

AFRICAN-DESCENDED WOMEN: *Power and Social Status in Colonial Oaxaca, 1660–1680*

ABSTRACT: On September 28, 1673, Catalina de los Reyes declared before the Royal Tribunal Court that she refused to surrender her property in Oaxaca’s provincial capital of Antequera. Her land dispute with the bishop of Oaxaca shows how African-descended women navigated the court system in colonial Mexico and negotiated their social status in this Spanish colonial society. This article examines race and gender in colonial Mexico. It focuses on the ways in which local authorities attempted to confiscate one of the most valuable properties in Antequera from an African-descended woman named Catalina, as well as the strategies she used to challenge the social hierarchy in the city. By analyzing judicial records along with parish and census data, I argue that colonial women such as Catalina contested elite expectations of gender and race to redefine or secure their social status in colonial Oaxaca. My findings show that although colonial authorities marginalized African-descended women such as Catalina, these colonial women understood the judicial system in colonial Mexico, confronted authorities, and fought to retain their properties and their place in the social order. This article thus advances our understanding of the wide range of roles, experiences, and subjectivities of African-descended women in Spanish America.

KEYWORDS: social status, Mexico, women, Oaxaca, power, African

On September 6, 1673, the bishop of Oaxaca filed a legal petition against an African-descended woman named Catalina de los Reyes.¹ The petition was an attempt to coerce Catalina out of her home in Antequera, which was a property she and her family had owned for over three decades. This land dispute between Catalina and the bishop of Oaxaca lasted three years, during which Catalina exhibited social and economic prowess to retain the property that was legally her own.

Catalina de los Reyes was not unlike other African-descended people who navigated legal institutions in Antequera. Her land dispute is only one of the hundreds of archival documents involving free and enslaved African

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1. Archivo General de la Nación México [hereafter AGNM], Tierras, vol. 112, exp. 3, “Antonio Bohórquez con Catalina de los Reyes, sobre casas” (1670).

descendants who navigated the local courts in this colonial city.² From the evidence in this land dispute, Catalina was a free woman and resident of Antequera whose social world included Indigenous, *mulato*, and *mestizo* tenants who lived on her property, Spaniards, and mulato neighbors, as well as ecclesiastical officials who lived and worked in the episcopal palace. She also engaged in orthodox behavior through Catholic matrimony, baptizing her sons, and her family developed a reputation as property owners.³

This land dispute illuminates an exceptional case of an African-descended woman of apparent wealth, owner of a highly sought-after piece of property located in the center of Antequera. Catalina's social status and use of her valuable property pulled her into an embittered land dispute with a high-ranking Spaniard named Antonio de Bohórquez, who sought to confiscate her property on behalf of the bishopric of Oaxaca. Catalina owned several properties in Oaxaca's provincial capital of Antequera, but her primary home was of considerable social and economic value because of its central location, near the *plaza mayor* and adjacent to the city's cathedral.⁴ The plaza mayor was the economic, political, and religious core of most cities in Spanish America, including Antequera. Hence, the location of Catalina's property and its implied value of nearly 20,000 *pesos* suggests that this free *mulata* formed part of the upper social class of Antequera.⁵ However, despite Catalina's apparent wealth, she faced many quotidian challenges because of her presence and ownership of property in an area of the city that was almost exclusively inhabited by Spanish elites. In other words, Catalina's social location disrupted Antequera's social hierarchy. Her presence also changed the social landscape of the city center, and it contested the religious and political power of the Spanish elite in this colonial city.⁶

2. See Archivo General del Estado de Oaxaca [hereafter AGEJO], Alcaldías Mayores; AGNM, Inquisición; AGNM, Indiferente Virreinal; Archivo Histórico de Notarías Oaxaca [hereafter AHNO], Protocolos Notariales [hereafter PN], Diego Benaías, vol. 155; AHNO, PN, Diego Benaías, vol. 165.

3. Pablo Miguel Sierra Silva, "From Chains to Chiles: An Elite Afro-Indigenous Couple in Colonial Mexico, 1641–1688," *Ethnohistory* 62:2 (April 2015): 362. Using parish and notarial records, Sierra Silva situates the historical actors Felipe Monsón y Mojica and Juana María de la Cruz, as an elite Afro-Indigenous couple who engaged in orthodox behavior in Puebla.

4. The legal and defense counsel stated that Catalina owned several dwellings near the episcopal complex. They referred to these properties using the language "*casas de la morada de Catalina de los Reyes*" and "*ambas casas*," which suggests that perhaps Catalina owned a larger property that included two or more homes. The legal counsel also referred to the *casa* that Catalina inhabited. One witness, the *alcalde ordinario* Miguel de Medrano Sifontes, mentioned that he had arrested an Indian woman and a mulato shoemaker who cohabitated in a "tienda" (store) of Catalina's property. Because Oaxaca's notarial archive lost all records dated before 1680 in an archival fire in the 2000s, I have not been able to find any historical sources connected to these properties in question.

5. AGNM, Tierras, vol. 112, exp. 3, fols. 89v. I rely on the term 'African-descended woman' to refer to Catalina or other individuals of African descent. The term used in this land dispute to refer to Catalina's social status is overwhelmingly '*mulata*,' however, she also self-identified as *parda* on two occasions. I also use "Black" as a broad-based term for African-descended people across the Americas.

6. Danielle Terrazas Williams, *The Capital of Free Women: Race, Legitimacy, and Liberty in Colonial Mexico* (New Haven: Yale University Press, 2022), 152–153. Terrazas Williams provides an excellent example of free

By reconstructing the behavior, challenges, and resiliency of Catalina de los Reyes, this article engages with the broader themes of race, gender, status, and subjectivity in Spanish America. Although Catalina seems exceptional because she possessed such a valuable home, a significant number of African-descended people were property owners in Antequera, and broadly in Mexico, during the seventeenth and early eighteenth centuries.⁷ Several scholars have highlighted landholdings of enslaved people and businesses that were owned by African-descended women throughout colonial Mexico.⁸ However, in Antequera, most free women and men of African descent lived in homes rented from ethnic others. In fact, the vast majority of African descendants in Oaxaca were still enslaved during the last few decades of the seventeenth century.⁹

The case study of Catalina de los Reyes raises several questions about colonial women in general and Black women specifically.¹⁰ Namely, how did African-descended women retain and manage their properties in the Spanish colonial world? What was at stake for property-owning African-descended women who dealt with dispossession and likely the stigma of slavery in the mid-to-late seventeenth century?¹¹ Like other colonial women, African-descended women in colonial Mexico used gendered strategies to secure their social status and protect their families.¹² By analyzing the land dispute between Catalina and the

African-descended women who similarly disrupted the social landscape of Xalapa through their ownership of prime real estate in the city.

7. For examples of African-descended property owners in Antequera, see AHNO, PN, Diego Benaias, vol. 152, fol. 716, *Venta de casas* (1699); and AHNO, PN, Diego Benaias, vol. 143, fol. 98, *Venta de esclavos* (1686). The case study of Catalina de los Reyes builds upon our understanding of the experiences of propertied Black women in the Americas. I have identified at least 125 African-descended property owners (labeled as *mulato*, *pardo*, or *negro*) in Oaxaca's notarial records for the entire colonial period. Twenty-one of these individuals owned property between 1680 and 1700, roughly around the time of Catalina's land dispute. Of this number, eight African-descended women owned property in Antequera during this period.

8. See Terrazas Williams, *The Capital of Free Women*; Pablo Miguel Sierra Silva, *Urban Slavery in Colonial Mexico: Puebla de los Angeles, 1531–1706* (New York: Cambridge University Press, 2018); Norah L. A. Gharala, *Taxing Blackness: Free Afromexican Tribute in Bourbon New Spain* (Tuscaloosa: University of Alabama Press, 2019); and María Elisa Velázquez Gutiérrez, *Mujeres de origen africano en la capital novohispana, siglos XVII y XVIII* (Mexico City: Universidad Autónoma de México, 2006). Terrazas Williams's *The Capital of Free Women* reveals the multiple forms of social and economic capital that women held in the broader region of Veracruz. The Atlantic-facing port in which captive Africans entered the colony of New Spain and the sugar plantations in its surrounding regions undoubtedly created a unique setting for African-descended women to hold such capital.

9. Danielle Terrazas Williams, "My Conscience is Free and Clear": African-Descended Women, Status, and Slave Owning in Mid-Colonial Mexico," *The Americas* 75:3 (July 2018): 526. In contrast to Herman Bennett's findings for seventeenth-century Mexico City, my findings from slave sales and manumission letters indicate that more enslaved people were purchased and sold in Oaxaca than those who attained their legal freedom between 1670 and 1700.

10. Here, I use "Black" to refer to all women of African descent, regardless of their colonial categorization, such as *parda*, *mulata*, or *negra*.

11. For a discussion of African-descended women's dispossession, see Marisa J. Fuentes, *Dispossessed Lives: Enslaved Women, Violence, and the Archive* (Philadelphia: University of Pennsylvania Press, 2016).

12. Terrazas Williams, "My Conscience is Free and Clear," 526. In this article and *The Capital of Free Women*, Terrazas Williams posits that although African-descended women in Veracruz appeared to lack economic capital, their social networks, navigation of the legal processes, and marriage and inheritance patterns reveal their social and cultural capital in this region, and broadly in Mexico.

bishop of Oaxaca, I argue that although slavery prevailed in seventeenth-century Antequera, free African-descended women still challenged colonial authorities and employed numerous strategies to protect their generational wealth and redefine their social status in colonial Oaxaca.¹³

SEVENTEENTH-CENTURY ANTEQUERA AND ITS ENVIRONS

Before the arrival of the Spaniards in the sixteenth century, the Valley of Oaxaca, including its provincial capital of Antequera, was inhabited by diverse Indigenous populations such as the Zapotecs and Mixtecs.¹⁴ Yet, the postconquest recovery of the Indigenous population in the Valley and the growing *casta* or mixed-race populations made Antequera a diverse urban center, comprised of enslaved people, free African descendants, mestizos, Indigenous people, and Spaniards. Likewise, Antequera's geographic location along the trunk lines of trade meant that this provincial capital developed a unique relationship with connections to the Atlantic and Pacific Coasts, the viceregal capital of Mexico City, and cities further south, such as Santiago de Guatemala.

Antequera was a growing Spanish colonial city in the seventeenth century. The provincial capital in southern Mexico was originally established as an administrative and commercial hub that connected the trade of valuable goods to Veracruz, Mexico City, Puebla, and southern regions, such as the Pacific Coast, Chiapas, and Guatemala.¹⁵ In the early colonial period, Antequera was also a convenient way station for muleteers transporting Guatemalan indigo and cochineal from Oaxaca to Mexico City and Veracruz, before these products were shipped across the Atlantic to Europe.¹⁶

By the second half of the seventeenth century, Antequera had an overall population between 3,000 and 6,000 inhabitants.¹⁷ Indigenous people accounted for the vast majority of this population in the Valley of Oaxaca, but they were often excluded from official demographic data. Hence, they probably comprised nearly half of Antequera's overall population. The total populace in

13. Terrazas Williams, *The Capital of Free Women*, 8–9. I rely on Terrazas Williams's understanding of Black women's social legitimacy as a practice in which they re-envisioned their capital. According to Terrazas Williams, African-descended women mobilized their social legitimacy by achieving orthodox practices such as marriage and baptisms, "managing their finances, and guarding a public reputation that invoked responsibility."

14. Antequera was the name of Oaxaca City from the city's founding in 1529 to the late colonial period.

15. John Chance, *Race and Class in Colonial Oaxaca* (Stanford: Stanford University Press, 1978), 54–56.

16. Chance, *Race and Class*, 68.

17. José Antonio Gay and Pedro Vásquez Colmenares, *Historia de Oaxaca* (Mexico City: Editorial Porrúa, 1982), vol. 1, t. 2: 220–221 and 354–356; Chance, *Race and Class*, 73. Chance estimated that Antequera had 3,000 inhabitants in 1660. However, José Antonio Gay found that the city's population had increased to 6,000 residents by 1699.

the entire Valley was possibly in the realm of 50,000 inhabitants by the mid-seventeenth century.¹⁸ The demographic breakdown of Antequera's population in the second half of the seventeenth century included peninsular and creole Spaniards, African-descended people, Indigenous populations, and mestizos. Based on marriage registers from 1693 to 1700, free and enslaved people represented approximately 24.4 percent of the overall population in the city.

