards had no regard for the marriage laws unless the issues made it to the public. Mothers and unwedded wives found themselves making drastic life decisions to keep their honor intact. Spanish men found themselves bluntly ignoring the mother of their children, and in some cases would take them away from their indigenous roots. A large number of cases regarding illegitimacy prove that honor did not matter until presented in front of the court or the public eye. If honor played such a drastic role in marriage law, it would not have been toggled with by anyone in the colonies. However, sexual desires and human nature hinder these notions. Spanish law once again, is not successfully enforced and only resonated with the colonies in certain circumstances.

Too Far for Love,

The distance between lovers also contributed to the difficulty of implementing strict marriage laws. Spain is approximately five thousand miles away from the city of Mexico. It was not uncommon for men to arrive in New Spain and cheat on their wives with natives or slaves due to loneliness and desire. Many cases of transatlantic bigamy developed from wives being angry at their husbands for leaving. These angry wives would often bring their issues to the Spanish court to get revenge on their husbands. On the other hand, some husbands would completely disregard their lives back in Spain altogether. Their ties back home are no longer compared to the lifestyle they established throughout the colonial era.

On a mission to get rich, many Spanish men fled to the Americas from the fifteenth century to the eighteenth century. Upon their arrival, many of the sailors searched for riches and success. However, many men found themselves caught up in the lure of native women more than the lure of silver and gold. In their book, "Good Faith and Truthful Ignorance" Alexandra Cook and David Cook follow the life of Francisco Noguero and his court case against his two wives, doña Beatriz de Villasur versus doña Catalina de Vergara during their arrival back to Spain. While he was attempting to establish his riches, Noguero received a letter from nuns back in Spain expressing that his wife, Beatriz de Villaur had died due to his absence. After almost twenty years in the Americas, Francisco finally made his way back to Spain with a new woman by his side and a lot more riches. Unfortunately for Francisco Noguero, his first wife, who was claimed dead, actually filed a lawsuit against him for bigamy and stealing silver¹³. The Spanish Crown could not control what their explorers engaged in during their travels. Transatlantic bigamy contributed to the lack of practicality in marriage laws.

Bigamy, the act of having two spouses at once, was issued as one of the biggest problems in colonial Latin America. According to the *Historia del Tribunal de la Inquisición de Lima* published by Jose Toribio Medina in 1887, bigamy ranked as the highest committed crime during the Inquisition period in Peru — about twenty percent of cases that the courts received contained crimes relating to bigamy¹⁴. In his article, "Recent Works on the Inquisition and Peruvian Colonial Society," historian and author Teodoro Hampe-Martínez states "The leading position of bigamy can be explained by the great distance, the lengthy separations, and the difficulties in communicating that made the New World a likely setting for the proliferation of marital ties...¹⁵"

¹³ Alexandra Parma Cook and Noble David Cook, *Good Faith, and Truthful Ignorance: A Case of Transatlantic Bigamy* (Durham: Duke Univ. Press, 1997).

¹⁴ Teodoro Hampe-Martínez, "Recent Works on the Inquisition and Peruvian Colonial Society, 1570–1820," *Latin American Research Review* 31, no. 2 (1996): 43–65, <https://doi.org/10.1017/s0023879100017945>. See Medina 1956, 2:406-7.

¹⁵ Martínez, "Recent Works on the Inquisition and Peruvian Colonial Society." 44

The distance between lovers contributed to the number of bigamy cases. The Spanish crown, once again could not enforce their laws as strictly as they hoped.

A New Way To Love

Pre-existing indigenous values and enlightenment ideologies also contributed to the lack of connection with marriage and honor. From the early days of exploration, Spaniards took on the mission of teaching the natives their practices. Jesuits were infamous for preaching the foundations of Catholicism to native children. By indirectly forcing the natives to understand Catholic beliefs, the Spanish attempted to gain control over them. Although many natives seem to have accepted Catholic ideas like Jesus and Christian holidays, they still had a hard time completely assimilating to Catholic beliefs. In her book “Sexuality and Marriage in Colonial Latin America,” historian and professor Asuncion Lavin acknowledges the barriers faced when interchanging cultures exchange ideas. She states, “The conquest of the New World posed special problems for the Iberian Church... European traditions had to interact with those of other cultures.¹⁶” The disconnect between native perspectives of marriage and European Catholic perspectives of marriage hindered some of Spain's laws from being upheld. Many indigenous people of Spanish America simply did not understand the beliefs the Spanish promoted to them. The Spanish Crown attempted to monitor crimes committed against marriage with laws, such as the Royal Pragmatic. The laws also tried to control the native population's perception of marriage, but illegitimate marriages still occurred at a predominant rate. Whenever the Spanish crown implemented rules against indigenous culture, it was often ignored. Natives believed in marriage bonds and creating families, but their culture before Spain’s arrival did not align with

¹⁶ Asuncion Lavin, *Sexuality and Marriage in Colonial Latin America* (Lincoln, Nebraska : University of Nebraska, 1992), 3.

the forms of Christianity the crown preached. The gap between religious beliefs led to a large amount of marriage laws being ignored.

