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Reuben Zahler

University of Oregon

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(1790-1860)***



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Escandalosas: Plebeian Women and Violence in Venezuela's Middle Period (1790-1860)

Reuben Zahler

Abstract. – This article investigates the meaning of scandal during Venezuela's "middle-period", from the end of the colony through the early republican decades (~1780 - ~1860). The article first attempts to understand the meaning of the term "scandal" during these years and then explores the phenomenon through an examination of court cases of women charged with violent crime. The investigation finds that historically the term "scandal" had a far more sinister meaning than it holds today. When used with reference to religion, politics, and state administration the term was associated with rebellion against institutions as well as the social hierarchies and cultural norms that supported those institutions. To accuse somebody of creating scandal implied that they harbored rebellious impulses and that they threatened social order because others might imitate the transgressor's bad example. For a woman to be accused of scandalous behavior suggested that she had rebelled against patriarchal hierarchies, the honor code, and norms of feminine decency. Though scandal itself was not a crime, the courts treated scandal like a crime in order to preserve social order. Even if the court acquitted the woman of the crime for which she had been charged (i.e., murder), the judge would punish her for having scandalized the community. The defendants in these trials tended to be poor and illiterate. Their low socio-economic status left them particularly vulnerable to charges of scandalous behavior because any violation of feminine norms could appear as a rebellion against patriarchal hierarchy. Their low status also left them vulnerable to false accusations from relatives or neighbors, as simply the implication that she had caused scandal would hurt her reputation.

Keywords: Law, Crime, Gender, Patriarchy, Republic, Honor.

Resumen. – Este estudio gira en torno al significado del concepto de "escándalo" en Venezuela, durante el período que abarca desde el final de la colonia hasta las primeras décadas republicanas (~1780 -~1860), así como al análisis de este fenómeno a través de un minucioso examen de casos judiciales de mujeres acusadas de delitos violentos. La investigación ha revelado que

históricamente el término "escándalo" tenía un significado mucho más siniestro del que tiene hoy. Cuando se utilizaba en referencia a la religión, a la política y a la administración del Estado el término se asociaba a la rebelión contra las instituciones, así como contra las jerarquías sociales y las normas culturales que las sustentaban. Provocar un escándalo implicaba no sólo una incitación a la rebeldía, sino que además amenazaba el orden social porque otros podrían imitar el mal ejemplo de la transgresora. Si una mujer era acusada de comportamiento escandaloso, se daba por hecho que se había rebelado contra las jerarquías patriarcales, el código de honor y las normas de decencia femenina. Aunque el escándalo en sí no era un delito, los tribunales daban prioridad al mantenimiento del orden social y, por tanto, trataban el escándalo como si lo fuera. Incluso si el tribunal absolvía a la mujer del cargo de asesinato, el juez la castigaba por haber escandalizado a la comunidad. Las acusadas en los juicios solían ser pobres y analfabetas. Su bajo estatus socioeconómico las hacía especialmente vulnerables a las acusaciones de comportamiento escandaloso porque cualquier violación de las normas femeninas podía aparecer como una rebelión contra la jerarquía patriarcal, así como también a las falsas acusaciones de familiares o vecinos porque la simple insinuación de que había provocado un escándalo podía dañar su reputación.

Palabras clave: ley, crimen, género, patriarcado, república, honor.

On December 16, 1849, villagers from La Grita, Venezuela pulled the dead body of Juan Bautista Moreno out of a river. He had deep gashes on his head and leg. Six months later, on June 16, 1850, several villagers went to authorities to report that they believed Juan had been murdered by his wife, Juana Zambrano, and her lover, Juan de la Concepción Sánchez. The witnesses reported that Juana and Juan had been carrying on an adulterous affair and had spoken ill of her husband, that Bautista had voiced fear that his wife would hurt him, and that on the day of his death they had seen Juana carrying a bloody machete. Further, immediately after Bautista's death, Juana moved into her lover's house and had been living there ever since. The witnesses were all illiterate and had professions such as "agricultor" (farmer or farm worker) or weaver.

The investigators arrested and interrogated the couple, demanding that they explain their scandalous behavior. The suspects denied the murder but did not deny their adulterous affair or living together since

the husband's death. The *alcalde* chastised Juan for committing adultery:

“Why did you take the woman of Moreno, taking up with her, perverting the sacrament of her condition, bringing *scandal* to the neighborhood and corrupting the moral health, coming to such a state that on the same day as the event [the funeral] you come to live with her in a manner that scoffs at and relaxes the good customs that a man should observe?”