Anthropologist John Chance's analysis of 1,720 marriage registers reveals that 354 marriages involved free Black and mulato people, whereas 65 marriages included bondsmen and bondswomen during this period.¹⁹ Using this data as a representation of the overall African-descended population in Antequera and considering the city's 1661 tributary census, most African descendants in the city were likely American-born mulatos.²⁰ This is the world that Catalina de los Reyes lived in, and her home was situated near the city's plaza mayor. *Rector licenciado* Bartholomé de Robles Godoy even described Catalina's house as "attached to [the episcopal palace] in such a way that only one wall serves between both houses and it is very convenient that said house be incorporated into it."²¹ Godoy's depiction of Catalina's home as "very convenient" and sharing a wall with the episcopal palace indicates the significance of the property, not only in terms of its social and economic importance but also for Catalina's ability to disrupt the social order in Antequera.

In terms of the racial geographies of the city, Spanish landholding elites lived around the perimeter of the plaza mayor, and castas, including mestizos and mulatos, generally inhabited areas outside it. Indigenous people occupied the outskirts of this colonial society, near the Rio Atoyac on the south end and the barrio of Jalatlaco on the city's northern limits. Based on the residences of Antequera's inhabitants, most free African descendants settled in the barrios of

18. William Taylor, *Landlord and Peasant in Colonial Oaxaca* (Stanford: Stanford University Press, 1972), 18.

19. Chance, *Race and Class*, 132. Here, I use the term "Black" to refer to free and enslaved people labeled as "negro" or "negra" in the historical record. Chance disaggregated this marriage data as follows: 346 marriages with free mulatos, 38 marriages with enslaved mulatos, eight marriages involving free Black people, and 27 marriages including Black captives. While there were similar numbers of mulato men (172) and women (174) in marriage registers, the data varies significantly for all other categories: 24 mulato bondsmen vs. 14 bondswomen; six free Black men vs. two free Black women; 21 enslaved Black men vs. six Black enslaved women.

20. Chance, *Race and Class*, 130–132; Archivo General de Indias [hereafter AGI], Patronato 230B, ramo 10, "Juan Francisco de Montemayor: tributos de indios: Oaxaca" (1662). Only 233 Black and mulato adults could be levied for tribute in Antequera in 1661. This number represents approximately 27 percent of the population eligible for tribute. Notarial records from Oaxaca City offer a more comprehensive understanding of Antequera's African-descended population: bills of slave sale, manumission letters, wills, and property inventories show that the slave population could have ranged from several hundred people to over a thousand enslaved men, women, and children. Further, there are many more slave sales than manumission letters for the late seventeenth century, which indicates that Spanish elites continued to rely on slave labor until the early eighteenth century. Catalina de los Reyes does not appear in notarial records from this period, nor in the 1661 tributary census.

21. AGNM, Tierras, vol. 112, exp. 3, fols. 6v-7v.

China and Coyula, which were neighborhoods located southwest of the commercial and administrative center of the city. There were also concentrations of mulatos and mestizos in the barrio de la Merced and on the Calle de San Pablo. However, these groups were often reported to live in the homes of Spanish elites, merchants, and artisans, suggesting that they did not own property in the city. Rather, they were likely employed as household servants.²² Social and economic power was thus concentrated in the hands of a few Spanish elites, namely, the following families: the Guendulains, the Ramírez de Aguilars, the Jaúregui Pinelos, the Maldonados, the Lazo de la Vegas, and the Bohórquezes.²³ Except for individuals like Catalina de los Reyes, African-descended people did not generally form part of this elite social class.

To fully understand the scope of Antequera's social hierarchy and Catalina's position in it, we must also consider the importance of property ownership. For example, approximately six Spanish families owned most of the land in the broader Valley of Oaxaca. These families, including the Bohórquezes, went to great lengths to maintain their social position, often holding positions in the cabildo and the ecclesiastical hierarchy in addition to their official titles.²⁴ They also employed a wide range of strategies to ensure that people of African and Indigenous descent remained at the lower end of the social hierarchy. However, many new property owners in Antequera were not part of the wealthy elite. This landowning class was predominantly comprised of men who owned heavily mortgaged estates that served as their "sole means of livelihood."²⁵ In other words, the precariousness of property ownership created a competitive market in which landholding men and Spanish elites probably perceived a property-owning mulata, like Catalina, as a threat.

EXPERIENCES OF WOMEN IN COLONIAL SPANISH AMERICA

Studies of the experiences of individuals such as Catalina complicate our understanding of African-descended women in Spanish America. María Elisa Velázquez, for instance, offers insight into the origins of African captives, enslaved life, and paths to freedom that affected women of African descent in Mexico. María Elisa Velázquez and Carolina González Undurruaga in *Mujeres africanas y afrodescendientes* focus on the labor and experiences of free and

22. Chance, *Race and Class*, 134.

23. Chance, *Race and Class*, 106–107.

24. Chance, *Race and Class*, 106.

25. Taylor, *Landlord and Peasant*, 160. Taylor shows that most new landowners in Antequera invested "as little as 1,000 pesos on a heavily mortgaged estate worth over 20,000 pesos." The estate was likely the only possession of these landowners and thus became their livelihood, which indicates that landholding men in Antequera probably rented out their properties just as Catalina likely rented rooms in her home.

enslaved African-descended women across the Atlantic World.²⁶ Other scholars, among them Martha Few and Joan Bristol, examine the roles of African women and their descendants as wives, market women, or healers.²⁷ Other studies focus on the dynamic lives of free and enslaved women as landholders, litigants, and survivors of various forms of violence.²⁸

Although there is greater historiographical coverage on Spanish and Indigenous women's interactions with colonial legal systems, a number of works address such interactions among African-descended women in Spanish America.²⁹ Michelle

26. For a discussion of African-descended women in Spanish America, see Velázquez Gutiérrez, *Mujeres de origen africano*; María Elisa Velázquez and Carolina González Undurruaga, *Mujeres africanas y afrodescendientes: experiencias de esclavitud y libertad en América Latina y África, siglos XVI a XIX* (Mexico City: Instituto Nacional de Antropología e Historia, 2022); Maira Cristina Córdova Aguilar, *Población de origen africano en Oaxaca colonial (1680–1700)* (Oaxaca: Consejo Nacional para la Cultura y las Artes, Secretaría de las Culturas y Artes de Oaxaca, Fundación Alfredo Harp Helú Oaxaca, 2012); and Sabrina Smith, "Juana Ramírez, Eighteenth Century Oaxaca, New Spain (Mexico)," in *As If She Were Free: A Collective Biography of Women and Emancipation in the Americas*, Erica L. Ball, Tatiana Seijas, and Terri L. Snyder, eds. (Cambridge: Cambridge University Press, 2020), 207–217. Velázquez's *Mujeres de origen africano* is a seminal work for understanding the lives, experiences, and portrayal of African-descended women in Mexico City. She also examines racial classifications and the portrayal of Black women in casta paintings that were produced in Mexico. Maira Cristina Córdova Aguilar published the first introduction to the study of the enslaved population in colonial Oaxaca. As such, her book includes vital information on the traffic of bondswomen in the broader Valley of Oaxaca. As a part of the broader volume *As If She Were Free: A Collective Biography of Women and Emancipation in the Americas*, Sabrina Smith's piece offers insight on the challenges and multiple meanings of freedom for mulato women in Mexico.

27. See Catherine Komisaruk, *Labor and Love in Guatemala: The Eve of Independence* (Stanford: Stanford University Press, 2013); Martha Few, *Women Who Live Evil Lives: Gender, Religion, and the Politics of Power in Colonial Guatemala* (Austin: Texas University Press, 2002); Nancy E. van Deusen, *Embodying the Sacred: Women Mystics in Seventeenth-Century Lima* (Durham: Duke University Press, 2017); Laura A. Lewis, *Hall of Mirrors: Power, Witchcraft, and Caste in Colonial Mexico* (Durham: Duke University Press, 2003); and Joan Cameron Bristol, *Christians, Blasphemers, and Witches: Afro-Mexican Ritual Practice in the Seventeenth Century* (Albuquerque: University of New Mexico Press, 2007). Catherine Komisaruk's study of late-colonial Guatemala reveals the multiple layers of violence, including sexual assault, that enslaved women faced in domestic and public settings. Martha Few and Joan Bristol's use of Inquisition trials exposes the ways in which religious officials persecuted women of Indigenous and African descent. They also show how free and enslaved women manipulated slaveholders and colonial institutions, creating alternate forms of power.

28. A few works that emphasize the dynamic lives of African-descended women in Spanish America are Terrazas Williams, *The Capital of Free Women*; Komisaruk, *Labor and Love in Guatemala*; Tamara J. Walker, *Exquisite Slaves: Race, Clothing and Status in Colonial Lima* (Cambridge: Cambridge University Press, 2017); Nicole von Germeten, *Violent Delights, Violent Ends: Sex, Race, and Honor in Colonial Cartagena de Indias* (Albuquerque: University of New Mexico Press, 2013); and Kathryn Joy McKnight, "Blasphemy as Resistance: An African Slave Woman Before the Mexican Inquisition," in *Women in the Inquisition: Spain and the New World*, Mary E. Giles, ed. (Baltimore: Johns Hopkins University Press, 1999). Tamara Walker's study of clothing and status in the urban slaveholding society of Lima shows how enslaved women and men used elegant attire to simultaneously express notions of gender and challenge the dominant social hierarchy and Iberian culture in Lima. In contrast, Danielle Terrazas Williams focuses on a large number of free landholding African-descended women in Veracruz. Many of these women owned land and ran businesses; they also owned slaves, exposing the dynamism of the people who formed a part of the African Diaspora in Mexico, and broadly in Spanish America.

29. Michelle A. McKinley, *Fractional Freedoms: Slavery, Intimacy, and Legal Mobilization in Colonial Lima, 1600–1700* (New York: Cambridge University Press, 2016); Bianca Premo, *The Enlightenment on Trial: Ordinary Litigants and Colonialism in the Spanish Empire* (New York: Oxford University Press, 2017); María Eugenia Chaves, "La mujer esclava y sus estrategias de libertad en el mundo hispano colonial de fines del siglo XVIII," *Anales Nueva Época* 1 (1998): 91–117; Kathleen J. Higgins, "Licentious Liberty" in a Brazilian Gold-Mining Region: *Slavery, Gender, and Social Control in Eighteenth-Century Sabaná, Minas Gerais* (University Park: Pennsylvania State University Press, 1999); Frank T. Proctor, *Damned Notions of Liberty: Slavery, Culture, and Power in Colonial Mexico, 1640–1769* (Albuquerque: University of New Mexico Press, 2010); Ana Maria Silva Campo, "Through the Gate of the Media Luna: Slavery and the Geographies of Legal Status in Colonial Cartagena de Indias," *Hispanic American Historical*

McKinley's analysis of enslaved women in seventeenth-century Lima, for example, reveals the fragility of freedom; there, women had to navigate tensions in marriage contracts to ultimately shape their own legal cases. In the same vein, María Eugenia Chaves explores the strategies and legal arguments that bondswomen constructed to create a path to legal freedom in Guayaquil. Bianca Premo and other scholars foreground the notions of freedom and self-determination that were forged as Indigenous and African-descended women utilized colonial courts to ensure their safety and secure their social status.³⁰

Women also became entangled in litigation because of their status as residential and commercial property owners. Regardless of their social status, colonial women often gained property and wealth because they were key factors in the urban economies of Spanish America, especially the industrial, commercial, and service sectors. In addition to acquiring urban and rural landholdings, Spanish and Indigenous women engaged in a wide variety of occupations, with work ranging from moneylending and renting out land to laboring in textile mills.³¹ In urban settings, Indigenous women and castas also owned homes, plots of land, or stores.³² African-descended women were prominently active in these urban economic landscapes too. Free African-descended women, for example, worked as domestic servants, shopkeepers, and vegetable vendors in the *tianguis* (community market), and sold furniture, alcohol, or clothing in general stores.³³ These women often relied on profits and savings from these

Review 100:3 (2020): 391–421; Brian P. Owensby, "Legal Personality and the Processes of Slave Liberty in Early-Modern New Spain," *European Review of History* 16:3 (June 2009): 365–382; Brian P. Owensby, "How Juan and Leonor Won Their Freedom: Litigation and Liberty in Seventeenth-Century Mexico," *Hispanic American Historical Review* 85:1 (2005): 39–79; Herman Bennett, *Africans in Colonial Mexico: Absolutism, Christianity, and Afro-Creole Consciousness, 1570–1640* (Bloomington: Indiana University Press, 2003). McKnight's work on blasphemy, for instance, shows that while enslaved women's race and status of captivity often determined their treatment by the Inquisition, enslaved people used the colonial courts to expose the abuses of their enslavers. These survival strategies used by free and enslaved people often led to the loss of slaveholders' property, meaning that it served as a path to legal or conditional freedom for the enslaved.