Along with indigenous values interrupting the laws, men and women from Spain also disregarded their ties to the church when they arrived in the colonies. Indigenous women and slaves often found themselves being seduced by the good Catholic men who had wives back home in Spain. On top of the desires these Spanish men had, a new meaning to the word love started to spark during the late colonial period.

By the later colonial period, concepts of marrying for love and not family purity blossomed all over. “By the turn of the nineteenth century, a flurry of new responses appeared in the matrimonial investigations, which stressed individualism and love as reasons for wishing to marry. Couples began to explain that they planned to marry because they had fallen in love, not out of any sense of Christian duty.” says Latin American historian Rebecca Earle in her article “Letters and Love in Colonial Spanish America.” Those who understood the meaning of religion and marriage had less of an attachment to the traditional values. God slowly exited the forefront of Spanish-Catholic marriages, similar to traditional native perceptions of marriage.

Seventeenth-century and eighteenth-century love letters have unveiled the change in the meaning of love and intimacy. European historian Lawrence Stone noted that since the seventeenth century “...there developed a series of almost wholly new genres of writing, the intimately self-revelatory diary, the autobiography and the love letter.¹⁷” Many of these love letters composed by Spanish explorers were addressed to their wives back home in Spain.

¹⁷ Lawrence Stone, *The Family, Sex and Marriage in England 1500-1800* (London: Weidenfeld & Nicolson, 1977).

In his letter to his wife, Antonio del Angel reminded his wife that his loyalty remained with her and he was still very much in love with her¹⁸. This letter contradicts the overarching idea that most Spanish explorers became unfaithful to their wives, however, it still provides evidence that ideas of love started to change. Instead of giving in to the desire to cheat, newer explorers understood their loyalty existed back home. Earlier explorers had their eyes set on riches and land, often disregarding their wives back home. Cheating and loyalty became popular because love was not the primary emotion these men felt, nobility and honor were. However, Antonio's letter back home exhibits the progression of concepts of love. Riches did not spark his interest, being home with his wife did.

In some letters, the husbands would try to convince their wives to join them in New Spain. After establishing himself in Havana, Joaquín Ugarte desperately wanted his wife to come join him. In his letter to her, he wrote, "I have spent a great deal of money establishing a decent house, such as I now have, and need for my work. I have the girls who work in the house, I have a mulata woman who looks after me and after them, I have my little black boy to serve me, my carriage and mule, but they do not look after me the way you would. . . But, my dearest, here you'll live very comfortably and it could be that here you'll feel well. . . My dearest, come here, as you'll live very well; with the life here you'll live easy. . . Let me know that you're coming here, my soul, here you can rest easy. . . Come here, my dearest, and look after your own. . . I've already told you that here you can rest and you'll have your slaves, your carriage for promenades."¹⁹ The intent behind sailors' letters has allowed historians to conclude that there was a change in the meaning of love. The want for intimacy and relationship with another human

¹⁸ Earle, *Letters and Love*, see Antonio del Angel to Petronila Jiménez, Mexico, 15 April 1721, in Macías and Morales, eds., *Cartas desde América*, pp. 72-73.

¹⁹ Earle, *Letters and Love*, see Joaquín Ugarte to Juana Landero, Havana, 14 June 1768, in Macías and Morales, eds., *Cartas desde América*, eds., p. 255

overshadowed any laws and regulations the Spanish Crown could put on the people. The letters referred to above examine a change in the notion of love. Spanish settlers who did not have the luxury of taking their wives with them often found illegitimate love in the colonies.

Relationships between men from Spain and indigenous women skyrocketed when ideas of love started to spark in the colonies.

The need for love and relationships triggered a new response to the laws implemented by Spain. Spanish men who kept their loyalty to their wives back home had no intention of getting involved in marriage in the colonies. Along with that, the disconnect the natives had with Catholicism made it hard for Spanish law to be implemented in the colonies.

