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Review / Reseña

Chad Thomas Black. *The Limits of Gender Domination: Women, The law and Political Crisis in Quito, 1765-1830*. Albuquerque: New Mexico Press, 2010.

Women, Law and Political Crisis in Quito 1765-1830

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Chad Black, one of the few US historians who writes on Ecuador, analyzes patriarchal domination during the late colonial and early republican periods. By contrasting the legal culture and justice practices during the early and late colonial periods, Black argues that women's customary legal rights were questioned under Bourbon rule. Therefore, women of all sectors who were habituated to "consultation, negotiation, judicial discretion and contingency" (2) found out that a new legal culture was emerging. According to Black, this period (1765-1830) was the beginning of a strict male domination in which fathers, brothers, husbands and sons eliminated women's customary legal protections. Furthermore, it changed women's identities in terms of legal, economic and social practices.

The book has two sections and each section has three chapters. The first section comprises the years between 1765-1809 and second one includes from 1808-1830. Therefore, it overlaps the Habsburgs', the Bourbons' and the *Gran Colombian* periods. Each section introduces the political, fiscal and administrative environment of the city.

Based on judicial documents, legal literature and institutional discourses, Black studies interesting cases related to sexed crimes, property, and civil disputes in the first section. In the case of sexed crimes, the author presents arrest statistics showing a significant increase of moral detentions. Therefore, it meant that the state, through magistrates, became invasive since it did not distinguish between public and private spaces. For example, it established the nightly *rondas* (patrols) as well as allowing officials to enter houses unannounced. This was possible because citizens were encouraged to prevent immoral behavior through denunciation, accusation or vigilant surveillance. While the Catholic Church continued to be the main institution dictating sexual norms, Bourbon regime enforced the prosecution of criminal acts through the secular authorities. Those crimes included: "adultery, illicit sexual behavior by singles, prostitution, solicitation, violent and statutory rape, incest, bestiality and sodomy" (80). Adultery was the most common sex crime. One example is the case of Alexo Merino and his wife Francisca Naranja (Naranjo?). He accused her of adultery with Xavier Sandoya and was able to convince the judge to put them in jail. Because the Spanish judicial system assumed guilt, the accused was at a disadvantage. What is interesting in this case is that the wife and her lover were able to prove that the husband also had committed adultery. The defendants were able to use the vague definitions of marriage, fidelity and legality in their favor. Therefore, neither party was convicted, as Black puts it "they cancelled each other out" (97).

As for women's property and civil disputes, the author emphasizes, through an examination of civil cases, that females were able to maintain autonomous economic or legal identities, because they were unlicensed. The legal interpretation during the Bourbon regime emphasized the restrictive features of the Spanish law. Women could obtain legal access only through permission of a male (father, husband or judge). However,

female property rights such as inheritance, dowry and property were protected even from males' desires or debts. Black found cases of all social groups of the city ranking from wealthy Spanish, *mestizas*, *pardas* to Indians, who were able to take advantage of this customary practice, despite Bourbon attempts to limit women's rights.

Another interesting part of this research is Black's examination of arrest records, verbal case hearings and civil litigations in the second section. These documents helped prove that women lost their customary position as head of households after independence. A new system of mediation was established in which male intervention became expected. This new practice, which was exclusionary for women, was the beginning of a vision that continued during Ecuador's republican years. It is remarkable how the terminology changed, revealing the introduction of a new female status. The terms used in colonial times were *doña and vecina*. *Doña* implied a social status and *vecina* meant citizen and resident, suggesting that women had judicial and political power. After independence, women became *ciudadanas* (citizens), who initially represented a political category. After 1830, women became *señoras*, which implied only a social position. Therefore, it went from legal and political categories to political ones and then only to social.

Overall, Black identifies the notion of patriarchy as a system which placed the male as the single authority, in which women did not have the same rights, but women in the colonial period did have an independent legal identity. Therefore, he shows that the colonial system in Ecuador was not that absolute. Even though Bourbon rule attempted to tie women to a more restrained legal identity, women had ways to negotiate through customary practices and were able to own property, represent themselves in court or carry on economic transactions without the legal consent of males. This book, written mainly for an academic audience, expands the understanding of the complex gender legal system of Spanish colonial Ecuador.