30. Nora E. Jaffary and Jane E. Mangan, *Women in Colonial Latin America, 1526 to 1806: Texts and Contexts* (Cambridge: Hackett, 2018), xx. Also see Michelle A. McKinley, *Fractional Freedoms*; Bianca Premo, *The Enlightenment on Trial*; Camillia Cowling, *Conceiving Freedom: Women of Color, Gender, and the Abolition of Slavery in Havana and Rio de Janeiro* (Chapel Hill: University of North Carolina Press, 2013); Christine Hunefeldt, *Paying the Price of Freedom: Family and Labor Among Lima's Slaves, 1800–1854* (Berkeley: University of California Press, 1994); and Frank T. Proctor, *Damned Notions of Liberty*.

31. Asunción Lavrin, "In Search of the Colonial Woman in Mexico: The Seventeenth and Eighteenth Centuries," in *Latin American Women: Historical Perspectives*, Asunción Lavrin, ed. (Westport, CT: Greenwood Press, 1978), 41–43.

32. Lavrin, "In Search of the Colonial Woman in Mexico," 42; Pablo Miguel Sierra Silva, "From Chains to Chiles."

33. AGEO, Alcaldías Mayores, leg. 5, exp. 10, "Juana Díaz de Vargas contra Julian Vilchis, pardo" (1685); AGEO, leg. 34, exp. 4, "Donación y título de una tienda de Marcelina de Borja y Olivera" (1765); AHNO, PN, Diego Benaías, vol. 164, fol. 286v, Testamento (1712); AHNO, PN, Diego Benaías, vol. 165, fols. 1-4v, Libro de Diligencias (1712); AHNO, PN, Diego Díaz Romero, vol. 203, fol. 143, Testamento (1706); AHNO, PN, Carlos Joseph de Pinos, vol. 388, fol. 171, Recibo de dote (1754). Also see Velázquez Gutiérrez, *Mujeres de origen africano*, 174–214; Sabrina Smith, "The People of African Descent in Colonial Oaxaca" (PhD diss.: University of California, Los Angeles, 2018); and Susan Socolow, *The Women of Colonial Latin America* (West Nyack: Cambridge University Press, 2015).

occupations to acquire various forms of property, attaining considerable wealth in their lifetimes.³⁴

While colonial women could acquire land, estate holdings, and other forms of capital through their work and other ventures, female agents were also able to gain wealth and power through family and spousal inheritance. This was possible because Iberian laws required equal inheritance for all heirs, regardless of their gender.³⁵ Colonial women benefited from these laws by legally selling or bequeathing inherited land in order to increase their liquidity and influence.³⁶ Iberian women in Spain and the Americas, for example, owned homes, businesses, and estates that they acquired through inheritance from their parents.³⁷ In addition, colonial women of all social classes engaged or were pulled into litigation over their landholdings.³⁸

Fewer studies focus on propertied African-descended women in Spanish America.³⁹ The absence of sources on this topic implies that most people,

According to Velázquez Gutiérrez, free and enslaved women worked as seamstresses, healers, and vendors who sold fruit and vegetables in urban centers throughout colonial Mexico. In Mexico City, for instance, African-descended women worked as vendors in the Plaza Mayor. Building on her argument that enslaved women participated in the skilled trades of their slaveholders, Socolow adds that wives of artisans (regardless of social status) became artisans after their husbands' deaths. The archival records from Oaxaca support these points. For example, a free woman named Juana Díaz de Vargas owned a general store in 1685. Similarly, the early eighteenth-century will of a wealthy Spaniard named Joseph de Saola y Olano shows that he owned a store that sold carved silver, paintings, chairs, tables, and desks. He also owned at least 15 bondswomen and bondsmen who likely labored in his store. Other shop owners, such as Nicolás de Robles and Salbador Vásquez relied on bondswomen to sell groceries and liquor in the city.

34. Pablo Miguel Sierra Silva, "Culto, color y convivencia: las cofradías de pardos y morenos en Puebla de los Ángeles, siglo XVII," in *Africanos y afrodescendientes en la América Hispánica Septentrional: espacios de convivencia, sociabilidad y conflicto*, Rafael Castañeda García and Juan Carlos Ruiz Guadalajara, eds. (San Luis Potosí: El Colegio de San Luis, 2020), 385–386. In his analysis of seventeenth-century Puebla, Sierra Silva suggests that the term "African-descended elite" still implies a subordinate status to elites of European descent. This was also the case in Antequera for most African-descended property owners. The value of Catalina's home, however, was on par with properties owned by the wealthiest Spaniards in the city.

35. Socolow, *The Women of Colonial Latin America*, 9.

36. Rosalind Z. Rock, "Mujeres de Substancia?: Case Studies of Women of Property in Northern New Spain," *Colonial Latin American Historical Review* 2:4 (1993): 430.

37. See Silvia Marina Arrom, *The Women of Mexico City, 1790–1857* (Stanford: Stanford University Press, 1985); Allyson Poska, *Women and Authority in Early Modern Spain: The Peasants of Galicia* (Oxford: Oxford University Press, 2005). Poska's analysis of women in Galicia, Spain, offers a valuable comparison to the status of women in Spanish America.

38. Kimberly Gauderman, *Women's Lives in Colonial Quito: Gender, Law, and Economy in Spanish America* (Austin: University of Texas Press, 2003), 72–73. A wealthy woman named María married an *obraje*-owning elite man named Francisco Villacís in seventeenth-century Quito. When Francisco died, María inherited his *obrajes*, which he originally acquired from his parents. María later remarried an *oidor* (judge) of the Real Audiencia. In 1686, she was pulled into a lawsuit over her inheritance because the courts determined that her second spouse, the *oidor*, was responsible for managing operations of her *obrajes*.

39. Terrazas Williams, *The Capital of Free Women*, 152–153. This book provides numerous examples of Black women property owners in Veracruz, Mexico. Take, for example, the life and intergenerational wealth of María Pacheco, a free *parda* and recognized householder in Xapala, Mexico. Like Catalina, María Pacheco was a second-generation landowner and widow who acquired one of the largest and most central plots of land owned by an African-descended woman in colonial Xalapa. María probably inherited the property from her mother, a free *mulata*, at the turn of the eighteenth century. In 1707, María sold this land, which was located near the Convent of

regardless of race or gender in Spanish America, likely rented properties rather than owning them.⁴⁰ The scholarly literature has relied heavily on notarial and judicial records to examine the subjectivities of free and enslaved women.⁴¹ The historiography on African-descended women property owners throughout the Americas demonstrates that acquiring and managing property was critical to securing one's social status in colonial hierarchies.⁴² Moreover, propertied African-descended women commonly found themselves involved in legal disputes in which they defended their legitimacy as spouses of Spaniards to secure their children's rightful inheritance.⁴³

As a point of comparison, it was not entirely uncommon for Black women to own property in late eighteenth-century New Orleans. As a part of the Spanish empire during this period, many free women of color in New Orleans were bound by the Iberian expectations of race and gender. Yet, African-descended women took

San Francisco, for the severely undervalued amount of 52 pesos and 4 *reales*, signifying her need to liquidate the property. María undoubtedly lost money in the home sale, but she and her mother are noteworthy. As Terrazas Williams argues, the visibility of these two African-descended women and their prime real estate changed the landscape in the center of Xalapa, emphasizing the Black geographies of the city. Likewise, the location of this property near the convent suggests that people from all sectors of the social order probably passed by, and even "envied" its African-descended landholders. To be sure, African-descended women inherited and passed down "literal and figurative forms of social legitimacy" in colonial Mexico.

40. Douglas R. Cope, *The Limits of Racial Domination: Plebeian Society in Mexico City, 1660–1720* (Madison: University of Wisconsin Press, 1994), 30–32. Also see Rachel Sarah O'Toole, *Bound Lives: Africans, Indians, and the Making of Race in Colonial Peru* (Pittsburgh: University of Pittsburgh Press, 2012); Karen B. Graubart, "The Creolization of the New World: Local Forms of Identification in Urban Colonial Peru, 1560–1640," *Hispanic American Historical Review* 89:3 (2009): 471–499; Karen B. Graubart, "Shifting Landscapes: Heterogeneous Conceptions of Land Use and Tenure in the Lima Valley," *Colonial Latin American Review* 26:1 (2017): 62–84; Frederick Bowser, *The African Slave in Colonial Peru, 1524–1650* (Stanford: Stanford University Press, 1974); Patrick Carroll, *Blacks in Colonial Veracruz: Race, Ethnicity, and Regional Development* (Austin: University of Texas Press, 2001); and Taylor, *Landlord and Peasant*. In *The Limits of Racial Domination*, Cope argues that very few residents in Mexico City owned their homes. Rather, most buildings in the city were owned by the numerous convents and monasteries. He adds that there was a hierarchy in the kinds of dwellings (one-story vs. two-story). Not surprisingly, affluent tenants generally inhabited the upper floors of apartment buildings, whereas middle and lower-class populations rented out *cuartos* (single-room apartments). The lower story was typically reserved for street-facing workshops and stores. This also appears to have been the case in the urban centers of Lima and Trujillo, Peru. As Graubert argues, landholding (and *casta*) plebeians used the properties that they owned as a source of income.

41. See Terrazas Williams, "My Conscience is Free and Clear"; Sierra Silva, *Urban Slavery in Colonial Mexico*; O'Toole, *Bound Lives*; Sabrina Smith, "The People of African Descent in Colonial Oaxaca"; Martha Few, *Women Who Live Evil Lives*; Laura Lewis, *Hall of Mirrors*; Bristol, *Christians, Blasphemers, and Witches*; Ana María Silva Campo, "Fragile Fortunes: Afro-Descendant Women, Witchcraft, and the Remaking of Urban Cartagena," *Colonial Latin American Review* 30:2 (2021): 197–213; Nicole von Germeten, "Paula de Eguiluz, Seventeenth-Century Puerto Rico, Cuba, and New Granada (Colombia)," in *As If She Were Free*, Ball, Seijas, and Snyder, eds., 43–57; Kathryn Joy McKnight, *The Mystic of Tunja: The Writings of Madre Castillo, 1671–1742* (Amherst: University of Massachusetts Press, 1997); and Kathryn Joy McKnight and Leo J. Garofalo, *Afro-Latino Voices: Narratives from the Early Modern Ibero-Atlantic World, 1550–1812* (Indianapolis: Hackett Publishing Company, Inc., 2010).

42. Patricia Seed, "The Social Dimension of Race," *Hispanic American Historical Review* 62:4 (1982): 583. Also see Terrazas Williams, *The Capital of Free Women*. Seed's work shows that property was critical to defining any person's status, regardless of race. For example, mestizos and mulatos attained upward mobility through the acquisition of property.

