

## SLAVE FAMILY FORMATION

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### **Slavery in Latin America. Still pending in the research agenda.**

Among the most relevant topics -appointed three years ago by Héctor Pérez Brignoli (2006:115)-in the Latin America research agenda, the issue of human trafficking and slavery is highlighted. Acknowledging the relevance of the subject, we agree with the author regarding the potential that a multivariate approach -combining online socio-demographic, cultural, political and economic issues concerning the mental, moral and even religious aspects- has to contribute to its correct understanding (Pérez Brignoli 2006:117). Among so many aspects to deepen into the question of slavery, we look at the slave family, a topic almost intractable until recently.

This document responds to the interest of studying some features of the slave family by combining a variety of perspectives that reflect the mutual influence of cultural and reproductive behaviour in the society in Córdoba in the late eighteenth century and the mid-nineteenth century. On the one hand, an approach to the sociodemographic aspects that regulated the slave family formation through the organizational forms of reproduction such as family structures, choice of partner, changes in fertility, abandonment of children, consensus and others.

We are also concerned with issues related to mentalities, such as discourse and social perception of sexuality and everyday practices. By integrating a larger scale investigation concerning the slave family in Cordoba, in this study we will address some of these aspects. The combination of population censuses management and parish registers with direct and indirect estimation techniques, can achieve plausible results, particularly concerning the formation of families and the estimates of differential fertility levels.

Sources presented to the Archives of the Archdiocese and of the Province of Córdoba (matrimonial causes, ecclesiastical crimes, collections notaries, notarial protocols, crime records, etc...) report on cultural issues related to the social and everyday life of the slave family.

## **The quantitative dimension**

In Latin America the characteristics of slavery had pronounced differences between regions, as the economies and labour requirements differed from each other, with no comparable political situations, and thus with a different number of slaves.

For example, in Peru in the late eighteenth century, slaves were 3.7% of the population of the Viceroyalty, being much more abundant on the coast, while in Lima during the years of independence, the slaves made up 15.8%, then that percentage dropped to 12.1% in 1839. In Paraguay, 36% were *pardos* "brown" (including blacks and mulattos). In Montevideo, 16% of the total population was enslaved in 1778 and 19% in 1803 (Tardieu, 2000). In the late-colonial Buenos Aires, the African population was nearly 30% of the total, according to the census in 1778 (Mallo and Goldberg, 2005), and according to the census conducted in 1815 with the purpose of seizing slaves to serve the motherland, is verified an average of 1.8 slaves per owner (Bernard, 2000).

In Catamarca slaves represented 40% and 52% of the population, according to census of the late colonial period (Guzmán, 2008). In the cities of Tucumán the black population was over 55,711 individuals, of which 17,626 were in Cordoba.

The slaves who lived in Latin American cities, from the Conquest until independence, had distinctly different socio-cultural characteristics from those working in tropical plantations or in gold mines.

In the Viceroyalty of the Rio de la Plata was not present the kind of slavery typical in places with low indigenous population density and economies based on tropical products exports (Steers, 2008). There, where the domestic labour work was relatively abundant, African slaves were mostly urban workers.

In Peru, where labour remained essentially indigenous, black slaves supplemented their work and served as crew leaders or supervisors of indigenous workers. They were also involved in mineral benefit and transportation work, and in agriculture in orchards, vineyards, wheat and maize (Garcia Fuentes 2005). But it was not like that in other places, for example in Lima, where slavery had the characteristics of urban areas.

## **The slave in stratified societies and the possibilities of family formation**

What were the possibilities of access to marriage of young slaves? What social, economic or cultural factors were responsible for the reproductive behaviours on these populations? The frequency and manner of formation of couples define their forms of creation of families through formal behaviour, selection of spouse and the age of access to marriage or union, among others.

Colonial American cities were characterized by showing differences by states, as a way to show the power of whites and the place for Indians, blacks and castes in that society. The black color gave the slaves a visibility that other groups did not have, and was a mark of servile status. However, despite the insistence on applying institutional restrictive clauses in the name of "cleanliness of blood", they came into conflict with the extent of mixing and the characteristics of the colonial society (Bernard, 2000).

The general view of historiography in earlier decades was that the movement and the conditions in the Spanish American slavery led to the disintegration of the slave family. However, according to the literature of recent years, a better understanding of the possibilities that the slaves had to have a family and maintain parental ties (Novillo, 2008) has been produced. The many examples of ransom for freedom for a family member show that parental bonds were very strong and emotional, and any sacrifice was made to achieve *alforía* for a son, a husband or a wife (Bernard, 2000). In the density and importance attached to kinship, Gonzalbo emphasizes the predominance of the extended family in Africa, where the older person embodied the authority and the individual was subject to his decisions and authority. The concept of family in Africa would have included the deceased relatives and unborn children. The family ties were essential, and all those who were not immersed in the kinship networks, should buy protection with their work, and were considered outsiders to the community and even enslaved (Gonzalbo, 1998: 207). In Buenos Aires, Lyman Johnson records a 60% of manumissions obtained by the slaves between 1770-1810, thanks to their own efforts or with their family help.

However, the study of the slave family has many edges and difficulties since, as mentioned above, the variety of practices goes hand in hand with regional and temporal diversity. Even within the same plantation, marital practices offered a variety of patterns. For instance, in the Western Isles and the British sugar islands slaves adult parents did not live with their wives and sometimes they were in different plantations, while in the French islands they stayed in units where both parents lived together. (Martinez Montiel 2005). However, as this author says, family was the main social organization form that prevailed in slave communities, especially when it consolidated by marriage.

And access to marriage was just one of the variables that conditioned the differential behaviours, limited by several factors that produced not just a few drawbacks at the time to set up a couple. On the one hand, the strong social stratification of whites and castes, made that certain unions were not allowed, or destined to social disapproval, which favored concubinage in multiple times. Gonzalbo explain that canonical norms were more formal than real. Blacks and *mulattos* decidedly opted for free unions and the evasion of parental responsibilities. It should be noted that they had no aspirations to perpetuate the family name, or roots. This contributed to the marginalization of family life at least until the mixtures and the passage of

successive generations allowed them to go back into society without the stigma of past slavery (Gonzalbo Aizpuru, 1998: 220).

### **Influence of sex. The difficult equilibrium in the marriage market**

Over time, the weight of gender in slavery was variable. Until the nineteenth century, in general, more men from fifteen to twenty years than women were imported; but the Spanish Crown believed that one of the dangers which threatened its colonies was to keep slaves in terms of *agamia* and that their integration into colonial society could not dispense marriage. However, some authors believe that, despite the direct action of trafficking in Europe, the idea of a total passivity on the provision of human merchandise from African tribes should be hued. Gonzalbo thinks that should have existed a selective sale (some tribes did not resign women, or their own slaves) (Gonzalbo Aizpuru, 1998: 199). The economic advantage of women, in addition to the easement in white households, was the capacity of give birth, but this fact set a condition in white society: the need to allow them some kind of family institution or child-rearing. The dispositions given in the Laws of the Indies picked the right of black slaves to marry blacks, ie, people of color (Rípodas Ardanaz, 1977). In this case, the natural right of freedom of marriage that was collected in the *Partidas* emerged. As we have said, the old Spanish law (*Laws of the Siete Partidas*, thirteenth century), based on church doctrine, gave the slave the right to marry without the consent of the master and even in the face of opposition from him, but as long as the parties were equally condition. This marked a sharp limit on the choice of spouse, and most of the times, the owners forced their slaves to perform marriages in which their choice was not involved but the simple convenience of the master.

Still, marriage was not the rule for the slaves as it was not always promoted by the masters, based on the ground that, even through reproduction, it was generally not profitable to maintain slave families (Tardieu, 2005) and, moreover, the masters resisted the marriage of their slaves in order not to distract them from its obligations (Steers, 2008). According to Do Castro Faria, S. (2005), in Brazil during the eighteenth century for example,, the conditions that influenced marriage between slaves were the types of production, location of areas, the size of productive units and the historical moment. Even so, the slaves showed interest in getting married, with goals that went beyond the sacred marriage, especially the search for social recognition. This kind of *clase and condition inbreeding* was generally successful when it came to married couples, but given the condition of slavery, the foundation of marriage were not very strong. Because of the high mobility sometimes was not possible to know, for example, if either spouse was previously married (Mallo and Goldberg, 2005).