When the *alcalde* interrogated Juana, he asserted that she had committed “one of the greatest *scandals*... to live unmarried in an evil state with a man...”¹

Escandalosas

The case of Juan, Juan, and Juana illustrates the role of scandal as a tool for social control and the ways in which civilians and officials cooperated to police social values. This article has two main objectives: First, I argue that current scholarship on scandal does not adequately articulate its meaning for the time period under study (~1790 - ~1860). Latin American historians call this “the middle period,” meaning an era that spans the late colonial regime through the early republican period (i.e., the decades after independence). The meaning of “scandal” offered by scholarship on the middle period relies on definitions that derive from medieval theology and focus almost entirely on the risk of a sinner’s bad example to spread to others. This definition misses important complexities of the term as used in the middle period. In scholarship on our contemporary period, a simple definition of a “scandal” can be the public outrage, gossip, and communication generated by an action that the public sees as morally wrong.² This definition is inappropriate for the middle period because it places too much responsibility on the public for creating scandal, and also it

¹ Archivo General del Estado Mérida (henceforth AGEM), RP, 1850, Concubinato y adulterio, Tomo X, Fols: 163-216. “Expediente contra Juan de la Concepción Sánchez y Juana Zambrano...” Quotes from ff172v and 173v. Italics added by author. All translations by author, unless otherwise noted.

² Ari Adut, *On Scandal: Moral Disturbances in Society, Politics, and Art*, New York: Cambridge University Press, 2008, p. 11; Vanessa Freije, *Citizens of Scandal: Journalism, Secrecy, and the Politics of Reckoning in Mexico*, Durham: Duke University Press, 2020, p. 15.

examines scandal in the context of modern media, democracy, and a liberal public/private divide. Therefore, I will attempt to offer a definition appropriate for the middle period.

Second, this study explores how scandal operated in criminal prosecution, specifically against women accused of violent crimes. As we shall see, plebeian women who came before the courts accused of committing a violent crime also faced accusations that they had created scandal in their communities. I argue that, though scandal was not technically a crime, the courts treated it as such and placed a high priority on how to manage the scandal. Further, plebeian women had to be very wary of being accused of causing scandal because such accusations could be dangerous and even deadly, and because they were especially vulnerable to those accusations due to their low social status.

The dataset relies principally on archival documents that contain the word “scandal” [*escándalo, escandaloso*]. In order to form a definition of “scandal” for Venezuelans during the middle period, I rely on a variety of types of sources (e.g., court cases, administrative communication, law codes, newspapers) from archives throughout Venezuela: Archivo de la Academia Nacional de la Historia (AAHN), Archivo General de la Nación (AGN), Archivo Histórico del Estado Falcón (AHEF), and Biblioteca Febres Cordero (BFC, in Mérida). To explore the relationship between violence and scandal I rely on court cases that contain the word “scandal” from the AGN and the Archivo General del Estado Mérida (AGEM). After independence, court cases typically did not record the race/ethnicity of the defendant, and therefore an investigation based on those demographic markers is not possible.

A note on style: Throughout I will italicize the word scandal when it appears in a quote from an archival document, in order to highlight the meaning of the term in the original sources. Also, when discussing the court cases, I generally refer to the people by their first name rather than their surname. Many of these cases have numerous key figures (e.g. spouses, relatives, neighbors, officials, etc.) and it can be easy to lose track of who is who in the narrative. I hope that by using first names rather than surnames, the reader will find the narratives a little easier to follow.

Scholarship and Background

The phenomenon of scandal fits into the larger subject of social control. The social psychologists Dijker and Koomen define social control

“as the process by which individuals and societies attempt to prevent or reduce deviant conditions or their consequences, induce and monitor compliance with their major values and norms, and hence maintain social order and morality...”³

The sociologist Ari Adut points out that, while legal justice regards offenders as autonomous individuals and “demands exacting criteria of proof to establish wrong-doing”, scandal has a “collectivistic nature and entails the exercise of popular justice: associates of offenders are often compromised with mere allegations”.⁴ For this reason, scandal serves as a particularly powerful mechanism to promote conformity to group values; group members surveil and police each other, as each member of a community has a self-interested motivation to prevent close associates from transgressing.

The honor code remained the dominant social norm across the colonial period and nineteenth century, such that scandalous behavior was essentially a subset of dishonorable behavior. Because honor, law, and religion were thoroughly intertwined, an infraction against honor was inherently immoral and therefore scandalous. For example, the *Siete Partidas*, the medieval Castilian law code that remained in force in Latin America through the nineteenth century, claimed to preserve a social order that derived from God Himself, justified domestic law with reference to how God created man and woman, and stipulated law to repress Muslims and Jews.⁵ Consequently, Hispanic culture and justice systems intertwined notions of law, sin, and scandal, and they cannot be separated into discrete categories. In Venezuela, as elsewhere throughout Latin America, the culture of honor changed significantly during the middle period in response to the greater social mobility, economic opportunity, and access to political rights that marked the

³ Anton Dijker / Willem Koomen, *Stigmatization, Tolerance and Repair: An Integrative Psychological Analysis of Responses to Deviance*, New York: Cambridge University Press, 2007, p. 4.