Breaking Their Own Rules

The implementation of marriage laws in the Spanish Empire received scrutiny throughout its reign. Natives, slaves, and pure Spanish blood all played a vital role in the failed attempts at marriage laws. Concepts like honor and purity made the marriage laws seem important and plausible. However, the documented articles and court cases have provided a strong argument that Spanish laws did not fix marriage issues. It is easy to blame the people in the colonies for mistreating these laws, but the Spanish Empire initiated the ability for the laws to be altered. This is another large contributing factor to why the laws did not work.

Before the implementation of the Royal Pragmatic in 1776, illegitimate marriages occurred in private if they did not want to be exposed. However, in some cases, permission for illegitimate marriages could be granted. Throughout research, many historians have discovered that certain colonists could buy their honor. Buying honor allowed for mixed children to receive the privileges honorable men had. Men could buy their whiteness and proceed to marry into an

honorable and legitimate family. The loophole created by the Spanish crown allowed for the mistreatment of their strict laws.

Several cases of concubinary relationships exist in seventeenth-century Lima. A concubinary relationship is the same concept as an unhonorable marriage. Many of these relationships resulted in the woman being of lower class status. As uncovered previously, distaste for race mixing and codes of honor gave the Spanish crown some lead-way in implementing their strict laws. In most instances, illegitimate relationships had no recognition from the church. However, rare cases of marriages being granted permission existed. According to historian Michelle McKinley “...priests and legislators reluctantly tolerated endogamous concubinage—especially if the couple’s informal union resulted eventually in marriage²⁰.”

King Charles III, implemented the Royal Pragmatic in 1776 to prevent impurities in Spanish blood. His initial motive to create the laws came from his brother, the *Infante* Luis Antonio de Borbón. According to a manuscript in Spain's Biblioteca Nacional, “. . . since the times of the Reyes Católicos, the tradition has been in Spain that the princes do not marry, which although most useful to the monarchy has been true slavery for the Their Highnesses . . . which has refrained them from using their liberty, even in those things which are common to all men.²¹” The manuscript explains that because Luis Antonio’s marriage is not considered legit by the monarchy, it could not happen.

However, despite this strict, intact rule, Anotonio eventually asked his brother for permission to marry. The King granted his brother permission to marry unequally, however, the marriage came with many consequences. According to a letter written to his brother, the King

²⁰ Michelle A. McKinley, “Illicit Intimacies,” *Journal of Family History* 39, no. 3 (2014): 204–21, <https://doi.org/10.1177/0363199014533758>.

²¹ Saether, “Bourbon Absolutism and Marriage Reform in Late Colonial Spanish America” see “*Motibos que hubo para expedir la Pragmatica sobre prohibicion de matrimonios desiguales*” in *Biblioteca Nacional (Madrid), Manuscripts [hereafter BNM], Mss 11043 "Varios papeles," fol. 57-59*

stated that he and his wife would have to live in a different city away from the courts. They also no longer had access to any privileges of the hierarchy²². The King's allowance of his younger brother's illegitimate marriage gave the colonists the idea that they too could ask permission to marry unequally. Seeing the leader of a nation give loopholes to his family questioned the authority and seriousness of his laws.

The leniency of any law to any person often leads to the mistreatment of the laws. It is common for societies to disregard laws that are not enforced properly or overlooked by the system. Loosely-enforced laws are often seen being committed casually. Colonists who discovered the leniency of marriage laws often overlooked them and continued with their lives. Leniency also made it easier for rich colonists to buy their honor. In certain circumstances, the wealthiest colonists could purchase their whiteness. According to historical author Ann Twinam, documents about colonists purchasing their whiteness are few and far between, however, that does not mean they do not exist²³.

One of the first documents found of a plea for whiteness came from the *Hispanic Historical Review* in the mid-1940s. The document published by John Tate Lanning, follows the story of a mulatto student named Joseph Ponciano de Ayarza. Ayarza, after his studies at the University of Santa Fe in Bogotá, realized he could not graduate due to his mixed race. Wanting to desperately receive his reward for graduating, Ayarza composed a sixteen-page document to the crown that petitioned his whiteness. He included local claims from his fellow colonists and included a decree that declared him white²⁴.

²² Saether, "Bourbon Absolutism and Marriage Reform in Late Colonial Spanish America" See *letter from Charles III to Luis Antonio de Borbón, 24 Apr. 1776 in BNM, Mss 10733, Papeles varios, fols. 247-251: "Copia de las Reales Ordenes de S. M. sobre la Licencia para el matrimonio del señor Ynfante Dn Luis."*

²³ Ann Twinam, *Purchasing Whiteness: Pardos, Mulattos, and the Quest for Social Mobility in the Spanish Indies* (Stanford, CA: Stanford University Press, 2015),

²⁴ Lanning, John Tate. "The Case of José Ponceano de Ayarza: A Document on the Negro in Higher Education." *HAHR* 24 (August 1944): 432–51.