According to Gonzalbo, the high inbreeding for the *Afromestizo* group in New Spain, present in both sexes, was even more pronounced in women. Among the factors mentioned by the author who influenced the marital behaviour of slaves we can highlight: 1) The difficulty of finding partners in their own group; 2) The pressure exerted over their decisions by the master (the author believes that those born in America and Ladinos were more likely to select partners according to their approach to the black muzzles), 3) The customs inherited from their own cultural traditions of origin (the tendency to endo / exogamy; polygyny / monogamy; organization matriarchy / patriarchy); 4) The absence of safety family nets and close relation of moral authority and community, 5) poverty; 6) the low social esteem (Gonzalbo Aizpuru, 1998:206, 08.10).

It was also verified *more types of inbreeding*, as slaves of the same owner or inbreeding of origin of the slaves. On the first one, it was natural that the marriage of slaves of different owners were prevented, which hindered the formation of stable unions and, in the case when union actually took place, often ended with the sale or alienation of one spouse to prevent that the non-master lost a slave. With reference to the second, C. Castro Faria, S. (2005) argues that “*angola casava com angola, mina com mina, guiné com guiné e assim por diante*”. The *origins inbreeding* and the *owners inbreeding* were sometimes the source of the parent organization. According to Martínez Montiel (2005) kinship remained in cases where several families of slaves were kept in a stable union and for several successive generations, to form extended families, and even in others cases that were not a common habitat, they were able to regulate their relations satisfying rules taken either from the tradition of African or European standards as *patrilocality* or *matrilocality* or transmission of properties.

### **Aspirations of social advancement: trend to marry outside the group. In search of freedom and bleaching**

Just as it was difficult to establish intra-ethnic marriages, the interracial union has its own issues. Concerning the union of Indians with blacks, there were also many conflicts, and the Spanish officials tried to prevent it at all costs arguing religious and moral reasons, that were in fact political reasons. Many times the motivation to protect the Indians was invoked in the light of the abuses that some blacks and Creoles ladinos perpetrated on indigenous peoples (and thus the first group was not allowed to live in the second group's territory), but on the other side, the purpose was to avoid alliances between blacks, Indians and free people, especially relating to men who often married Indians and accessed to rights and privileges enjoyed by members of indigenous communities (Martinez Montiel (2005). In this way, children born of such unions were entitled free, by maternal right, and that was a fact that it could not be well accepted by the

proslavery society, but that was frequent and resulted in the typical Afro-mestizo population of the colony. For their part, black women also married Indians under the blessing of the master, which intended to include indigenous peoples in its work force. However, it also sought to establish associations with the masters, sometimes forced, but many of times by choice, thinking about the possibility of having children with them, so their descendants could be more easily access to freedom or privileges over the children of other slaves. Novillo (2008) argues that African Americans in general tend to exogamy and that his election was directed especially towards the mestizos in search of freedom and bleaching.

Moreover, the *imbalance of the sexes* was almost from the beginning of the question, and usually the number of males exceeded the number of women by far. This resulted in the occurrence of marriages with women from other groups, if possible, or resulting in the proverbial concubinage. While the church encouraged marriage and the law protected the links between slavery, the truth was that the *marital instability and lawlessness* was the rule (Laviña (2005). While most of the unions between slaves were not legalized in the Catholic colonies, such unions were sometimes confirmed by the Church. The common pattern was illegitimate because the owners were reluctant to marry their slaves, and to do so, they should resort to the Ombudsman getting in general, rather than permission to marry, the document of selling (Goldberg, 2005). Authors (Goldberg and Mallo 2005) stressed that in Buenos Aires in 1815 there were virtually no linkages between white and black or *pardos* (browns), which leads to suppose that the *pardos* (browns) were product of random associations and therefore illegitimate status.

### **Illegitimacy and Procreation**

Regardless of the type of family organization, black women procreated from a very young age, and premarital sex was allowed and discontinued at the first child born, after whom they established a union with the parent or another with whom they continued to procreate. This pattern was quite naturally in the Spanish colonies, for the similarity of behaviour that had the lowest class of free white *mestizos* or people of colour (Martinez Montiel, 2005). This phenomenon of high illegitimacy not only involved groups of slaves and mixed blood people, but was a common practice in all social classes, including whites.

Just as with the Spanish American slave society was very different from the plantation areas; there were also different patterns between the various ways in which it was developed, such as cities or campaign. *Illegitimacy* was also included in this phenomenon, as the remoteness of the control centre area meant that all behaviour outside the norm faded in multiple populations,

being therefore not highly visible. Goldberg (2005) and M. Montiel, (2005) argue that in rural areas the "*escape routes*" were more, and that isolation provides some freedom or opportunities for social advancement. The masculinity index of the campaign, which sometimes came to double the one of the cities, gave women the possibility of a broader marriage market, and therefore no less chances to procreate under conditions of illegitimacy. However, very occasionally the slaves were characterized by having similar values of marriage to those from other groups. Also, the sizes of the properties were conditioners for these processes, because the large landowners encouraged the marriage of their slaves and protected the marital stability, achieving the result that some couples had up to 5 children, thus increasing the flow of labour (Do Castro Faria, 2005).

### **Fecundity**

The number of children was another variable in the range of slave populations. In general, *fertility* in the slave family was significantly low. Goldberg (2005) argues that there were multiple factors in this pattern, including those resulting from emotional enslavement, migration and forced transplantation, almost forced high illegitimate births, the low frequency of sexual contact, breastfeeding the own child along with the owner's child, poor nutrition and sexual diseases. The same author asserts that these factors often lead to abortion and infanticide, as a resource to free their children from a life in slavery, as this condition was inherited by the maternal line. Many times it carried to "exposing" children or abandoned them in the "*torn*" in order for them to be rescued from the condition of slavery, because *foundlings* were considered free regardless of race (Martinez Montiel 2005). The amount of births in slavery was generally lower than among the black free population, but sometimes the greatest number of children born was compensated by high rates of mortality and morbidity among free blacks, given the extreme conditions of poverty which they were subject once released. It should be stressed that the births were often subject to death after giving birth and a subsequent high infant mortality (Garcia Fuentes, 2005).

### **Spiritual kinship**

Finally, as another aspect of the family -not in the sense of consanguineous ties- the *kinship ties* were very relevant. The ritual family established a kinship often difficult to build and maintain bonded. In the Latin American societies the institution of *compadrazgo* linked the voluntary participation of all classes and allowed the growth of community relations, not only among the slaves, but between these and the other social strata. The church contributed to its dissemination through the baptism, which legitimized the birth while tied adults in a spiritual commitment,

strengthening solidarity between parents and godparents, resulting in reciprocity in terms of services and support (Martinez Montiel 2005). By the *padrinazgo* relationship an individual and collective social structure was created, and family relationships were rebuilt, counteracting that way the omnivorous power of the masters and the system (Laviña, 2005; Volpi Scott 2008; Astiz 2008).

### **Temporal changes in patterns of family behavior**

All these patterns within slave families *were also variables over time*, as the socio-political and economic environment. For example, Goldberg (2005) found that the slave family is virtually non-existent in the census of 1744, having greater visibility in subsequent censuses. In Brazil, the abolition of the slave trade in 1831 and 1850 changed the landscape, and the promotion by the Church of a legislation that prevented the separation of the nuclear family, contributed to a renewed stability and legality of slaves couples. In several Latin American countries, especially in Argentina, the independence struggles of the nineteenth century led to the repudiation of all forms of slavery. The army was for black people a tool of social advancement, so significant that sometimes was postulated as one of the many explanations for the disappearance of African-Americans in Argentina. Since 1835, during the *rosista* government, many were recruited to fight in the frontier against the Indians, with a large number of people killed in the fighting (Bernard, 2005).