43. Terrazas Williams, *The Capital of Free Women*, 73–79; Arrom, *The Women of Mexico City*, 174; Lavrin, "In Search of the Colonial Woman in Mexico," 43. See the example of the free *morena*, Teresa López, who relied on her status as the legitimate wife of a Spaniard to claim her son's rightful inheritance and ultimately secure her family's financial security in Xalapa. Other disputes could be over the invasion of land or even property boundaries.

advantage of the laws that benefited them most, which included the protection of property and kinship ties. As historian Jessica Marie Johnson argues, free women of color in New Orleans used the acquisition of property to “control and distribute goods within kinship networks,” ultimately contributing to the growth of the “robust community of color” in the city.⁴⁴ For free women across the Americas, property ownership signified social and financial security, support for their children, and a stable location for other forms of labor.⁴⁵ It was, therefore, central to defining an individual’s social standing and enabled women to shape their social and economic worlds. Although it was rare for African-descended women to own property in Oaxaca during the 1670s, a close examination of Catalina’s land dispute shows how free African-descended women used, managed, and fought for their property during this period.⁴⁶ This article examines a rare and previously undocumented judicial record that not only illuminates the life of a free mulata but also reveals the strategies she employed to retain her property, create alternate forms of power, and secure her social status.

THE CASE OF CATALINA DE LOS REYES

Catalina de los Reyes was a free mulata, widow, mother of three children, and a *vecina* (recognized householder) in Antequera. It is unclear whether she was born in this provincial capital, and the identity of her parents remains unknown.⁴⁷ Still, she inherited one of the city’s most valuable properties from her father at an earlier point in the seventeenth century.⁴⁸ Little is known about

44. Jessica Marie Johnson, *Wicked Flesh: Black Women, Intimacy, and Freedom in the Atlantic World* (Philadelphia: University of Pennsylvania Press, 2020), 201.

45. Judith A. Gilbert, “Esther and Her Sisters: Free Women of Color as Property Owners in Colonial St. Louis, 1765–1803,” in *Women in Missouri History: In Search of Power and Influence*, LeeAnn Whites, Mary C. Neth, and Gary R. Kremer, eds. (Columbia: University of Missouri Press, 2004), 32–33.

46. AHNO, PN, Diego Benaias, vol. 144, fol. 46, Venta de solar (1687); AHNO, PN, Diego Benaias, vol. 149, fols. 319 (Venta de casas, 1694), 552 (Trasaso de censos, 1694); AHNO, PN, Diego Benaias, vol. 152, fol. 27, Venta de casas (1699); AHNO, PN, Diego Díaz Romero, vol. 190, fol. 105, Venta de casas (1691); AHNO, PN, Francisco de Quero, vol. 435, fol. 12v, Venta de solar (1698); AHNO, PN, Francisco de Quero, vol. 416, fols. 47 (Venta de solar, 1681), 103 (Declaración, 1682); AHNO, PN, Francisco de Quero, vol. 426, fol. 149v, Venta de casas (1689); AHNO, PN, Francisco de Quero, vol. 436, fol. 70, Trasaso de casas (1699). Notarial records from Antequera are unavailable for any period prior to 1680. A survey of the city’s landowners between 1680 and 1700 shows that only eight African-descended women owned property in Antequera during this period. None of these women owned property that was valued at anything close to Catalina’s property. In fact, most of these landowners had homes valued between 140 and 600 pesos, and only two landholding women, Petronilla Barrera, free mulata, and Augustina de Ovalle, mulata, owned property valued around 800 to 1,000 pesos, respectively.

47. Catalina did not disclose the names or identities of her parents in the land dispute. However, the value of her property and her frequent references to her father suggest that he must have amassed an incredible amount of wealth in the first half of the seventeenth century. Based on Antequera’s parish records, several European and African-descended families carried the “De los Reyes” last name. It is possible that Catalina’s father was a wealthy pardo, Spaniard, or Irish merchant in Antequera during the seventeenth century.

48. During this land dispute, Catalina was asked to submit the land deed to assess the property’s value, but this document was not included in the archival record. I have estimated when Catalina inherited the property based on my reconstruction of her family and her statements in this civil case.

Catalina's childhood and early adulthood because of the destruction of pre-1680 records in a fire in Oaxaca's notarial archive. For this reason, I have not found the records of Catalina's will, property inventories, or the transfer of her property.⁴⁹ Despite a dearth of historical records for studying Catalina's life, her husband's name appears in a land dispute, indicating that she married a mulato named Alberto de Vera in the seventeenth century. According to parish records, Catalina and Alberto had three sons, Melchor, Joseph, and Carlos, born between 1648 and 1658.⁵⁰ Catalina was left to care for her three sons after her husband died in October 1665.

Alberto probably brought little economic capital to their marriage because his death certificate described him as a "poor mulato."⁵¹ This finding confirms that Catalina's privilege was related to the inheritance of property from her father, rather than her spouse. In addition, it suggests that her social position was tied to the status of her parents. This characterization of Catalina's husband also indicates that she may have served as the de facto head of household even when Alberto was alive, and she was likely accustomed to making important economic decisions in her family.⁵² Yet, as a property owner, she faced legal attacks that attempted to eliminate her influence—and indeed her presence—within the plaza mayor, which served as the focal point of the Church and elite's power in the urban social hierarchy of Antequera.

49. McKinley, *Fractional Freedoms*, 44; Kathryn Burns, *Into the Archive: Writing and Power in Colonial Peru* (Durham: Duke University Press, 2010), 71; Taylor, *Landlord and Peasant*, 161. Catalina was probably in her forties or fifties when she engaged in a contentious land dispute with the bishop of Oaxaca in 1673. As Kathryn Burns and Michelle McKinley illustrate, notarial transactions, such as testaments and property transfers were contained in the notaries' volumes (*protocolos*). Taylor adds that it is difficult to trace the backgrounds of landowners in seventeenth and eighteenth-century Antequera because many individuals were recent arrivals to the city. While some landholders were peninsular or creole Spaniards with ties to Mexico City, other families, like that of Catalina, disappeared from the historical record within one to two generations. I have not found any ecclesiastical documents related to this litigation in the archbishopric archive in Oaxaca City.

50. "México, Oaxaca, registros parroquiales y diocesanos, 1559-1988," database with images, FamilySearch (<https://familysearch.org/ark:/61903/3:1:939L-5MQS-BB?cc=1909191&wc=3JYX-FM9%3A180465501%2C1806001%2C180608002> : 15 September 2022), Oaxaca de Juárez > Sagrario Metropolitano > Bautismos 1653-1680 > image 15 of 498; parroquias Católicas, Oaxaca (Catholic Church parishes, Oaxaca); "México bautismos, 1560-1950", database, FamilySearch (<https://www.familysearch.org/ark:/61903/1:1:NT4D-KDQ> : 15 March 2022), Carlos Devera, 1658. Based on their baptismal records, Melchor was likely born in 1648, and Joseph and Carlos were baptized in 1653 and 1658, respectively. The racial classification of Catalina and her husband does not appear in their children's baptismal records.

51. México, Oaxaca, registros parroquiales y diocesanos, 1559-1988, database with images, *FamilySearch* (<https://familysearch.org/ark:/61903/3:1:939L-PRKY-S?cc=1909191&wc=3JYZ-RMS%3A180465501%2C180608001%2C182582201> : 3 June 2015), Oaxaca de Juárez > Sagrario Metropolitano > Defunciones 1643-1702 > image 1 of 630; parroquias Católicas, Oaxaca (Catholic Church parishes, Oaxaca).

52. Poska, *Women and Authority in Early Modern Spain*, 163. While Poska focuses on Galician women whose living husbands were often absent due to occupational obligations or because of adultery, the idea that women served as de facto heads of households is significant because it shows that women understood and likely managed family finances, businesses, and the legal system.

The land dispute began in Antequera on September 6, 1673, when the prosecuting attorney of the bishopric of Oaxaca, the licenciado Antonio de Bohórquez attempted to coerce Catalina into selling her home.⁵³ Bohórquez presented a case based on two key points: 1) Catalina owned property next door to the episcopal palace, and she allowed disreputable people and licentious activities in her home and 2) the bishop wanted her property to expand the cathedral and episcopal offices and build a *beaterio* for lay religious women in Antequera.⁵⁴ Catalina's exchanges with Bohórquez indicate that Spanish elites were likely less interested in the construction of a *recogimiento* for women and more focused on Catalina's visibility and potential influence within the cathedral's domain. At the crux of this civil case stands the fact Catalina had the legal right to retain her properties. Like other colonial women, Catalina inherited properties from her father and had full ownership of the landholdings even after her husband's death. She also had the right to sell, transfer, or bequeath her properties as she wished.⁵⁵

Bishop Bohórquez's Witnesses

Although Catalina had the legal right to retain her property, Bohórquez compiled a case to coerce her into selling the home. On September 6, 1673, he filed an official land dispute against Catalina, stating that he had already made an effort to purchase her home, offering a fair price. In the following three days, Bohórquez gathered depositions from "reputable" witnesses, including four rectors and the *alcalde ordinario*, who characterized Catalina as a plebeian mulata who condoned illicit activities in her home.⁵⁶ The testimonies also

53. AGNM, Tierras, vol. 112, exp. 3.

54. AGNM, Tierras, vol. 112, exp. 3, fols. 3-5. Also see Josefina Muriel, *Los recogimientos de mujeres* (Mexico City: Universidad Nacional Autónoma de México e Instituto de Investigaciones Históricas, 1974); Nancy van Deusen, *Between the Sacred and the Worldly: The Institutional and Cultural Practice of Recogimiento in Colonial Lima* (Stanford: Stanford University Press, 2001); Bianca Premo, "Before the Law: Women's Petitions in the Eighteenth-Century Spanish Empire," *Comparative Studies in Society and History* 53:2 (2011): 261-289; and René Johnston Aguilar, "De la casa de doncellas a la cárcel de mujeres: sexualidad y disciplinamiento en Santiago de Guatemala durante el periodo colonial," *Taller de la Historia* 9 (2017): 12-27. Bohórquez led off his justifications for the expansion of the episcopal palace with a defamation of Catalina's character. His secondary reason stated that "*es a propósito para que se dedique su habitación, suelo y fabrica a beaterio o recogimiento de mujeres honestas donde profesen su celibato y honestidad, a que se dedicaren y se recojan y depositen las que en la reputación no vivieren conforme a buenas costumbres, que es otro caso en que debe ser compelido el dueño a que lo venda pues en esto debe preferir la causa pública.*" Here, Bohórquez declares that Catalina's property would be transformed into a beguinage for "honest women" or a lay religious house to gather up women who did not live according to "good" customs. Recogimientos, however, were not solely for "honest women." Sometimes they were used as protection for women whose husbands or male family members needed to be away.

55. Socolow, *The Women of Colonial Latin America*, 9.

56. For a broader discussion of the persecution of African-descended women in Colombia, see Ana Maria Silva Campo, "Roots in Stone and Slavery: Permanence, Mobility, and Empire in Seventeenth-Century Cartagena de Indias" (PhD diss.: University of Michigan, 2018). Silva Campo shows that religious officials were oftentimes motivated to portray and persecute African-descended women as religious and moral deviants in order to confiscate and sell their property. This practice not only generated revenue for inquisitors in Cartagena de Indias, but also benefitted the

emphasized that Catalina's property was a meeting place for *gente de mal vivir*. Moreover, one of these witnesses, a presbyter named Andres García Bravo de Lagunas claimed to have proof that Catalina "rents the rooms to people of ill repute and that he has seen in a window of the said house two strange young men with no occupation in the city other than to be wanderers."⁵⁷

The alcalde, Miguel Medrano de Sifontes, helped to construct this narrative of misbehavior, stating that he had visited Catalina's home on multiple occasions as part of his duties to "cleanse" (*limpiar*) her home of people of ill repute and to tame and exile vagabonds.⁵⁸ Sifontes added that he had visited Catalina's house one night in search of a mestiza or mulata, whom he believed to be cohabitating in the home.⁵⁹ During his visit, he encountered Catalina herself, who responded that the woman in question was married. After leaving the house, Sifontes learned that the woman was unmarried, and he returned to Catalina's house. And again, the supposedly unmarried woman was not found in the home. On another occasion, Sifontes arrested an Indigenous woman and a mulato shoemaker because they were living together in Catalina's house.⁶⁰

The numerous visitors and residents in Catalina's home suggest that she may have run a boarding house to generate income for her family, as other female property owners and businesswomen did in Spanish America. It is also possible that Catalina's tenants hosted gatherings and parties on the property as well. Regardless, the residents and visitors in Catalina's home indicate her social influence. In addition to using her space to generate income, Catalina probably used her property and resources to build a circle of clients and dependents. Still, the language used to describe Catalina and the "scandalous" activities in her home show that the prosecuting attorney, Antonio de Bohórquez, tried to portray her as an unfit resident and property owner living in close proximity to the city's cathedral.