Another historian for the *Hispanic Historical Review*, James F. King, uncovered the rest of Ayarza's story. According to King's research, the crown granted Ayarza whiteness after paying the selected fee. King also concluded that buying whiteness was not an unpopular notion in colonial Latin America. He states any mestizo could receive "the legal rights and privileges of whites through the payment of a standard fee to the Crown."²⁵ Although Ayarza's story has nothing to do with marriage laws, it still unveils that buying witness existed in colonial Latin America. Ayarza now could marry into an honorable family due to his newly purchased whiteness.

Buying whiteness and receiving honorability through payment is just another way the Spanish Crown was not able to implement its laws strictly. Colonists who had the funding to become "white" often did so to allow successes like graduations and marriages. If Spain enforced their rules harder, the mistreatment of them would have been harder to do. However, not only did Spain not have good control over the laws in their colonies, they created loopholes to avoid certain parts of the laws.

Conclusion

The colonization of any land allows for the mother country to influence the culture of the area they take over. For Spain, domination of the Southern Americas contributed to a large amount of economic success back home. Although Spain had lots to benefit from these colonies, it did not take long for hardships to occur across the ocean. The Spanish Crown believed their

²⁵ Twinam, *Purchasing Whiteness: Pardos, Mulattos, and the Quest for Social Mobility in the Spanish Indies*, 9. See King, James F. "The Case of José Ponciano de Ayarza: A Document on Gracias al Sacar." *HAHR* 31, no. 4 (November 1951): 640–47

oversight would continue to make the colonies prosperous, however many factors contributed to the exact opposite. Many of the laws enforced by the King of Spain were not practical.

The regulations Spain attempted to put over their colonies only led to more controversy and problems. When Spanish authority implemented laws that altered everyday life in the colonies, the response did not align the way the crown wanted it to. Historians have researched the effects marriage regulations had on colonial Spain for decades. A large majority of research has concluded that marriage laws did not influence the colonies the way the crown would have liked.

Spanish male explorers who searched for land and riches often spent a large majority of their lives in the colonies, away from Spain. Because a large portion of their lives was left back in Spain it was not uncommon for these travelers to establish a new structure of life. Loneliness and human sexual desire became large contributors to the mistreatment of marriage regulation in colonial Latin America. Explorers who did not have the luxury of taking their wives and families with them, often resorted to cheating on their loved ones back home. For a majority of those men, the New World offered new beginnings, both financially and sexually.

The problem that erupts from lonely Spanish men in colonial Latin America is their reaction to native and slave women. As discovered in the research about honor in Spanish America, entire lives and families were structured around honorability. Race mixing went against Spanish values that have existed for years. To prevent this issue, the Spanish crown implemented regulations to keep marriage and families pure. However, the interest of Spanish men in native and slave women disrupted Spanish purity in the colonies.

The exchange of tradition and values also prohibited the practicality of marriage laws. Jesuits and explorers who influenced native beliefs had a hard time completely converting them.

Creating a purified Catholic race became an important factor for colonizers, however, some traditions did not resonate with native populations. Natives and slaves did not comprehend many of the religious values that influenced Catholic marriage. Enlightenment ideas of love also changed the perception of strict marriages in colonial Latin America. Seventeenth-century colonists started to consider love over purity.

Lastly, the distance between the colonies and Spain kept marriage laws from being strictly enforced. As uncovered through research many Spanish sailors had multiple relationships everywhere they ended up. Although bigamy was considered a sin in Catholic Spain, it remained a common practice. The Spanish crown also could not detect the secret lives of many of these unhonorable families. The implementation of court systems kept track of the issues in the actual colonies, however, Spanish royalty could not control how marriage occurred.

Controlling the everyday lifestyle of the people in colonial Latin America disturbed the efficiency of the colonies. Spain believed that implementing strict laws would allow them to redirect their efficiency positively. Consistent marriage problems and court cases conflicted with this idea. By enforcing marriage laws that disrupted tradition and human desire, many colonists disregarded these laws. Distance, religious values, family status, and pure human emotion contributed greatly to the impracticality of these marriage restrictions. After all, the colonists who developed a new lifestyle in the Americas lost their ties to their homeland. Colonial Spanish America was their new home. Spanish laws against marriage were not practical in the colonies.

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