### **Occupations of slaves in urban and rural spaces**

In the cities of Latin America, the slaves worked as gardeners, in the farms they worked breeding birds and farm animals and cultivating gardens; producing goods that they sold in the city market to help their owners with small incomes; carrying packages to another part of town or from the campaign to it; being responsible for cleaning and disposal of waste and dead animals, processing foods, distilling alcoholic beverages, preparing sweets, spun, sewed, selling food and other objects in the streets of the city and from door to door, making candles and soaps, building musical instruments and other handicrafts to sell in the homes of family and doing all sorts of tasks related to cleaning, cooking, serving the table, washing the dishes. They were also drivers, valets, companionship ladies, breast feeders for the children of the employer; washers, sewers, menders, they wove and starch clothes between other tasks. They also replaced the Spanish in craft trades that were considered the vilest, such as shoemakers, carpenters, butchers. In the campaign, the presence of slaves was really significant in the rural



establishments where they played in all kinds of tasks related to agriculture, livestock, handicrafts, especially leather, carriage of goods, supply of fuel wood, water, collecting wild fruits, honey, medicinal plants, hunting of small wild animals and various household chores (Karasch, 1992:287 - 331).

### **Slave families in Cordoba, Argentina, in the late colonial period. Some peculiarities.**

#### **Population**

In 1778 the total number of slaves<sup>1</sup> in the territory of the jurisdiction of Cordoba amounted to 13% of the total population, being the 29.5% in the city, where the feminine element was predominated. The predominant age between slaves reveal the presence of a young population to 1778 (54% were between 15 and 49 years). As a condition of slavery was inherited through maternal line, the price of women was higher than males because of their reproductive value. The overall masculinity index was 67.5%. In the campaign, the increased presence of slaves was in the same period in the departments of Anejos and Calamuchita. For 1840 the number of slaves seems to have been negligible over the previous period -3% - (Celton, 1982). In Cordoba the female population of slaves was predominated, with a masculinity index of 67.5 for 1778, which reaches 88 in 1813. Córdoba was one of those cases where the price of women in the sales of slaves was higher than of males (Celton, 2000), probably because it was their fertility that ensured new slaves, regardless of ethnic colour the father.

#### **The ethnic composition**

The ethnic composition of slaves was varied, from pure black African race or very often mixed with Indian, Spanish and other ethnic sub-types, as result of crossbreeding. Only Jesuit estancias families kept slaves without mixing, selling children born of interracial relationships.

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<sup>1</sup> <sup>1</sup> Works related to slave trade for Cordoba can be found in Assadourian, C. (1965) "El tráfico de esclavos en Córdoba 1588 – 1610" en *Instituto de Estudios Americanistas, Facultad de Filosofía y Humanidades, Cuadernos de Historia* N° XXXII, Córdoba; Celton, D. (2000) "La venta de esclavos en Córdoba, Argentina, entre 1750 y 1850 en *Centro de Investigaciones Facultad de Filosofía y Humanidades, Universidad Nacional de Córdoba, Cuadernos de Historia, Serie Población*, N°2, Córdoba, pp. 5 - 21; López N. (1972) "La esclavitud en Córdoba 1790 – 1853" Tesina de licenciatura en Historia, Facultad de Filosofía y Humanidades, Universidad Nacional de Córdoba; Torres, F. (1972) "El comercio de esclavos en Córdoba 1700 – 1731" Tesina de licenciatura en Historia, Facultad de Filosofía y Humanidades, Universidad Nacional de Córdoba.

### **The slave as a symbol of status**

They were distributed between private owners and public religious or civil institutions. In private homes they were in some cases around the amount of thirty or forty among the more affluent neighbours and according to the testimony of travellers, even the poor people often have some of them in the field and in the city. The number of servants and slaves was, in the social perception, a demonstrative factor of economic solvency of the masters. In private houses, were the homes of individuals belonging to white stratum *Criollos* or mainlands, the ones who gathered most slaves. (Celton 1993: 154; Ghirardi 1994: 67). We are talking about merchants and landowners, of high social and political status, heads of family, with homes with plenty of staff (slave and free) at disposal. It was frequent to provide the daughters of families with major domestic slaves (Presta 2000:57-83). The presence of slaves in the homes of the city led to Concolorcorvo think about the situation of these:

*... ..en las casas principales es crecidísimo el número de esclavos, la mayor parte criollos, de cuantas castas se puede discurrir , porque en esta ciudad y en todo el Tucumán no hay fragilidad de dar libertad a ninguno, y como el alimento principal, que es la carne, está a precio muy moderado y no hay costumbre de vestirlos sino de aquellas telas ordinarias que se fabrican en casa por los propios esclavos, siendo muy raro el que trae zapatos, se mantienen fácilmente y alivian a sus amos con otras granjerías, y con esta sugestión no piensan en la libertad, con lo cual se exponían a un fin funesto como sucede en Lima... hay casas particulares que tienen treinta y cuarenta.....*  
(Concolorcorvo, 1959: 298 – 303)

### **Patterns of family formation: Marriage and illegitimacy**

The patterns of family formation in the colonial Latin American society are marked by fine distinctions and gradations, which are one of the questions of American historiography. The different forms of family life were important among Spanish or white people, among Indians, people of colour and slaves, even between urban and rural populations. The consideration of race or "quality" as a critical element in the social hierarchy persisted until the nineteenth century in many Latin American societies. In them, reproduction was inside and outside of marriage, causing a growth of mixing, as a result of licit and illicit unions called "caste" and in

case of whites, only of the last ones. This variety of forms of union responded to their ethnic and cultural diversity. The white or "Spanish" tried marital endogamy in order to protect the reputation and status of their descendants. Interethnic marriages were seen as bearers of a negative impact on the family prestige. So, ethnicity and class variables were used as interchangeable arguments and inter-marriage was only possible when providing an offset of status. The creation of a family among the Spaniards meant its categorization within the ruling class, defined by the social quality of the wife and the number of servants and slaves that the new home could have.

In the class status society, both free and slaves were not free to marry, because they needed the consent of their masters to establish an independent home or bring their wife to live at home. The crude nuptiality rate of slaves reached in Cordoba a 4 per thousand of the total population of that group, as well as the age difference between spouses: 29 years for males and 22 years for women, and the mandatory final celibacy for both, 69.8% female and 35.8% in men. The soaring rates of illegitimate births are evidence that there was still a considerable tolerance and promotion by the masters to sexual practices outside marriage, for purposes of reproduction of the labor force. For example, Thomas Calvo Guadalajara states that for 1600 a 75% of the population of African origin had been born out of marriage (Lavrin, 2005:491). Also in Rio de Janeiro between 1791 and 1799 illegitimate slaves children baptized reached between 60 and 89% and those in rural areas were three to four times more than the city (Pinto Venancio, 1998). Also in Cordoba, Argentina, something similar happened, in fact, between 1760 and 1790: illegitimate slaves children baptized of the city rounded a 57.2% and in the campaign they exceeded the 70% (Ferreyra, 1998).

The opposition to mixed marriages expressed, tacitly, a desire for endogamy and its social consequences: an increase in illegitimacy among all groups, both in the city and in the campaign. Extramarital relationships -and children born from them- were a form of integration between the various ethnic groups outside the social patterns imposed. In the late eighteenth century in Cordoba, the 53.7% of births in the whole population of castes were registered as illegitimate, somewhat higher than white children who reached 45% of this social group. (Celton, 1993: 40)

According to Ferreyra, the choice of spouse in Córdoba speaks strongly of out-breeding in the slave sector. Thus in men dominated the mixture with 39% free, followed by couples where both were slaves (33.7%) and slaves with Indians (31.7%). For female exogamy rates were respectively 27.9%, 34.6% and 25.9%. In this case the slaves preferred Spanish, and then mixed. In 1813 male slaves married as well with free(48.6%) than with slaves (49.5%), while

with the female slaves -for whom the strategy of have a free child was almost impossible- such crossings represented respectively 28.4% and 67.9%. But elsewhere the Argentine exogamy was much more noticeable. For example, Novillo (2008) found that in the Church of Tucumán only 6.7% of marriages were between slaves, while 62% are slaves to free women and only 27% slaves to free men. As we saw, inbreeding is often referred to the origin, which is confirmed for Cordoba, much more for women. From the male *Angola* slaves, the 58.6% of married black *Angola* female slaves, 22.4% with Indian, 12.4% with free, 5.2% with Cordoba slaves and 1.7% with mixed race, while from the *Angola* female slaves the 91.9 % married a man from the same origin and the rest with free or Indian, trying to achieve mechanisms that could eventually give freedom to their children. Most noticeable was the *owner's endogamy*, as for example, of the *Angolas*, 85% of couples had the same master. Also, Novillo (2008) register that in Tucumán, in the case of legitimate children of slaves and free, the vast majority had their both parents slaves and belonging to the same master.