Other witnesses also characterized Catalina as an unfit resident, focusing on the fact that her domicile was in such proximity to the plaza mayor. One of Bohórquez's witnesses, a rector named Joseph de Mazatteue Alvarado, described Catalina as a plebeian and commoner of unlaudable customs. He

purchasers of African-descended women's property, who with the property also acquired the everyday and extraordinary items of these women.

57. AGNM, Tierras, vol. 112, exp. 3 fol. 7v.

58. AGNM, Tierras, vol. 112, exp. 3, fol. 9v.

59. The testimony indicates that the alcalde was searching for a "*mestiza o mulata*," therefore it is unclear from this example whether city officials targeted African-descended women specifically, or all lower-class women of African and Indigenous descent.

60. AGNM, Tierras, vol. 112, exp. 3, fols. 9v-12v.

expressly declared that she was not a decent neighbor to the episcopal palace.⁶¹ Mazatteu Alvarado repeatedly emphasized the location of the contested property, noting that it shared a wall with the palace and suggesting quite specifically that the Church ought to directly incorporate Catalina's home into the palace and convert the residence into episcopal offices. The bishop of Oaxaca, Fray Thomas de Monterroso later added that "Catalina's home was demarcated and continuous with our episcopal palace in sight and almost within" the complex of the cathedral, and that ecclesiastical "immunities were offended with the scandals that were caused, motive with which I represent that the said [Catalina] ought to be removed from the neighborhood and any other [person] that disturbs the style and customs with which one lives in our palace."⁶²

Bishop Monterroso's charged statement offers insight into the Church's fear that a propertied mulata would unduly influence people of "good" standing and immunities alike. By characterizing Catalina and her tenants as residents of ill repute, he implied that potentially dangerous moral and religious transgressions or "scandals" took place in the home. Yet, the bishop did not provide any specific examples of these supposed scandals.⁶³ It is also worth noting that even though Catalina was depicted as a *mujer de mala vida*, she was not considered by the Church as an individual who could be reformed in the *beaterio* that was to be built on her property. In other words, the clergy were less concerned about redeeming Catalina's character and more closely focused on removing her from the Church's sphere of influence.

It is not surprising that Bohórquez obtained testimonies from Church officials, and his social status and personal background indicate that he likely possessed a

61. AGNM, Tierras, vol. 112, exp. 3 fols. 5v-6v.

62. AGNM, Tierras, vol. 112, exp. 3 fols. 15-16v. Brian Joseph Madigan, "Law, Society, and Justice in Colonial Mexico City, Civil and Ecclesiastical Courts Compared, 1730-1800," (PhD diss.: University of California, Berkeley, 2013), 138-144. Also see Fernando Jesús González, "Inmunidad eclesiástica (DCH)," *Max Planck Institute for European Legal History Research Paper Series* 13 (2020): 1-27; and Adriana López Ledesma, "La inmunidad eclesiástica en la Alcaldía Mayor de San Luis Potosí: ¿Un enfrentamiento entre fueros?," *Cuadernos de Historia de Derecho* 2 (2010): 255-276. As Madigan describes, *inmunidades* referred to those who benefited from ecclesiastical asylum law. Those seeking asylum included "potentially innocent criminal suspects from rash, excessive, and especially violent punishment or retribution." Generally, these suspects were people who were unfairly bound to debt, enslaved people who had fled mistreatment, or individuals who had accidentally killed another person. The *Siete Partidas* later extended restrictions on asylum to all criminals and debtors, with a select number of exceptional cases, including "those who burned, damaged, or otherwise 'violated' a church."

63. Bristol, *Christians, Blasphemers, and Witches*, 193-196; Samuel Parsons Scot and Robert I. Burns, *Las Siete Partidas, Volume 5: Underworlds: The Dead, the Criminal, and the Marginalized (Partidas VI and VII)* 1st ed. (Philadelphia: University of Pennsylvania Press, 2000). Bristol's discussion of the Inquisition case involving Lucas Mercado shows that a *promotor fiscal* was similarly concerned with the "gathering of Blacks, mulattoes and other people." Witnesses in this case went so far as to describe firecrackers in the chapel that African-descended people built. In this case, the *promotor fiscal* arrested 20 people and took them to the archiepiscopal prison. Despite the cleric and commoners' testimonies, the Inquisition case was ultimately dropped due to the lack of evidence. It is possible that the testimonies presented by religious officials in Catalina's case also lacked substantial evidence.

personal interest in acquiring Catalina's residence. Antonio de Bohórquez was part of the wealthiest Spanish elite in Antequera, and his family had a long history of economic and political power in this provincial capital and the broader Valley of Oaxaca. Shortly after the founding of the bishopric of Oaxaca in the 1530s, Antonio's ancestor, Juan de Bohórquez, established the largest entailed estate in the Valley and feuded with the Dominican order over wealth and influence in the region.⁶⁴ Antonio de Bohórquez's other family members, such as José Ximeno de Bohórquez, the *corregidor* of Mitla and Tlacolula, and his nephew of the same name, owned the Hacienda Valdeflores, land, enslaved people, and livestock in Zimatlan. They also possessed homes in Antequera between 1624 and the late seventeenth century.⁶⁵ These extensive holdings demonstrate the extent of economic and political power wielded by the Bohórquez family in the Valley of Oaxaca broadly, and especially in Antequera. As the owner of a *mayorazgo* (family estate) and an agent of the Church, Antonio de Bohórquez was considered a "leading citizen," and he had substantial political authority in Antequera.⁶⁶ Thus, it is not shocking that he tried to expand his economic power and social prestige by marginalizing Catalina and her children, as well as those who resided in her home.

Catalina's Defense

On September 11, 1673, the bishop ordered the alcalde, under pain of excommunication, to appraise and sell Catalina's home within three days, and the alcalde complied. For Bohórquez, the bishop's move to sell was justified: the property was needed to expand the episcopal offices and build a beaterio or *recogimiento de mujeres honestas*.⁶⁷ Catalina was notified of the alcalde's intent to appraise her home on September 12, 1673. Like other colonial women, Catalina used gendered rhetoric to her advantage, claiming that she refused to sell because she was a destitute widow who needed the home to support her three children.⁶⁸ She relied on this common practice to ensure

64. Taylor, *Landlord and Peasant*, 166.

65. Guillermo S. Fernández de Recas, *Mayorazgos de la Nueva España* (Mexico City: Biblioteca Nacional de México, 1965), 455–457.

66. Chance, *Race and Class*, 161; Taylor, *Landlord and Peasant*, 156.

67. AGNM, Tierras, vol. 112, exp. 3, fols. 3-5. Also see Aguilar, "De la casa de doncellas a la cárcel de mujeres," 17–20; and Ana María Atondo Rodríguez, *El amor venal y la condición femenina en el México colonial* (Mexico City: Instituto Nacional de Antropología e Historia, 1992). In New Spain (Mexico) and the Kingdom of Guatemala, a *casa de recogidas* could serve multiple preventative and correctional purposes. For instance, the casa de recogidas in Guatemala was a *colegio*, *cárcel de mujeres*, *casa de arrepentidas*, and *casa de doncellas*. In Antequera, the Church most likely planned to build a correctional and preventative facility.

68. For a discussion of the use of gendered rhetoric in secular and religious spaces, see Jessica Delgado, "Sin Temor de Dios: Women and Ecclesiastical Justice in Eighteenth-Century Toluca," *Colonial Latin American Review* 18:1 (2009): 116; Ann Twinam, *Public Lives, Private Secrets: Gender, Honor, Sexuality, and Illegitimacy in Colonial Spanish America* (Stanford: Stanford University Press, 1999); and Pilar Gonzalbo, *Las mujeres en la Nueva España: educación y vida*

the financial security of her family.⁶⁹ She also protected the inheritance of her children by stating that she had inherited the home from her father and that if she was compelled to sell the home, she would not take any money for it.⁷⁰

In short, for Catalina, this litigation was not solely about money. Rather, she was fighting to defend her inheritance (and therefore, intergenerational wealth) and her social legitimacy as a Catholic mother, widow, benefactor of the property, and legal claimant.⁷¹ Upon hearing that her home was assessed at only 1,600 pesos, Catalina replied that her father had spent over 7,000 pesos on its initial construction. Further, 30 years prior and upon another request of the Church, her father had already generously given up half of the original property to build the episcopal palace.⁷²

The next day, she responded to the forced sale of her home by appealing to the Real Audiencia in Mexico City. In her appeal, Catalina stated that the property's appraisal was carried out against her will. About selling the home, she declared:

There is no right to compel me to [give away] what is mine and [which] I possess by inheritance and since I had it as a poor and helpless (*desválida*) widow . . . and when I estimate [the value] of said houses it is a large amount for being situated in the best position of the city. . . and useful to the two minors that I have and another who is not emancipated nor has he received [his] hereditary portion, the said order is the detriment of all of these rights and of irreparable encumbrance and speaking with due respect, I appeal these orders before the *señores* of the *Real Audiencia*.⁷³

Catalina's impassioned appeal to the Audiencia outlined three principal reasons for her refusal to sell her home. First, the act of coercing her to sell the home was prejudicial to her; second, the motive for forcing the sale would bring her no benefit, and it would take away her only inheritance; and third and most

cotidiana (Mexico City: El Colegio de México, 1987). As Delgado illustrates, colonial women were skilled at using gendered and religious rhetoric to defend themselves against public defamation. The religious authorities in Antequera ultimately slandered Catalina. During the litigation, she employed multiple strategies to combat the defamation of her character.

69. Allyson Poska, *Women and Authority in Early Modern Spain*, 164.

70. AGNM, Tierras, vol. 112, exp. 3, fols. 16v-19v.

71. Terrazas Williams, *The Capital of Free Women*, 76–79. See Terrazas Williams's discussion of African-descended women in Xalapa who made claims to inheritance, that is, to property that was "theirs," and how this gendered practice was central to their definition of power and status.

72. The local authorities also asked Catalina to hand over the deed of sale and the property title for her home. The records were held by the local scribe, Francisco de Medina. Unfortunately, Oaxaca's notarial records from the 1670s were lost in an archival fire. Hence, these documents are no longer available.

73. AGNM, Tierras, vol. 112, exp. 3, fols. 21-22.

important, she, like other property owners in Antequera, relied on the home to support her three children. Catalina's responses to these actions are evidence of her sharp grasp of the legal rights entitled to her as a litigant, widow, and property owner. As the land dispute began, she strategically delayed court proceedings.⁷⁴ For instance, the public notary, Francisco de Medina, attempted to officially notify her of the home's valuation on three separate occasions. Yet, he could not locate her, even though Catalina's home was next to the cathedral and near the plaza mayor. By the time the notary found her three days later, she had already prepared an appeal to the Royal Tribunal Court, which she likely dictated to him.⁷⁵ In this appeal, she pointedly identified herself as a destitute widow, a strategy that both shaped how the Audiencia would view her and granted her important legal advantages, such as the right to bypass the lower courts in Oaxaca.⁷⁶

Like other Indigenous, impoverished, and enslaved litigants, Catalina also stressed in her appeal that she was a "*caso de corte*."⁷⁷ Those who claimed this privileged position benefited from falling under the legal category of *miserable*, which offered them pro bono representation.⁷⁸ Moreover, when responding specifically to the unauthorized evaluation of her home at 1,600 pesos, Catalina evoked the patriarchal authority of her deceased father, who had spent more than four times the amount of the appraisal building the home. This was a strategy that Catalina would reuse for the duration of the legal dispute. She also emphasized her family's religious piety and loyalty to the Church. This sacramental identity as a "faithful, free-willed Catholic subject" served as a strong counterpoint to the ecclesiastical authorities who sought to defame her character and reputation.⁷⁹ Similarly, Catalina reminded the court that she had received a diminished inheritance precisely because her father had previously

74. Premo, *The Enlightenment on Trial*, 37. Premo notes that failure to respond and ignoring a suit were common practices in the eighteenth century. These instances of "*rebeldía*" were so common that an individual could employ these strategies numerous times before they were considered "in contempt."