Ferreira finds in Books and Records of marriages for 1700-1779 (1997) among the slaves, only 32% of legitimate wives and 57.6% of legitimate husbands, demonstrating the high consensual couples and the illegitimacy of their children. For 1813, from the total number of slaves, only 25% were married, but there was a clear sex difference, as the proportion of married was 31% in men, while women in that condition restored only 19%. But as we mentioned, this variable differs between different regions. In Buenos Aires Goldberg (2005) found between 1770 and 1880 a vast majority of slave children of unmarried mothers. An example of this a case presented by Silvia Mallo, where the value decreased by a slave being pregnant because the risk of death from childbirth was very high. Do Castro Faria (2005) says, that according his own data and other authors information, there was a high illegitimacy in Brazil during the eighteenth and nineteenth centuries, with values ranging between 66% and 98%.

The phenomenon of illegitimacy, like many others, could vary according to urban or rural spheres. Novillo (2008) recorded in the rural parish of Tucumán a 51% of illegitimacy while the Main Church is almost 80%. A similar figure brings Garavaglia (1999) for the rural area of San Isidro, where only 11.5% of slaves were married. Do Castro Faria (2008) found higher rates of illegitimacy to 66% in cities near the ports of arrival for Africans and the bishopric while in rural areas show significantly lower rates found cases where 90% of the children had their parents married. And so it was changing depending on the properties where the slaves lived. This was according to the needs of the master: Tardieu (2005) refers to data from other authors show that in 1872 in Brazil only 10% of slaves were married, while C. Castro Faria (2005) argues that in the larger properties of Rio de Janeiro there was a strong promotion of marriage,

especially revealed by the impairments. And shows that were allowed to marry those who lived in concubinage, and had children, who had illicit sexual relations, those related to the second degree of consanguinity, who baptized their children, etc. There was a dispensation for almost all the bans and in some cases some were able to marry more than twice or even incurring bigamy.

### **Fertility**

Another demonstration of the fact that young people were enslaved in Córdoba, is given by fertility rates by age of the slaves, which clearly show an early peak structure, with high concentrations between 15 and 24 years. Córdoba was involved throughout the colonial regime of natural fertility, that is, without limitation aware of their offspring .. The regime of the white population, checkmate by the increasing pressure of population of scheduled castes and clarified to preserve the lead in handling the relations of power, ensuring their survival through a high descent: an average of 8 children of a married woman to 20 years and one lengthy fertility, where the maximum contribution of children is done by women between 20 and 29 years. Obviously, these women had an earlier marital fertility and high free women and slaves, differences attributed partly to their situation of social and ethnic marginality.

In the case of the female slaves in the slave market, the sale price was higher than the males (Celton, 2000) certainly motivated because their fertility, that assured new slaves, regardless of ethnic colour of the father. The studies (Celton 1993: 33) estimated an average of 4 children per woman, below the 5 children per women estimated of the total in the Córdoba population, but it would be plausible due to the social and physical needs of these women. Their fertility was affected by the short average length of their useful lives and the obligation of feeding the children of her owners. If one considers that the breastfeeding period was extended beyond the year and a half of the child, resulting in the extension of amenorrhea and broadens the range of new births of slaves. Either way, the slaves in Córdoba had a higher fertility relative to other Latin American countries. For example in Mexico, and according to the books (Gonzalbo, 1998: 212) fertility was low because the slaves avoided pregnancy to avoid having slave children. Could be assumed that those who lived in concubinage, have similar behaviour than those who were married (Gonzalbo, 1998: 214).

### **Marriage, family, and slavery in territories under the jurisdiction of the Episcopal Hearing of Cordoba**

From the analytical perspective proposed by Ann Twinam (2009:50,1) that states that *sources themselves shape the topics of study*, seeking to unravel from within "networks of meaning" where people lived, the situations that follow, documented in primary sources, are intended to illustrate aspects of the slave tied to marriage, family and everyday life in several aspects. The intention is to provide a sociocultural context and a lesser extent legal frame, that we found in close interaction with the socio-demographic behaviour described in the slave population presented above. As seen, the problems of marriage and family slaves had specific characteristics. In the documentation we consulted, we have identified the following difficulties and vicissitudes to which slaves were exposed in the process of their families. We set it out below with some examples. The framework is the observation of territorial jurisdiction of the Episcopal Court of Córdoba del Tucumán, covering a large area of the current Argentine territory and part of Bolivia<sup>2</sup>. Could see through the criticism of the consultation documentation that one of the most serious problems suffered by the minorities sectors in general and the slaves in particular, were: the pressures exerted on its theoretical freedom to select partners, to force marriage or prevented from doing so, live with their spouse, avoiding sexual impositions by their superiors, move, stop a service, continuity of the family together once formed, and to ensure sufficient food for its own offspring.

### **Interference by the owners to marriage**

Although in theory the slaves were free to marriage without any consent, in practice there was a resistance by owners (individuals or institutions but also secular clergy) to marriages of their slaves with free individuals. According to some authors, these mixed marriages were frowned because they were seen as source situations of conflict and disorder (Arcondo, 1992: 295). The simple demonstration of interest could be reason to be put on sale, as evidenced by the instructions received in 1747 by the rector of the *Colegio de Montserrat*.<sup>3</sup> We present three examples from 1813, 1818 and 1822.. In all three, despite the dissent of the masters, the Episcopal Hearing gave permission for the celebration, which confirms the importance of the

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<sup>2</sup> In addition to Córdoba, the diocese included some areas of Tarija (currently Bolivia), Jujuy, Salta, Tucumán, Santiago del Estero, La Rioja. The year 1806 was the bishopric of Córdoba itself, incorporating the provinces of Córdoba, San Juan, Mendoza, San Luis and La Rioja which also comprised the jurisdiction of the Governor's Office of Córdoba. Despite the political crisis as a result of war since 1810, the establishment of the bishopric persisted after emancipation from Spain. In 1820 with the dissolution of the central government while the head as it comprised the provinces declared their independence, by being the Governor of the Province the one who exercise the patronage of the church of Córdoba (Ayrolo, 2001: 421-2).

<sup>3</sup> *al esclavo que pide casarse con libre lo venderá usted para no abrir la puerta a semejantes pretensiones. Ni conviene tampoco tenerlo soltero...* in: Memorial del Procurador Provincial Manuel Querini para el Rector del Colegio Convictorio de Nuestra Señora de Montserrat, dec. 10th. 1747. (Arcondo, A. 1992: 295)

sacrament of marriage even in the lowest sector of society, trying to avoid *the spiritual ruin* of couples. In the former case the syndic of the monastery of Santa Teresa, José Manuel Martínez, appeared to justice to prevent the completion of the marriage of Juan Manuel Suárez -slave of that institution- with Felipa Liendo, free *parda* (brown). As mentioned, the hearing was issued authorizing the conclusion. This highlights the right of the monastery to sold the slave to a fair price, even outside the city in the case of have no master in it. Is pretty interesting the concern highlighted by the church to aware the contracting party about the possibility of selling her fiancé out of town<sup>4</sup>. In the case of Doña Eugenia Gutierrez, who asked the Provider to prevent the marriage of her slave Marcos with the slave *mulata* propriety of the Mayor, Don José Matías Torres (Pabla Torres) did not reach an affirmative answer to the request for the marriage. Dean Gregorio Funes reminded that *slavery is no canonical impediment, or the laws require the consent of owners*.<sup>5</sup> Other case was in the border area of east Córdoba, where the commander of the Fuerte del Tío wrote the vicar of Villa del Rosario, asking him to intercede for a slave soldier who wanted to marry a minor slave owned by Fermín Luque, who opposed. Provider responded by authorizing the marriage, appointing that a date for reunion of the couple should be set, once married.<sup>6</sup>

Distortion of the data of birth after the decree of freedom of wombs, in order to prevent them from marrying as free. The slave Teresa Carriso was wishing to marry in 1844 with Cape Eustaquio Olmos. Its owners said she born before the decree -about 1804-. Tracking the departure, the priest of the Anejos informed that he was not able to retrieve any information of her birth between 1808 and 1816. The case would remain incomplete.<sup>7</sup> Neither the Church nor the General Advocate of the Poor were able to overcome the obstacles to allow the slave to establish a legitimate family life as autonomous, according to the law.

Actions to prevent the cohabitation of married couples. In practice, respect for “marital life” as mandated by the church, fulfilled the requirements of cohabitation and fidelity of the married couple, hinders the free reproduction and promoted the dispersion of the workforce when one spouse lived outside the property of the master. Sometimes the same men of the church violated these principles when affecting their own interests. Thus, the minister Juan Ignacio Becerra in 1822 denied the right to cohabit with her husband to the slave Victoria Becerra. Genaro

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<sup>4</sup> AAC Pleitos por Esponsales Leg. 193, t. VIII, exp. 2.

<sup>5</sup> AAC Pleitos por Esponsales Leg. 193, t. VIII, exp. 2.

<sup>6</sup> Leg. 193 (1812-1880) t. VIII, exp. 16.

<sup>7</sup> AHPC, Escribanía II, Año 1844, leg. 140, exp. 24. The candidate for marriage, who brought the application for background checks was Eustaquio Olmos form the Compañía de Granaderos del Batallón de Patricios de Córdoba, through the General Advocate of the poor ..

Ramallo, a slave of Dr. Ramallo, priest and vicar of Piedra Blanca in Traslasierra. Again, as in the other cases we exposed, the audience chose the Episcopal negotiation between the parties, seeking an agreement of interests. After all, before they were religious men, they were owners...<sup>8</sup>

Coercion to marry with slaves from the same property. According Bestard (1992: 103) marriage acted as a mechanism of intra-political and economic control by preventing the spread of productive force. Linked to this practice was the use of force and fear in order to marry. In 1777 the uncle of Maria Lorenza Ulloa presents an action of nullity of marriage by consent default of his niece, who married a *mulato* slave of the priest of Sumampa, Santiago del Estero. The women also worked as a laundress at the service of the same owner. One witness called to testify would affirm having seen her *walk away happy on the wedding day*. The church would fail for the restoration of the union, making the woman return to the home of the priest-master<sup>9</sup>, from when she escaped.

Promotion of legitimate unions between free and slaves as a form of compulsory recruitment of labor. Silvia Mallo (2002) states that some slaves had permission from their masters to work pretending to be free, in order to earn the income that would enable them to buy their freedom. In general free women were the ones that generally joined with slaves, remaining anchored to the status of their consorts, due to the fact that law and religion stated that they should follow the husband. In practice this also happened with men, especially if were young, inexperienced and alone. A paradigmatic example is Francisco Rodriguez. Indeed, in 1702 in the city of Jujuy slave Juana, propriety of Doña Mariana Gonzalez de Mena was compelled to marry by force by the ecclesiastical courts and the real, to Francisco Rodriguez, a native of Córdoba, after being caught *infraganti* having sex. It was a very young and poor boy, lonely and a stranger in the city, who had left her parents' house to *look for life*. When launched later the cause of invalidity to get rid of the union stated that the slave status of women had gone completely unnoticed, both by the light colour of the skin and for the freedom she has to circulate to sell *chicha*. He said that after a few days of marriage, people included him on a broker at the border lands of the *Mandisoví y Chaco*, considering him a neighbour. The slave then confessed that she had engineered the situation to find a man who cared for her; however, it seems strange that the boy after several months living with the woman had not been warned that she was a slave. He may lie but is right to wonder if the community did not have some complicity in this confusion by using a strategy of attraction and attachment to the land with unmarried young men fit for work.

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<sup>8</sup> Pleitos por Esponsales. Leg. 193 (1812-1880) t. VIII, exp. 17.

<sup>9</sup> AAC. Causas matrimoniales, Juicios de Nulidad, Leg. 196 Years 1786 - 1790, t.II, exp.4.



No sentence is written in the file.<sup>10</sup> This example also shows how the negotiation with the masters allow slaves sometimes to *live as free*, and -within the limits imposed by slavery- have a lifestyle they wished, using the possibilities that the social and economic system allowed, and may be absent days or longer periods of the house of the master, accumulating money for his release through the generation of creative strategies, lifestyles and survival, to integrate into society through investment in different items(horses, mules, slaves and property) (Mallo 2009)

Promoting the reproduction of the slave labour out of marriage because it was easier and more lucrative for many owners to let their slaves be free to reproduce, with other servants of his property and also with the owner himself. Closely linked to this practice was the use of slaves as an object of pleasure of the masters. This has been widely documented, including clerics, as will be seen in some examples. To carnal pleasure, they add the benefit of free labour. In 1775, Rio Segundo, a Portuguese named Ignacio Gomez and Silva, remarried with a slave, accepted the adulterine concubinage of his wife, the *parda* (brown) Phelipa, with the master, married in turn with Andrea Pucheta. Two months after married the slave, the husband went to court to report the matter to justice. The man said that the master's woman found them in bed and abandoned him ” ... *y solo volvio a los ruegos a su casa comportandose como criada dandole un plato de comer de lo que sobra o nada...*”<sup>11</sup> As a basis for suspicions about the relationship, the complainant explained that was the same master who had requested that they married, in his view, to mask the relationship between them. Then, states that in one occasion, when sent to Santa Fe to sell maize

*“... por no dejarla ir sola entre peones a los riesgos del camino y extraña jurisdicción me fui a acompañarle, y el amo con el pretexto de acompañarlos una parte del camino siguió hasta el final [durante el viaje] repetidas noches no la encontré en la cama ni en la carreta...”<sup>12</sup>.*

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<sup>10</sup> AAC, Causas matrimoniales, Juicios de nulidad, Leg 194, Years 1688 – 1745, t. I, exp. 5.

<sup>11</sup> AAC, Causas matrimoniales, Juicios de Divorcio, Leg. 195, Años 1746 – 1785, t. II, exp. 12. f. 1, 1 vto, 5, 7, Cause of prolonged adultery initiated by and Silva Ignacio Gomez, a native of Portugal, banished from the Colony and resident of Rio Segundo, married in first marriage with Andrea Mendoza Pucheta. Master and slave were widowed, and remarried. The master accused was Gerónimo Gaete, Sergeant-Major, married in first marriage with Andrea Mendoza Pucheta.

<sup>12</sup> *Ibidem*.

heard them arguing, and the master was calling her "whore" because of the jealousy that existed between them in which she had replied "ungrateful " which led to the complainant *stating "... that does not explain such a response in a slave unless concubine..*"<sup>13</sup>

The matrimonial handling of the servants, slave or free, according to the master's convenience is evident once again in this case. The cause remained unfinished. The fact that the cheated husband was the one who revealed the facts, shows how intolerable affront to their honour it was, unlike other cases in which husbands had maybe silence for fear of losing their livelihood. Over time, some of these practices begin to be socially questioned.

### **Opposition from relatives to the marriage between free with slaves.**

According to Goldberg and Mallo, the highest aspiration of a slave was freedom, meaning honour and dignity; and also bleaching and the use of what Herbert Klein called *a time for himself*, consisting in the development of pathways to achieve manumission or freedom (Goldberg Mallo and 2005:42). This explains why there were parents who refused conjugal arrangements of children with free slaves. These marriages were interpreted as a social fall for families, even belonging to lower strata because freedom was perhaps the only symbolic capital they possessed. Thus, representatives of the free castes and the ones of the slave castes, offered resistance to the union of slaves with their daughters. We must remember here that since the canonical and civil law promoted the unity of domicile of the spouses, the marriage of a woman with a slave man implied in fact, although their children were free, a state of subjection. This can be seen for example in two cases in 1826, an era in which freedom as a social value increased substantially. Thus, the slave master Juan Veliz Prado opposed to the marriage of his daughter (free) with the slave Hilarion Moyano, based on the minority of her daughter and the inferior status of men. Justice, however, authorized the marriage<sup>14</sup>. Also for the same reasons, the free *pardo* (brown) Esteban Fonseca resisted his daughter (also free) to marry the slave José de la Cruz, belonging to Don Tomás Vázquez Inocencio, a 1st instance judge. Unlike the previous case, it remained unresolved.<sup>15</sup>

### **The tangled bureaucracy interfered in ecclesiastical practice in certain cases of marriages of slaves.**

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<sup>13</sup> *Ibidem*.