75. Catalina did not write or sign her formal statement, but the text was written in the first person, indicating that she had dictated her statement because she could not write. The handwriting of her statement is also identical to others written by the public notary Francisco de Medina. This oral appeal was likely officially filed with the Audiencia within a few days. Approximately one year later, in July 1674, a mulato bricklayer named Antonio del Caysa appeared before the Audiencia to testify that Catalina was impoverished. As a resident of Mexico City, Caysa indicated that he had known Catalina for three years and that she did not have assets to support herself. Catalina probably relied on her kin networks to support her in Mexico City while she appealed to the Audiencia but also tapped into broader social networks in the viceregal capital after living there for several months.

76. Premo, *The Enlightenment on Trial*, 38. Also see *Siete Partidas*, 3:23:20 and 3:18:41; and Shirley Cushing Flint, *No Mere Shadows: Faces of Widowhood in Early Colonial Mexico* (Albuquerque: University of New Mexico Press, 2013).

77. Premo, *The Enlightenment on Trial*, 205. Catalina did not seem to have legal representation in the local courts. She received formal legal representation only from Juan Leonardo de Sevilla, who was a procurador of the Real Audiencia.

78. Premo, *The Enlightenment on Trial*, 62.

79. Premo, *The Enlightenment on Trial*, 122. Premo argues that female litigants who appealed to the royal courts in the late eighteenth century relied on long-standing legal statuses as faithful Catholic subjects. An examination of Catalina's land dispute indicates that she had employed these strategies since at least the late seventeenth century.

bestowed a portion of the family property to the episcopal palace. This statement not only reified the generous fealty of her family, but it forced court officials to reconsider the future implications of another property transfer, namely that it would leave her three sons and future generations of her family without a home.

A Violent Dispossession

Yet, despite Catalina's legal acumen in formulating and filing her appeal with the Real Audiencia, Catalina almost immediately faced threats of dispossession from local authorities in Antequera. Just two days after filing her appeal with the notary there, the city's *alcalde mayor* accelerated the legal process and proceeded with the sale of Catalina's property, ordering that she be forcibly removed from the home. On September 26, 1673, the high-handed *alcalde* ordered Juan de Aguilar, a sheriff or voluntary enforcement officer (*teniente de alguacil mayor*), to execute the eviction.⁸⁰ As the sheriff and other local officials appeared at her door and threatened to remove her by force, she stated tersely that "even if they killed her, she would not leave the home."⁸¹ This assertion emphasizes Catalina's deep resolve to fight what she perceived as an illegal seizure of property and her determination to protect her family's well-being and legacy, regardless of the legal and even physical consequences.

However, even this resolve did not deter the sheriff, who escorted her off the property and declared that the Church would immediately begin renovations on the home. As she was being removed, Catalina once again drew on her own knowledge of Iberian jurisprudence by stating that the Church's appraisal and confiscation of her property were unlawful because these processes had been completed without her consent. Not only were her repeated protests disregarded, but local authorities further escalated the confrontation. Just as Catalina openly questioned the legitimacy of the seizure, the sheriff personally took Bohórquez by the hand and walked him into the home, which was meant to signify the official transfer of the property's ownership to Bohórquez.⁸² Most likely, she was removed from the house in what was likely the space of a few hours on September 26, 1673, and just 13 days after she filed an appeal with the local notary, Catalina was violently expelled from her home, her tenants were evicted, and the title of her home was transferred to Antonio de Bohórquez, the prosecuting attorney of the bishopric of Oaxaca. This moment

80. McKinley, *Fractional Freedoms*, 39.

81. AGNM, Tierras, vol. 112, exp. 3, fol. 95v. The *alcalde's auto* described the order to remove Catalina as the "lanzamiento de dicha Catherina de los Reyes y de otras cualesquier personas que la ocuparen," signifying that the authorities intended to throw Catalina and her tenants out of her home.

82. AGNM, Tierras, vol. 112, exp. 3, fols. 34-35.

was the culmination of the despoilment and dispossession that Catalina experienced at the hands of the religious and secular powers in Antequera.

Catalina's experiences as a free property owner who was surveilled and interrogated by ecclesiastical officials is emblematic of the subjugation endured by African-descended people throughout Spanish America. The policing and monitoring of African-descended people stemmed from Spanish elites' fears of *casta*, Black, and Indigenous populations.⁸³ With the growth of the *casta* population in the seventeenth century, colonial officials became particularly concerned with the urban poor, as fears increased of potential uprisings among the *casta*, Black, and Indigenous populations who threatened the social structure.⁸⁴ These fears heightened after events such as the 1612 riot in Mexico City, in which, according to the Indigenous annalist, Domingo de San Antón Muñón Chimalpahin, "blacks and mulattoes were about to rise and declare war on the Spaniards."⁸⁵ Of course, these instances of social unrest among the urban poor stemmed from their frustration during times of economic crisis, such as the droughts that had led to food scarcities.⁸⁶ As in Oaxaca, enslaved people in the viceregal capital of Lima also dealt with intense scrutiny from community members, including their employers and general observers. According to Tamara J. Walker, free African-descended people were not exempt from this surveillance because their behavior and movements could attract the attention of other free and enslaved people.⁸⁷

The surveillance of Catalina and her tenants was central to colonial elites' overarching efforts to control and pacify African-descended people by restricting their rights, mobility, and social interactions.⁸⁸ To ensure that Spanish elites remained at the top of the social hierarchy, authorities in Mexico

83. McKnight, "Blasphemy as Resistance," 234–235. McKnight argues that the Church, state, and slaveholders shared this anxiety because enslaved people outnumbered them. Among the many mechanisms of social control, the state restricted the movement of captives and discouraged intermarriage.

84. Few, *Women Who Live Evil Lives*, 26.

85. Domingo de San Antón Muñón Chimalpahin Quauhtlehuanitzin, *Annals of His Time*, James Lockhart et al., eds. (Stanford: Stanford University Press, 2006), 214–215.

86. Cope, *The Limits of Racial Domination*, 42.

87. Tamara J. Walker, "He Outfitted His Family in Notable Decency": Slavery, Honour, and Dress in Eighteenth-Century Lima, Peru," *Slavery & Abolition* 30:3 (2009): 384–385. Walker adds that this kind of scrutiny could even occur between and among free and enslaved people.

88. Ben Vinson III, *Bearing Arms for His Majesty: The Free-Colored Militia in Colonial Mexico* (Stanford: Stanford University Press, 2001), 3; Danielle Terrazas Williams, "Finer Things: African-Descended Women, Sumptuary Laws, and Governance in Early Spanish America," *Journal of Women's History* 33:3 (Fall 2021): 20; Nicole von Germeten, *Profit and Passion: Transactional Sex in Colonial Mexico* (Oakland: University of California Press, 2018), 71. Also see Socolow, *The Women of Colonial Latin America*, 152; Colin A. Palmer, *Slaves of the White God: Blacks in Mexico, 1570–1650* (Cambridge: Harvard University Press, 1976); and Gonzalo Aguirre Beltrán, *La población negra de México: estudio etnohistórico* (Mexico City: Fonda de Cultura Económica, 1972). In his study of the Black militia in Mexico, Ben Vinson summarized the repressive tactics used to control the movement and behavior of African-descended people. The colonial state barred free people from the university and certain occupations, and even required that free people live with their employers. The state also denied African-descended people burials in important cathedrals and discouraged intermarriage.

prohibited free and enslaved people from carrying or using pistols and swords.⁸⁹ In addition to the ban on the right to bear arms, the colonial state introduced sweeping policies to prevent certain gatherings and movement of African-descended people.⁹⁰ Danielle Terrazas Williams identified references to a 1598 New Spain ordinance that specified “the damages and dangers” that African-descended people “caused by gathering in large numbers” and “owning munitions.”⁹¹ In 1641, a free Black man named Blas García was urged by the authorities to stop having gatherings of “negros, mestizos, y mulatos” in the viceregal capital of Mexico City.⁹²

Building on these statutes and their intent, all free African-descended people had to adhere to curfew laws.⁹³ Catalina’s household, including her tenants and visitors, would have been directly targeted by this restrictive legislation, especially given Catalina’s presence near the Church, which in itself defied the social order. Religious officials were also anxious about Catalina’s tolerance of what Church officials considered “bad customs,” including vagabonds walking the streets outside and gatherings of people of African and Indigenous descent in her home. In other urban centers, such as Santiago de Guatemala, colonial officials were concerned that free and enslaved people would form alliances with runaways in the nearby *palenques* (runaway slave communities). As a result, they increased the patrols of mulato militia and Indigenous police forces.⁹⁴

Controlling African-descended women and Indigenous women’s behavior was of special interest to authorities, who were concerned with their perceived capacity to disrupt the social structure.⁹⁵ Spaniards legitimized these fears and

89. Vinson, *Bearing Arms for His Majesty*, 3; Vinson, *Before Mestizaje: The Frontiers of Race and Caste in Colonial Mexico* (New York: Cambridge University Press, 2018), 13; Palmer, *Slaves of the White God*, 121–122. Palmer notes that enslaved people, for instance, were forbidden to bear arms, with the sole exception of knives without a point.

90. Terrazas Williams, “Finer Things,” 20; Vinson, *Bearing Arms for His Majesty*, 3; Colin A. Palmer, *Slaves of the White God*, 52–55. Terrazas Williams refers to sixteenth-century correspondence in which King Phillip III informed Juan de Mendoza, viceroy of Peru, of the “great quantity of negros, mulatos, and mestizos.”

91. Terrazas Williams, “Finer Things,” 20; Richard Konezke, *Colección de documentos para la historia de la formación social de Hispanoamérica. 1493–1810* (Madrid: Consejo Superior de Investigaciones Científicas, 1953), vol. 2, t. 1, 145.

92. AGNM, General de Parte, vol. 8, exp. 108, fol. 90v, “Reservación a Blas García, negro libre, del pago de tributo” (1641); AGI, Audiencia de México, 357, “Cartas y expedientes de los Obispos de Oaxaca” (1630–1692). Although Blas García was “very old and not useful for any ministry,” he was required to pay tribute for having gatherings of African-descended people in 1641. Similar reports were made in Oaxaca in the 1630s. For instance, friar Diego de Ibañez wrote to the crown, complaining that “*en las casas de el notario del señor obispo llegó gran tumulto de gente . . . negros, mulatos, y otros.*”

93. Vinson, *Bearing Arms for His Majesty*, 3.

94. Few, *Women Who Live Evil Lives*, 26–27.

95. Few, *Women Who Live Evil Lives*, 28; Thomas Gage, *The English-American: A New Survey of the West Indies, 1648* (London: G. Routledge & Sons, Ltd., 1928), 124; Socolow, *The Women of Colonial Latin America*, 151; Von Germeten, *Violent Delights, Violent Ends*, 144. Von Germeten argues that the attire and behavior of African-descended women not only led to confusion of social hierarchies but also infuriated colonial authorities in Cartagena. The nuances of Europeans’ fears included the portrayal of free African-descended women as sensual temptresses and a threat to the social order. The English Dominican friar Thomas Gage described mulatas and Black women in Mexico City as “so

perceptions of African-descended women, like Catalina de los Reyes, through mechanisms of social control that were aimed to prevent social dislocation and widespread public immorality.⁹⁶ For instance, Terrazas Williams identified a 1621 law in New Spain that used language describing the dangers of African-descended people wearing “fine clothing and other things.”⁹⁷ Other legislation aimed at diminishing African-descended women’s ability to challenge the social hierarchy by prohibiting them from “wearing gold, silks, and pearls.”⁹⁸ Nicole von Germeten presents the example of 24 “scandalous women” who were punished by the Audiencia in Mexico for wearing “profane dresses” and riding in lavish carriages. As Von Germeten argues, the authorities were most disturbed by “the women’s ostentatious public display of wealth, despite their having no known claim” to wealthy husbands or family inheritance. In other words, these lower-class women mocked and subverted “the honor code and Christian morality.”⁹⁹

I should add that these restrictions on colonial women extended into the eighteenth century as well. In 1725, for example, the viceroy of Peru proposed sumptuary legislation that aimed to “moderate the scandalous excess” of clothing worn by men and women labeled as “negros, mulatos, indios, and mestizos.”¹⁰⁰ Women of African descent in Mexico and Peru, and elsewhere in the Americas, used luxury clothing that was generally reserved for European elites to simultaneously challenge dominant norms and make claim to their humanity. Accordingly, this criminalization of African-descended women often led to charges of vagrancy, which not only characterized them as lacking modesty but also controlled their attire.¹⁰¹ Although the sumptuary laws of the seventeenth and eighteenth centuries were not consistently enforced, free African-descended women, such as Catalina, could be targeted at the whim of colonial officials.