<sup>14</sup> AHPC. Escribanía 4, Year 1826, Leg. 66, exp. 19.

<sup>15</sup> *Ibidem*. AHPC. Escribanía 4, Year 1826, Leg. 66, exp. 27.

Through the observance of a variegated and complex regulation related to marriage and an overzealous bureaucracy, marriages were in practice sometimes questioned, delayed or discouraged. Records of these are files of slave marriage annulments in a canonical form; by default, consent; impediment of affinity. However, the judicial practice of the Episcopal Court of Cordoba showed a desire to stabilize the unions as a conscious policy, as seen in the examples presented above.

In 1787 the 24 years old black slave Atanasio de la Cruz, , belonging to the Convent of San Francisco from the city of Cordoba and the slave Maria de la Cruz Cabrera, 20, free *parda* (brown) from the city of Cordoba got married on Sunday 11 November, at six o'clock in the temple of San Francisco. The problem arose because it was not officially known if the ceremony was authorized or not; as well as the identity of the celebrant. Thus, the Ecclesiastic Prosecutor called the separation of the couple until the ratification of marriage. The charge of irregularity occurred four days after the fact. According to the parties and the best man of the wedding, the celebration was held by Father Fray Pantaleon Garcia in his Convent church and with licensed power granted by Dr. Don Gabriel Echenique Priest Lieutenant from Dr. Don Joseph Antonio Moyano. Echenique required the Prosecutor to explain on what terms, oral or written, the leading priest conferred him powers to commission another priest, or to grant the power to administer sacraments ... The type and condition of the affected couple created also a framework for suspicious mistrust within the consorts and circumstances surrounding the marriage:

*“...por defecto de la jurisdicción necesaria en el misnistro que asistió a su celebración en calidad de Párroco [...] siendo circunstancia digna de reparo que el referido Padre Lector no debio estar en materia tan grave a sola la relación y dicho de los contraientes, maxime quando por ser personas viles y esclavas de su mismo convento, se debian tener por sospechosos, y por tanto debio asegurarse con la firma del Rector o su theniente, o al menos cerciorarse inmediatamente por su Persona o por otro medio equivalente para proceder a aquel acto.”<sup>16</sup>”*

Twelve days after the case was resolved with the recognition of marriage. In the meanwhile the couple were suspected and treated as criminals for prosecution until the final resolution.

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<sup>16</sup> AAC, Causas matrimoniales, Juicios de nulidad, Leg 196 Años 1786 - 1790, t.III, exp.3, f. 10, 10 vto, 12.

## Concubinage of clerics with slaves

Not only secular (married or unmarried) men took his slaves as women, and the concubinage of the clergy –resulting in sacrilegious servile offspring- was not exceptional. But what was the fate of women and children of these "*abnormal family practices*"? Incarnations of sin and more than dangerous for the desired social order, those types of relations were not designed to last indefinitely. We selected two examples with different characteristics from each other as illustrative of these non-formalized families. One of the cases was way beneficial for the woman, who was treated with high regard for several years by her concubine. For a long time, man stood against the odds to resist the highest ecclesiastical and secular authorities (and faced the king, the viceroy and the bishop of Tucumán). Dr. José Lino de Leon was dignity *Chantre* of the cathedral church, and his *mulatta* slave, Bernabela Antonia Villamonte, was released after the state of servitude by his master. The slave received a property as a donation and was financially supported by him. From the files we can see that in Buenos Aires she was allowed to walk in public, use his car, use his bed at the time of give birth, and that se was supplied with slaves under her orders in the house. She dressed in silk, and was in charge of the money management and the government of the house. The case against the cleric partner lasted more than six years (1794-1800). By order of the viceroy, the couple was separated (in fact it was separated several times, after clear manifestations of rebellion of the couple who relapsed in concubinage) Bernabela was imprisoned in the convent and the priest was removed from his dignity *Chantre* charge, and private from his benefits due to his *incurregible vicio de torpeza*<sup>17</sup>. (incurrigible habit of clumsiness)

. In contrast, in another case in 1813, the slave did not receive any consideration from the cleric. It is very interest that the mother of the slave María de Montserrat de la Cruz (who was also a slave) appeared before the church seeking freedom and justice, and suing her own master, the cleric priest Marcos Ariza, with who she claimed to have had treatment, with the result of the wrongful birth of two children. Dellaferrera Nelson (2006) notes that, procedurally, a slave had no capacity to represent his daughter, or herself, but the secular authority, strikingly, did not mention it. The lawsuit ended dismissing the slave's clame, who did not provide, in the opinion of the court, sufficient evidence of the illicit relationship with the cleric. Thus, he was acquitted.<sup>18</sup>

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<sup>17</sup> AAC, Leg. 37, Years 1789-1794, t. III, exp. 12.

<sup>18</sup> AAC.Leg.37, Years 1807-1815, t.V,Exp.8

Difficulties of slaves parents to free their children from servility. As the value in childhood was less than in adulthood, it was during childhood that the accessibility of the price allowed more easily to their parents to purchase them in order to provide them freedom. But not always the masters provided these attempts. Thus, Josefa Ramallo, *mulatta* slave of Juan Manuel Lopez had been sold by its previous owner, whose son-in-law Juan Gualberto Luque, retained his little girl of six years and seven months by refusing to consent to its sale. Although at the time of the acquisition for his wife the little slave was valued at \$ 160, after the requirements made by the mother, Luque demanded \$ 200 –*alcabala* and writing free- to sell her. This ended with the little girl returning beside his parents. In contrast to the speculative attitude of the previous owner, we need to mention the understanding provided by the new master, who not only interceded for his situation through a letter, but he gave the mother a fifteen days license to process before the courts the demand for freedom of his daughter<sup>19</sup>. As the children inherited the status of the mother, if a free individual had progeny with a slave woman, then the child had no freedom, but it was possible then released at the same time the child with the mother, having to pay its price. One case was Bernardino, free *pardo* (brown) who had four children with María de la Asenciçon, slave of Santo Domingo to which:

*“...liberté con cuatro fixos que fueron Anselmo, María Ilaria, Lorenzo, Micaela...”<sup>20</sup>.*

### **Interference to manumission by testamentary order**

The slave who was promised by the master to grant freedom to his death, had the risk of the interference of the heirs of the deceased, which not always interpreted with appreciation his generosity, especially when the property was limited and / or when the amount of grants provided by the deceased were close to overcoming the fifth available. In the case of the action taken by Cornelio Zavala, free *pardo* for his wife, a slave of Doña Maria Theresa Mendez, the son-in-law of the benefactor came to the crossing of its claim to freedom, arguing that while the manumission of first women was actually mentioned in the first will, then, in a new one, she was omitted, mentioning only the mother. The ruling gave the slave her freedom establishing her manumission. However it was clarified that she should made a payment to the heirs of her

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<sup>19</sup> The record starts November 4<sup>th</sup>, 1807 and ends Dec. 18<sup>th</sup>. Case for Villa del Rosario, cf. AHPC, II writing desk, leg. 110, exp. 27.

<sup>20</sup> AHPC, Registro I, Year 1795, leg. 177, f. 264.

master.<sup>21</sup> Indeed, if the demands set out in the fifth exceeded the proportion of assets, Josefa would be forced to buy the value of her own freedom. This suggests that some owners, especially women with little or no instruction and badly advised, although with real intentions to free her slaves, were not aware that its provisions were to have legal force according the requirements that the law provided.

### **Obstructions to the concretion of promised rewards.**

Furthermore, the heirs of owners who had gratified his slaves with a good, often express reluctance to recognition of the benefit of the deceased relative. For example, in one case the master had given a slave at his service in addition to his freedom a portion of land. On the death of the servant, the benefactor's granddaughters were quick to try to recover the goods, considering that slave Leonardo had died without leaving heirs, in which case it was considered that the land should revert to the family trunk.<sup>22</sup>

### **Two forms of malignant treatment for slaves. Application of brutality and dispersal of the family due to selling.**

In 1814 was presented to the justice of the Episcopal diocese of Córdoba an accusation against the dignity *Chantre* of the cathedral Eusebio Francisco Javier Mendiolaza for punishment in excess of two slaves, one female. As a result of such conduct, the court ordered the sale of the complete family of slaves. As a curiosity, was the same *Chantre* who made the valuation of them describing their skills and setting the price:

*Se vende el esclavo Antonio, de oficio albañil, en ochenta pesos, libre de escritura y alcabala, con advertencia de que actualmente se anda conchavando en obras. Córdoba 18 de junio de 1814. Se vende Petrona, mujer de dicho Antonio: sabe leer, cocinera, lavandera y planchadora, en doscientos setenta pesos, libre de escritura y alcabala. Córdoba 18 de junio de 1814. Se vende el joven Vicente, hijo del anterior matrimonio, con principios de violín, que sabe*

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<sup>21</sup> AHPC, Escribanía IV, Year 1804, leg. 23, exp. 26.

<sup>22</sup> This is a case filed in the year 1778 "Doña Teresa Cabrera and others sisters asking for lands that had been left by a slave belonging to the family." The sisters were Mrs. Thereza, Doña María Josepha and Ana Isabel de Herrera y Cabrera, legitimate daughters of Maestre Pedro de Herrera y Velasco and Isabel Cabrera. Reference land were called "Cerro Negro" in the mountains and scenery of Intihuasi. Summoned to appear in court, the wife of the slave subject to the donation said that the papers reported were possession of a third person due to a debt of the deceased. It is difficult to establish whether this response was originated in the truth or if it was a strategy to retain the land. The truth is that the cause was truncated; cf. AHPC, writing desk I, Year 1778, leg. 390, exp. 6.

*leer y escribir, en ciento noventa pesos, libre de escritura y alcabala. Córdoba 18 de junio de 1814. Se vende la esclava Melchora, de edad de dieciocho años, diestra en servicio a la mano y sabe coser, lavar, planchar y cocinar, inmediatamente, en trescientos pesos, libre de escritura y alcabala. Córdoba 18 de junio de 1814" (fs. 14r).*

The prices set by the *Chantre* were considered moderate, and were approved with a perpetual silence about what had happened.<sup>23</sup> Should not the ecclesiastical authority penalize the *Chantre*, whose brutality resulted in the possible further spread of a complete slave family? If the same offender was responsible for managing the sale of slaves, what were the guarantees that he will behave correctly, without any behaviour tending to abort sales, especially taking into account the influence that his role in society gave him?

### **Domestic slaves in the intimate family universe**

Slaves and domestic servants can be considered as part of the inner universe of families, because they were cohabiting in the household, so in many cases existed between them and their masters a kind of affectionate bond and trust, emerged from coexistence. The fate of their masters directly impacted on them. A slave could be a very good livelihood for a small family or for elderly with no relatives (Goldberg, Mallo 2005; Ghirardi 2004 Guzman, 2009). Thus, in the documentation consulted they are strongly linked to family dynamics. They were witnesses of disputes between spouses, and they accessed the tiniest details in their family matters, so their testimony was accepted in the ecclesiastical courts in matrimonial cases of divorce or lawsuits for breach of word matching. They were often those who provided the crucial elements in the clarification of the facts. For example, was a slave the one who said to have witnessed the event at which the bride gave this girlfriend a bottle containing an abortive potion, another slave was in another case for breach of betrothal, declaring that he saw a female slave slipping into the master's room... They were often active participants in the family histories, not limited only to be mere witnesses of the facts but being protagonists. Once, was a bribed slave who allowed access to the entrance of the house to a young boy in order to enable entering the daughter's room at night, it was the help of a faithful slave that assisted her mistress after a bloody fight with her angry husband, could had been a slave from the hospital who provided medicine to a couple to avoid an unwanted pregnancy...

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<sup>23</sup> AAC Crímenes eclesiásticos.Leg.37(1807-1815)t.V,Exp.39

Slaves and servants were also the preferred emissaries carrying letters from their masters, presents and all kinds of messages. Seem to embody perfectly the figure of "*corre, ve y dile*" (a sort of informal messenger, or runner) of some picaresque comedies. Children and young slaves were the most wanted for this type of work. They were the companions for their masters on their visits to friends and relatives in the city; they assisted to Church; they -externalizing their solidarity towards the mistress- dared to lavish a "casual nudge" to the master's lover while leaving the temple. Would be the slave, with role of nurse, who would accompany the children until their departure for home at the time of marriage or at the entrance to the monastery, or who continues to assist in the new stage of their lives. The identification of the spouse with the slave or servants included them in the aversion that some husbands professed. When the masters were in conflict, slaves or servants were to take sides in favour of one or another of their owners, and it is possible that these solidarities were product of having been introduced to the marriage as separate property of either of the spouses. Sometimes this resulted in punishment or intention to sell due to the resentment caused for demonstrations of loyalty towards the adversary spouse. Defending the lady of the house sometimes resulted in the exercise of violence (Ghirardi, 2004).

In one case, the dispute experienced between a husband accused of adultery and the servants of a blind woman -whom the master wanted to sell- took the husband to engage in serious complaints against the woman in the justice, accusing her of being a harmful influence on them and :

*"...condenar a la casa al exterminio e intereses que se halla al reparo de unos domesticos tan alucinados con los escritos de la Sra. que dias pasados la esclava que pide mi esposa se ha echado sobre mi, acaso con el depravado fin de asesinarme..."<sup>24</sup>.*

Used many times as sex objects of the masters, as he saw before, the slaves could become rivals for the wives, producing loathing against them and the fruits of the sexual practices that were subjected to. Thus, so also the wives were fierce in their punishments against the servants, causing the reproaches of the husbands. The corruption of the servant by the master was one of the causes of manumission covered by Castilian law, so many found in alleged promises of freedom for themselves and the children born of such unions, the incentive to surrender carnally

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<sup>24</sup> AHPC, Escribanía I, Año 1808, Leg. 435, exp. 1.



to their owners.<sup>25</sup> Through the analysis of documentation was also evident the emotional appreciation for the faithful service to some slaves<sup>26</sup> and other service personnel by the master, who used to remind them at the time of his dead or will and testament, giving them freedom or leaving any money<sup>27</sup> or material effect. If in some cases master were generous, in other they were not. As in as in the case of a master who left in his will indications to separate ten *pesos* of the fifth of his assets to provide fruit to his slave in the holidays, to be provided "*little by little*" by the wife or any children of the family.<sup>28</sup>

### **Struggle between church and slave family in relation to the credits for their inheritance**

Respect of the slaves, it should be noted once again the struggle between church and family in relation to the credit of their inheritance. This is reflected in the case of the slave Juan Quijano, mason property of the convent of La Merced. Few months after his wife's death –the free *parda* named María Flores- the man returned to marry another woman without any inventory of the property left by the death of the first: a house, some movable property and animals. In their complaints about those goods, the heirs of the deceased collided with the claims of the convent of La Merced. Even if the main argument to rescue the goods they felt as property of their mother was that the slave had never contributed with nothing to the marriage<sup>29</sup>, and therefore belonged to them, the arguments of the priest, Padre de la Merced, Fr. José Domingo Moyano insisted that the properties belonged to the man. His argument was based on everything

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<sup>25</sup> Cfr. Causas Matrimoniales, Juicios de Divorcio quoad thorum Leg. 201, Years 1811 – 1814, exp. 7. In the case the master promises manumission to the children with the slave, in the alleged intention of winning her will. In this regard, we stress that Indian law contemplated the corruption of the servant by his master as a cause of manumission, cfr. LEVAGGI, A. (1987:106).

<sup>26</sup> Doña Rosa Freytes freed her slave by testamentary disposition, by acknowledging that she "*la asisitio desde que tuvo uso de razón*", cfr. AHPC, Registro I, Year 1791, leg. 173, f. 246.

<sup>27</sup> For example, don Juan Manuel de la Fuente by the 10th clause of his will, gave \$100 to a boy "*...que me ha servido dos años sin interes alguno llamado Pedro Joseph Araya [...] por via de gratificacion y compensacion...*", cfr. AHPC, Registro I, Year 1795, leg. 177, f. 15 vto.