In addition to these restrictions on movement, attire, and other rights, a wide range of other behaviors of African-descended women were routinely

light, and their carriage so enticing, that many *Spaniards* even of the better sort (who are too prone to Venery) disdain their Wives for them.” Gage’s use of the terms “enticing,” “venery” and “disdain” underscores Europeans’ perceptions of African-descended women in Spanish America.

96. Terrazas Williams, “Finer Things,” 20. Also see Von Germeten, *Profit and Passion*, 71; and Socolow, *The Women of Colonial Latin America*, 152.

97. Terrazas Williams, “Finer Things,” 20; Konetzke, *Colección de documentos para la historia de la formación social de Hispanoamérica*, 145. According to Terrazas Williams, a 1612 law in New Spain reiterated a 1598 ordinance, in which the members of the Audiencia cited the “damages and dangers” of free and enslaved people in the colony.

98. Vinson, *Bearing Arms for His Majesty*, 3.

99. Von Germeten, *Profit and Passion*, 72.

100. Walker, *Exquisite Slaves*, 20.

101. Terrazas Williams, “Finer Things,” 12. Terrazas Williams argues that even the possibility of African-descended women wearing lavish attire incited racialized and gendered fears, which were part of imperial governance in sixteenth-century Spanish America.

suppressed by secular and religious authorities. While inquisitors routinely persecuted sorcerers, healers, and clandestine religious leaders who appear in the historical record as *mujeres de mal vivir*, Catalina was most often described by agents of the Church as a *mujer escandalosa*.¹⁰² These descriptions of women, particularly those related to possible sexual activities, were directly tied to the authorities' fear of scandals, social upheaval, and marital infidelity.¹⁰³ For instance, women who engaged in marginal activities outside of matrimony or allowed men into their home were commonly categorized as *mujeres escandalosas*, *mujeres malas*, or *mujeres perdidas* by colonial authorities, suggesting an engagement in transactional sex.¹⁰⁴ This particular terminology was used by officials because *prostitución* was a vague term that could be applied "to any suspect woman" throughout the colonial period.¹⁰⁵ I should note that although terms like *escándalo* and *gente de mal vivir* alluded to sexuality, the very ambiguity of these phrases formed part of the euphemistic terms that scribes generally relied on.¹⁰⁶ Therefore, despite the repeated use of the term 'escándalo' in Catalina's civil case, we cannot assume that she was involved in sex work.¹⁰⁷

At the crux of this discussion lie the assumptions of colonial officials and Spanish elites, who used Iberian expectations of gender and race to justify their surveillance of free and enslaved people. Specifically, these assumptions were rooted in the notion that African-descended women were dishonorable, prone to venery and criminal activity, and thus that they contradicted the ideal feminine and Christian virtues of chastity, moderation, and mercy.¹⁰⁸ Likewise,

102. Few, *Women Who Live Evil Lives*, 2–3. For a discussion of women who appear in the archival record as *mujeres escandalosas*, *mujeres malas*, or *mujeres perdidas*, see Pilar Jaramillo de Zuleta, "Las Arrepentidas," in *Placer, dinero y pecado: historia de la prostitución en Colombia*, Aída Martínez y Pablo Rodríguez, eds. (Bogotá: Editorial Aguilar, 2002), 102; Lewis, *Hall of Mirrors*; Bristol, *Christians, Blasphemers, and Witches*; Von Germeten, *Profit and Passion*; Velázquez Gutiérrez, *Mujeres de origen africano*; and Muriel, *Los recogimientos de mujeres*. According to Martha Few, people from all sectors of the social hierarchy consulted with the "so-called mujeres de mal vivir."

103. Von Germeten, *Profit and Passion*, 46. Colonial officials addressed these concerns with generally ineffective methods such as attempts to incarcerate public women and closing brothels. In Guadalajara, for example, the president of the high court proposed a new prison to "punish women of scandalous life."

104. Pablo Rodríguez, "Servidumbre sexual: la prostitución en los siglos XV-XVIII," in *Placer, dinero y pecado*, Martínez and Rodríguez, eds., 82. According to Rodríguez, an example of marginal activity outside of matrimony is if a woman had several lovers over the course of a few years.

105. Von Germeten, *Profit and Passion*, 7.

106. Von Germeten, *Profit and Passion*, 9.

107. Von Germeten, *Profit and Passion*, 26–27; AGNM, Clero Regular y Secular, vol. 2275, exp. 11, "Autos hechos contra Luisa de Espinosa por alcahueta de amancebados" (1567). In contrast to Catalina's dispute, a case from 1567 shows that Mexico City archdiocesan officials and their witnesses stated that a Black woman named Luisa de Espinosa procured men into her home to have sex with her daughter, as well as two other women. The testimonies all suggested that Luisa maintained a home brothel. The vagueness of the scandalous activities in Catalina's home do not permit an interpretation of Catalina and her behavior.

108. Velázquez Gutiérrez, *Mujeres de origen africano*, 232–234; McKnight, "Blasphemy as Resistance," 231–233; Walker, *Exquisite Slaves*, 73. McKnight adds that enslaved people used blasphemy as a form of resistance that stemmed from syncretic religious practices. Inquisition trials about blasphemy also show the "power struggle" between captives, enslavers, the Church, and the state.

female sorcerers or heretics who maintained alternate forms of power to the Church threatened the social order. Moreover, colonial officials considered their persecution of these women for these imputed behaviors to be warranted, as it permitted them to maintain their own authority.¹⁰⁹ Inquisitors in Cartagena, for instance, confiscated the property of African-descended women who were accused of being religious and moral deviants.¹¹⁰

Further, neighborly scrutiny, as described by Tamara J. Walker, was a byproduct of urban living in places like Lima, where shared spaces like entrances, windows, passageways, and courtyards created opportunities for colonial officials and neighbors to surveil the behavior of African descendants.¹¹¹ Hence, when free people engaged in gatherings, or if enslaved people hosted “secret parties” away from the sightlines of slaveholders, their claims to their bodies through playing music, dance, and enjoying one another’s company could still be closely observed by neighbors.¹¹² Catalina and her tenants were similarly scrutinized by the religious authorities who lived next door. Taking the “generalized surveillance” that Catalina and her residents received from presbyters and the alcalde of Antequera as a starting point, Bohórquez tried to portray Catalina’s home as a hub of deviance, stating that “due to her *calidad* and of the worst customs, [Catalina] shelters in her [home] people who . . . scandalously [host] meetings and congregations [with] all kinds of gente de mal vivir . . . [whose] behaviors infect everything . . . [we should] move to [put an end to] the

109. Few, *Women Who Live Evil Lives*, 100–128. Few shows that the public roles of these women made them vulnerable to accusations of sorcery with the Inquisition.

110. Silva Campo, “Roots in Stone and Slavery,” 48–51; Silva Campo, “Fragile Fortunes,” 207. Specifically, the Inquisition targeted people accused of heresy. Silva Campo argues that the confiscation of property was rooted in Roman and canon law. The objective of this practice was to punish people who subjected themselves to exclusion by their community by committing a crime. These women also faced imprisonment, the whip, and even temporary banishment from the city of Cartagena. Silva Campo offers many examples of free and enslaved women whose dispossession included the confiscation of property, which ultimately benefited individuals from various social classes. Silva Campo explains that the Inquisition established a permanent tribunal in Cartagena and searched for jurisdictional space in the city. Like Bishop Monterroso in Oaxaca, they searched for the most ideal house in Cartagena, one located in the plaza mayor. Due to the “excessively expensive” cost of that location, they proceeded to search for property in the Los Jagüeyes neighborhood, which was inhabited mainly by free African-descended people. Inquisitors specifically targeted African-descended women, accusing them of heresy, and as Silva Campo argues, they were generally punished more harshly than Spaniards by inquisitors. The Inquisition benefitted from these charges by auctioning confiscated property from the accused women. This enforcement of social control not only disempowered African-descended women in Cartagena through religious persecution, but it also likely cut off their livelihood because they may have conducted their business in their homes. Catalina experienced similar forms of dispossession based on the Church’s perception of her moral deviance. However, records of her land dispute do not include any language that indicates she was accused of heresy, blasphemy, or sorcery.

111. Walker, *Exquisite Slaves*, 73. Walker argues that these public “interstitial zones” merited “attention and scrutiny” from enslavers, officials, and employers.

112. Walker, *Exquisite Slaves*, 48; Stephanie H. Camp, *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South* (Chapel Hill: University of North Carolina Press, 2004), 60–68. Walker describes “secret parties” as sites of agency and empowerment for enslaved women and men because their practice of designing clothing and making instruments directly opposed the limitations of their condition of captivity.

scandals [with] which until now she has lived [in].”¹¹³ While the archival record does not indicate whether Catalina engaged in sexual transgressions or practices that challenged religious orthodoxy, Bohórquez nonetheless characterized her home as a meeting place for people with “bad reputations.” The agents of the Church, therefore, justified their scrutiny of Catalina because they feared her power and influence over other women, as well as her ability to control their destinies.

Catalina’s Appeal

Because she was a person of African descent, and particularly because she was a free, propertied mulata, secular and ecclesiastical authorities attacked Catalina’s livelihood, social location, and her family’s legacy, which culminated in her violent removal from her home by the sheriff in Antequera on September 26, 1673. But Catalina’s resolve was not broken, and she would not allow her story to end with such a violent dispossession. Just as she was doubtlessly targeted because she was a mulata who held the most centralized real estate in Antequera, she relied on the rights and social capital gained from this social status to launch a decisive legal strategy to reclaim her home. Two days later, on September 28, Catalina’s appeal to the Audiencia was immediately read to the *teniente de alcalde mayor*. In it, she restated her initial appeal of the property transfer and emphasized the extreme violence she had experienced during the removal.¹¹⁴ She then traveled approximately 280 miles over several days or possibly weeks, trekking across the Sierra Madre mountains to reach the Royal Tribunal Court in Mexico City.¹¹⁵

On her arrival, she likely took up residence with her son Melchor, who already lived in Mexico City and to whom she had previously granted a power of attorney to handle the dispute.¹¹⁶ Catalina’s case commenced in the High Court on October 11, 1673, with the procurator of the Audiencia, Juan

113. AGNM, Tierras, vol. 112, exp. 3 fols. 3-5; Walker, *Exquisite Slaves*, 74; Few, *Women Who Live Evil Lives*, 1–2. The term *mujeres de mal vivir* was used for women assumed to live evil lives. Specifically, this term referred to female sorcerers, magical healers, and clandestine religious leaders. Here, I follow Tamara J. Walker’s use of Michel Foucault’s concept of “panopticism” because the state or officials’ observance and scrutiny of an individual’s behavior extended beyond prisons.

114. AGNM, Tierras, vol. 112, exp. 3, fol. 32.

115. Chance, *Race and Class*, 34; AGI, Justicia 231, fol. 463; Gage, *The English-American*, 190–191. During his travels in New Spain during the mid seventeenth century, Thomas Gage’s description of the “City of Guaxaca” noted that it “standeth threescore leagues from Mexico,” which equates to approximately 60 leagues. However, when the city of Antequera was established in 1529, the Royal Audiencia ordered that the province of Oaxaca be located 80 leagues or about 280 miles from Mexico City which is roughly halfway between the viceregal capital and Guatemala. I rely on the Audiencia’s estimate of this distance because it accurately depicts the distance between Mexico City and Oaxaca.