<sup>28</sup> This is the case of Don Dionicio Gonzalez y San Millan, married with Doña Felipa del Signo. By the goods listed in the will and the size of the dowry of the wife at the moment of marriage - \$ 4,000- we saw that it was a wealthy family in the local society. In the nineteenth article of his will, Don Dionicio status that:  
"*...se separen \$10 para mi Esclavo Antonino a quien se le iran suministrando de poco en poco para fruta en los días festivos, por mi esposa ó alguno de mis hijos según les pareciese...*": cfr. AHPC, Registro I, Years 1837 – 1842, leg. 188, f. 372 vto.

<sup>29</sup> Not only as a result of misconduct sustained by the slave but because its fruits were *alieni juri* he never was able to increase or acquire more than the daily price that the owner establish as the rights of slavery, more than once met by the mother of his own industry .

purchased by the slave belonged to the master, it would therefore be the convent, as owner and landlord, to whom the goods belonged, the ones introduced by the slave to marriage, as well as half of the commons Inventory:

*“...sin que los menores sus hijos puedan pretender accion o derecho a la legitima y taza que pone la Ley para otros casos, se ha de servir la justificacion de Vuestra Merced mandar entregar a mi sagrado convento todo lo que por lo que llevo alegado pueda y deba caverle a su esclavo Juan sin ser necesario para ello verificar primero las hijuelas de los menores y demas interesados sus hermanos...”<sup>30</sup>.*

In everyday life of blacks in Latin America, Goldberg emphasizes a view of slavery with a *creative force as part of their adjustment process, able to take advantage of the contradictions of the colonial system to use it in his own benefit* (2005: 3). New approaches in historiographical studies of slavery seek to overcome the antithetical views about a total submission or in contrast, natural inclination to violence, crime and resistance in the actions of the slaves, addressing certain conflicts as forms of self-defense, adaptation to the colonial system and form of survival more than as a phenomenon of resistance within the range of action that the system allowed (Mallo, 2005; Garcia, 2005; Rosal: 2009, Carlos Aguirre, 2005).

### **As conclusion**

In summary we may say that in Latin America, the volume of the slave population showed marked differences depending on the political and economic situation in each area, linked to production and labour requirements. Example of how policies affected the status of slave families is Brazil, as from the abolition of trafficking in 1831 and 1850 the church passed a legislation that prevented the separation of the nuclear family, which contributed to a renewed stability and legality of couples. In several Latin American countries, especially in Argentina, the independence struggles of the nineteenth century led to the repudiation of all forms of servility. The army was for blacks a tool for social advancement, so significant that it has been considered one of the many explanations for the disappearance of African Americans in the country. Patterns of socio-demographic behaviour of the slave population were varying in time, region and depending on whether spheres: rural or urban.

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<sup>30</sup> AHPC, Escribanía I, Leg. 406, exp. 7, f. 209.

The different features that shaped the colonial American cities where the slave was at the lowest level of the social system, did not prevent the proliferation of miscegenation of blacks with other groups in society, free or slaves, within and outside the marriage. Even with the Spaniards, but did not have the same social consensus, and were ultimately banned in 1805 all marriages Among Spanish blacks, mulattoes and other mixtures.

The imbalance of the sexes was almost from the beginning of the question, conditioning the formation of couples. Usually the number of males far exceeded that of women in many parts of Latin America. Unions with free individuals were always an instrument used by slaves, whenever they could in their search for social advancement. While the church encourages marriage, and the law protected the unions between slaves, lawlessness and instability of marriage seems to have been the rule. Thus, illegitimacy was a frequent pattern, since the owners were reluctant to allow their slaves to marry. According to studies, births were in general lower among the slaves than in free people of colour, but sometimes the greatest number of born children was compensated by the high mortality and morbidity rates, given by the extreme conditions and poverty they were subject once released. In Latin American societies the institution of *compadrazgo*, and spiritual link, was a voluntary bond of kinship for all classes that allowed the growth of community relations not only among the slaves, but between these and the other social strata.

In Córdoba in 1778 the total slave population amounted to 13% of the total, reaching 29.5% in the city, where the feminine element predominated. In 1840 their number was insignificant: only 3%. The predominant ages features a young population (54% were between 15 and 49 years). As a condition of slavery inherited through maternal line, the price of women was higher than of men because of their reproductive value, which was not the case in other Latin American societies, as he was. The overall masculinity index was 67.5%. In the campaign, the increased presence of slaves was in the same period in the departments of Anejo and Calamuchita. In Cordoba town, on the other hand, the female population was dominant, and for 1778 the masculinity index was 67.5, reaching 88 in 1813. The nupciality crude rate (*tasa bruta*) in slaves reached in Cordoba at 4 per thousand of the total of that group. The age for marriage was 29 years for males and 22 for women, and the definitive celibacy was high for both sexes. As elsewhere in Latin America, such as Guadalajara and Rio de Janeiro, were confirmed in Córdoba very high rates of illegitimate births as proof that there was a considerable tolerance and even promotion by the masters to sexual practices outside of marriage, for purposes of reproduction of the work force, as demonstrated in the documentary analysis presented. The choice of a spouse in Córdoba showed a pronounced exogamy in the slaves. But in other places of Argentina, exogamy was much more noticeable, as in the case of Tucumán. Endogamy also

referred frequently to the origin, which was confirmed in Córdoba, especially in women. Among the slaves, for the 1700-1779 surveys found only 32% of legitimate marriage and 57.6% of legitimate husbands, reflecting the high consensual couples and the illegitimacy of their children, as has been saying. For 1813, from the total number of slaves, only 25% were married, but had a clear gender difference, much higher among men. Also the phenomenon of illegitimacy, like many others, could vary according to urban or rural spheres. In terms of fertility in Córdoba, the age rates showed an early peak structure, with high concentrations between 15 and 24 years. Studies by Celton estimated an average of 4 children per woman, less than estimated for the total population of Córdoba, of 5 children, but it would be plausible given the social and physical conditions of these women. Either way, the slaves in Cordoba showed a higher fertility in relation to other Latin American countries such as Mexico.

But is possible to say, according to the documentation consulted for territories of the Episcopal Court of Cordoba, that for the particular case of the slave population, the individuals were able to act with some degree of freedom in their actions in selecting a partner to initiate a family? It was found that, compared to the major constraints imposed by their condition, they did not remain entirely passive, showing initiative and ability to act within the limits allowed for their situation. They attended to that justice when they felt that their rights had been violated. With the difficulties we appointed, some of them were able to set a family and they also tried strategies for social advancement via marriage. Women had fewer opportunities in this respect than men, and suffered a gender constraint, added to the inherent social inferiority of status and the racial factor, which made them more vulnerable to unscrupulous masters. Obviously, many masters, including clerics manipulated men, women and child slaves, making decisions about their destinies according to their own advantage, denying them the few rights that the system ¿recognized? for them. The ecclesiastical justice was in the case of slaves, and in general with the whole society, jealous of the fulfilment of the sacrament of marriage, although we did not observe a special intention for protecting the rights of slaves in particular. As in other cases analyzed in other work we did, sometimes prosecutions for the atrocities carried out against the current legislation and where the subordinate sectors of society were involved remained unfinished, and sometimes were even favourable for abusive owners, as in the case of brutality practiced by a clergyman culminating in the authorization to sell a whole slave family, that was entrusted to the same defendant. As Lockhart says the range of Africans in general was resolved individually, and their fate largely depended on the master and, we can add, the kindness, sympathy, and his humanitarian spirit. Sometimes they had no chance to marry because of imbalances in their own social group, and perhaps in other cases when they had opportunities to marry, they resisted because of loyalty to remnants of some of their habits or because in slavery there was not motivation to transfer of a surname. At other times they were prevented from

getting married or cohabiting, or ensure adequate food for their children, as women slaves were designated to breastfeed the children of their masters or were hired for nursing, other times they made up a family following the model established in Trento and this lasted for several generations. We finish with a thought from Mallo and Goldberg (2005: 76; Mallo 2009) indicating that all subjects in slavery, *although they were sometimes victims of tricks to delay or limit the application of justice and the prejudices, in some cases they get what they requested and were struggling to build a family fighting for their freedom and their own.*

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