116. AGNM, Tierras, vol. 112, exp. 3, fols. 2 and 58. Catalina granted her son, Melchor de Vera, a power of attorney to handle the dispute on her behalf before she filed her appeal on September 20, 1673. Catalina most likely

Leonardo de Sevilla, presenting on behalf of Catalina. Sevilla's argument against Bohórquez's acquisition of Catalina's property was built around three central points. First, he contended that the initial proceedings against Catalina were invalid on the grounds that the Church had taken legal action against a layperson over whom it did not have jurisdiction. Second, he argued that the expansion of the episcopal palace and the sale of Catalina's home was not necessary because the Church was already capably serving Antequera's population. Third, and most important, Sevilla exposed malfeasance in the initial proceedings in Antequera by arguing that a civil authority was not permitted to execute the orders of an ecclesiastical institution, especially when the Church imposed the terms and penalties of the order.¹¹⁷ Bohórquez's attorney, Luis Gómez de Escobar, in his opening statement responded that Bishop Monterroso and Bohórquez had desired only to eradicate bad customs in Antequera. He also refuted Sevilla's first claim, indicating that it was frivolous to suggest that the Church did not have jurisdiction to coerce Catalina to sell her property. Moreover, Gómez de Escobar stated, Catalina's eviction was justified because it was executed before the Justicia Real, specifically, the *alcalde mayor*.

Catalina's legal challenges continued for another two years, with both parties restating their cases to the Audiencia nearly a dozen times. In every civil document he filed, Catalina's procurator repeatedly demanded restitution for the serious financial losses she had suffered with her dispossession. In multiple filings, Catalina explained that the revenue generated from renting out her home had been her only source of income. In addition, in several documents, Catalina's procurator reminded the Audiencia of her ongoing state of poverty, pointing out repeatedly that she had no other possessions, nor did she even have the means to move back to Oaxaca.¹¹⁸ In sum, Catalina emphasized her self-identification as a "destitute widow" to highlight the tremendous financial hardship she suffered as the land dispute dragged on for two years, until 1675.

In 1675, Catalina was finally permitted to present character witnesses whose testimonies emphasized her modesty and virtue. In July 1675, three Spaniards and a mulato appeared before the court to address questions about Catalina's lifestyle and the Church's demand for a beaterio in Antequera. Catalina strategically selected four male witnesses, three of whom were Spaniards. All four witnesses reported that they knew Catalina and that her home was too small to be of use to the bishopric. One witness, a 23-year-old mulato named

moved in with her son, because a year later, she still claimed that she did not have enough money to return to her home in Antequera.

117. AGNM, Tierras, vol. 112, exp. 3, fol. 31.

118. AGNM, Tierras, vol. 112, exp. 3.

Manuel Peres, made the long journey to Mexico City to offer his testimony. He indicated that Catalina had lived in the home peacefully for at least nine years and that he did not see a reason to take the house from a “*mujer muy quieta*.”¹¹⁹ Catalina even managed to get a lieutenant sheriff to speak to her good character. The lieutenant sheriff Joseph Rodríguez, a Spaniard, also traveled to Mexico City to present his testimony. He added that Catalina lived “quietly and peacefully” and that she did not cause any scandals in the city.¹²⁰ Another Spaniard, a shoemaker named Juan Díaz de Vargas, confirmed that Catalina lived peacefully and that she had caused no scandals, neither during her marriage nor after her husband died. Catalina’s neighbor, another Spaniard named Fernando Diego Henríquez, who owned a haberdashery, appeared before local officials in Antequera to report that Catalina had lived peacefully for the two years that he had resided near her. He also responded that without a doubt, Bohórquez had used the beaterio as a pretext to confiscate the home from Catalina.¹²¹

Catalina’s witnesses are indicators of her social world. Her witnesses included a mulato brick mason, as well as Spaniards who were shop owners, artisans, and a lieutenant sheriff. Their testimonies show that Catalina forged social ties with residents in her community and that she likely interacted with local authorities. Similarly, her selection of witnesses was intentional. The voices of men, specifically Spaniards, probably carried significant weight in the colonial courts. Likewise, the statements from a lieutenant sheriff and business owner offered strong counterarguments to the accusations of Catalina’s “bad customs.” Moreover, the identity and occupations of her neighbors suggest that the area surrounding the plaza mayor was far more diverse than Spanish elites would have hoped. Still, the property owners in this part of the city were often well-to-do Spaniards, whereas tenants and those in the service industry were generally Indigenous people, castas, or free African descendants. Catalina had been previously married to a mulato, and her children were labeled the same way. In short, Catalina most likely interacted with people from all levels of the social order—from the wealthiest families in Antequera to low-ranking individuals who rented out rooms on her property.

After considering the testimonies of her character witnesses, as well as her attorney’s legal arguments over two years of litigation, the Real Audiencia finally announced that Catalina had won the dispute, on November 7, 1675. In their ruling, the Audiencia found that Bohórquez had no legal ground to compel Catalina to sell her home but noted that he did have the right to punish

119. AGNM, Tierras, vol. 112, exp. 3, fols. 70-71. Here, “*mujer muy quieta*” refers to a woman who is reserved.

120. AGNM, Tierras, vol. 112, exp. 3, fol. 69.

121. AGNM, Tierras, vol. 112, exp. 3, fols. 72-73.

the boarders who lived “scandalously” in the property.¹²² Incensed by the ruling against him, Bohórquez sought to change the Audiencia’s decision by again attacking Catalina’s character and insisting that the coerced sale was legitimate. Bohórquez first contended that the Church’s acquisition of the property was justified because Catalina was a “weak” person, and only a woman of “modesty and virtue” deserved to live so close to the bishop. He then characterized the entire transfer of property as impartial, adding again that he had offered fair payment of the property’s fairly assessed value.¹²³ Likely at Catalina’s urging, her defense counsel countered these claims. Recalling the instances when Bohórquez had described Catalina as a vile person with bad customs, the counsel stressed that this was a notably sinister statement to make before the Royal Tribunal Court.

Catalina then gave her own review of the legitimacy and motivations that had spurred the Church’s interest in her property. She argued that the expansion of the bishopric was not a necessity but rather a desire because the existing episcopal palace had sufficiently served the city’s residents for over 100 years. Thus, it was not necessary to “take my house” to build a beaterio.¹²⁴ Instead, the structure could have been built elsewhere in the city. Catalina’s defense counsel finally stated that the offer of a fair price did not automatically give the Church the legal right to confiscate her home, and the Audiencia agreed.¹²⁵

Catalina was able to obtain a favorable result in this judicial ruling because a widow and recognized householder in Mexico, whether or not of African descent, could not be legally coerced to sell their property, especially if the affected party had not committed any crime. The outcome of this case shows that Bishop Monterroso, Bohórquez, and the other authorities involved in this dispute were never able to permanently confiscate Catalina’s property or prove that she was a *mujer de mala vida*.

Still, the longevity of this dispute and the acute attacks reveal the heavy social and economic toll of such accusations on an African-descended woman’s social legitimacy. Specifically, Catalina was not only dispossessed in the sense that she was evicted, but she was also left in such a state of poverty that she could no longer return home.¹²⁶ Her resilience, and indeed the long-lasting impact of the Church’s attempt to marginalize her, would come at a heavy cost. Catalina

122. AGNM, Tierras, vol. 112, exp. 3, fol. 105.

123. AGNM, Tierras, vol. 112, exp. 3, fol. 107.

124. AGNM, Tierras, vol. 112, exp. 3, fol. 108.

125. AGNM, Tierras, vol. 112, exp. 3, fol. 108. The land dispute continued until January 1677 with litigation including a sum of 22 pesos that Bohórquez insisted Catalina needed to return because her home was likely leased while the Church held possession of it.

126. AGNM, Tierras, vol. 112, exp. 3, fol. 68. The defense counsel frequently referred to the “violent despoilment” that Catalina experienced when she was removed from her home. Catalina’s son Melchor was already living in Mexico City

died in Mexico City in December 1678, just two years after the completion of her civil case in the Real Audiencia.¹²⁷

CONCLUSION

Catalina's fight to retain her property shows just a few ways that African-descended women used their legal awareness to challenge colonial institutions and contest elite expectations of gender and race in colonial Mexico.¹²⁸ In the Valley of Oaxaca, Indigenous populations regularly defended their legal rights in the local courts. Indigenous men and women defended their claims to land, litigated with spouses, and reported Spaniards for abusing their authority. Yet we know considerably less about the legal consciousness of African-descended women. Catalina offers a glimpse into the social world of propertied African-descended women and their strategies to secure their position in urban settings. Most African-descended women in Antequera did not own valuable property in the plaza mayor, which does make Catalina an exceptional individual, but the dispossession she faced was symbolic of the Black experience across the Americas in the seventeenth century. Catalina's battle with one of the most wealthy and powerful Spaniards in Antequera shows that she could and would insist on keeping her property, even when confronted by the machinations of the bishopric of Oaxaca.

Similarly, Catalina's presence in the Church's sphere of influence also directly challenged the social order, which placed Africans and their descendants in the lower ranks of the social hierarchy. Spanish elites generally owned properties in the area surrounding the plaza mayor, and thus Catalina was not the *expected* type of resident for a location adjacent to the episcopal palace. Her mere presence, combined with her ownership and leasing of such valued property, challenged the social structure. But Catalina was a second-generation

at the time of this case; she likely ended up staying there with him for several years because of the "vexation" she had experienced in Antequera.

127. México, Distrito Federal, registros parroquiales y diocesanos, 1514-1970, database with images, *FamilySearch.org*, <https://www.familysearch.org/ark:/61903/1:1:6DL8-9ZKD> :7 December 2021), Cuauhtémoc > La Santa Veracruz > Defunciones y entierros 1622-1681, 1758-1823 > image 787 of 984; parroquias Católicas, Distrito Federal (Catholic Church parishes, Distrito Federal. Even after the Audiencia handed down its decision in November 1675, Bohórquez continued to litigate with Catalina until January 1677 over the 22 pesos that he insisted she owed the Church.

128. See McKinley, *Fractional Freedoms*, 2; and Premo, *The Enlightenment on Trial*, 44. McKinley describes enslaved litigants in Lima as "legal protagonists" who created and shared legal knowledge with their social networks and used this knowledge to claim personhood and virtue. I rely on this framework to conceptualize Catalina's legal tenacity in Antequera. It is also possible that Catalina engaged in what Bianca Premo considers "jurisdictional jockeying" to pit the local courts and Real Audiencia against each other to achieve the best possible outcome for herself and her family.

African-descended property owner whose family donated part of its generational wealth to the Church. When Bohórquez attempted to illegally push Catalina out of her home, she understood and acted on her legal right to appeal to the High Court in Mexico City. Despite the unlawful and unfair appraisal made to coerce her, Catalina knew the exact value of her property and she used this knowledge to dispute the “violent despoilment” of her home. And in the end she won the case, and she was able to keep the property that she inherited from her father.¹²⁹ The ways in which Catalina fought for and retained her home indicate that her property was essential to her livelihood, sustenance, and social status, and that she was fully aware of its value.

Many scholars concur that free people of African descent understood their position in the social order and contested elite expectations of race. Catalina is just one example of an African-descended woman who bypassed the local courts and appealed to the Real Audiencia to maintain the possession and control of a property that was legally her own. This land dispute reveals that African-descended women used their properties in ways analogous to other colonial women: as a means to support themselves and their families and secure their position in the social hierarchy. This legal case also outlines the numerous social and economic challenges faced by African-descended women in Mexico, often stemming from spouses, employers, the Church, and the colonial state. More importantly, African-descended women understood their place within colonial systems of power and control, and they negotiated their social status within these structures. Catalina understood that her status as a free mulata guaranteed her certain legal, social, and economic freedoms in Spanish colonial society. Her knowledge of jurisprudence in Mexico demonstrates that she knew her rights as a high-ranking woman of African descent, and that she understood the value and importance of her property in Antequera.

This land dispute provides a window into a stratified urban society, with long-established social and economic hierarchies, wherein African-descended women and men were still heavily marginalized. Even so, the extraordinary case of Catalina de los Reyes illustrates the resolve and fortitude of African-descended people to utilize, find, and create avenues to defend, contest, and even improve their social standing within the existing hierarchy.

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129. AGNM, Tierras, vol. 112, exp. 3, fols. 22-26v.