⁴ Adut, *On Scandal*, p. 25.

⁵ *Siete Partidas*, Partidas 4 Introduction, Partida 7 Titulo XXIV.

Age of Revolution.⁶ Nonetheless, the fundamental ingredients of women's honor, and therefore the female behaviors that would generate scandal, remained fairly stable across the long nineteenth century.

Women faced particularly strict control from both their community and from state actors, such that they were constantly under threat that gossip, rumor, and surveillance could result in intense punishment for a perceived violation of the honor code. Honorable women should be devoted to their family, selfless in their service to others, submissive to patriarchs (i.e., husbands and fathers), and sexually modest and faithful.⁷ Colonial and republican women alike faced intense scrutiny with regards to their clothes, body language, decorum in a social setting, whether they were in the right setting at the right time of day/night, and above all for sexual modesty.⁸ Nonetheless, criminal court records demonstrate that women challenged patriarchy and moved about in public far more than we might believe based on a strict reading of the honor code or honor literature.⁹ Still, failure to protect her honor could result in social punishment towards both the individual and her family, and damage her ability to protect herself if she ever was tried for a

⁶ Arlene Díaz, 'Ciudadanas' and 'Padres de Familia': Gender Conflicts in the Early Venezuelan Republic, Chicago: American Bar Foundation, 1994; Luis Felipe Pellicer, *La vivencia del honor en la provincia de Venezuela, 1774-1809*, Caracas: Fundación Polar, 1996; Elías Pino Iturrieta, *Fueros, civilización y ciudadanía*, Caracas: Universidad Católica Andrés Bello, 2000; Inés Quintero, *El marquesado del Toro, 1732-1851: nobleza y sociedad en la Provincia de Venezuela*, Caracas: Academia Nacional de la Historia, 2009.

⁷ Sueann Caulfield / Sarah Chambers / Lara Putnam, (eds.), *Honor, Status, and Law in Modern Latin America*, Durham: Duke University Press, 2005; Lyman Johnson / Sonya Lipsett-Rivera, *The Faces of Honor: Sex, Shame, and Violence in Colonial Latin America*, Albuquerque: University of New Mexico Press, 1998; Inés Quintero (ed.), *Las mujeres de Venezuela: historia mínima*, Caracas: Funtrapet, 2003; Kathryn Sloan, *Runaway Daughters: Seduction, Elopement, and Honor in Nineteenth-Century Mexico*, United States of America: University of New Mexico Press, 2008.

⁸ Sonya Lipsett-Rivera, *Gender and the Negotiation of Daily Life in Mexico, 1750-1856*, United States of America: University of Nebraska Press, 2014.

⁹ Victor Uribe-Uran, *Fatal Love: Spousal Killers, Law, and Punishment in the Late Colonial Spanish Atlantic*, Stanford: Stanford University Press, 2016, p. 177.

crime.¹⁰ For single women who did not live under the authority of a male head of household, the judicial system might intervene and take over the role of stern patriarch, punishing such women for dishonorable conduct and then imparting moral lessons in proper behavior.¹¹

The Meaning of “Scandal” in Different Time Periods

The meaning of “scandal” and its many connotations has evolved a great deal over the centuries, such that the contemporary usage is dramatically different from what it was in previous centuries. The word scandal comes from Greek (*scandalon*) to Latin (*scandalum*), meaning a rock that obstructs the path (a stumbling block) or, in a nautical sense, rocks or reefs in the water that pose a threat to ships. In the Christian era, early Church fathers (from the third to fourth centuries CE) used *scandalum* to refer to a thing, act, or behavior that induced others to fall into bad behavior or sin. In other words, a scandal was an example that influenced others to behave badly.¹²

The medieval theologian Thomas Aquinas dedicated a chapter of his great work, *Summa Theologiæ*, to scandal. Aquinas was the preeminent moral philosopher of the medieval church and, from at least the fifteenth century, the kings of Castile adopted a Thomistic paradigm for their morality and law, which they later transported to the Americas. In a Thomistic perspective, morality is predominantly social and the good

¹⁰ Laura Shelton, “Bodies of Evidence: Honor, Prueba Plena, and Emerging Medical Discourses in Northern Mexico’s Infanticide Trials in the Late Nineteenth and Early Twentieth Centuries”: *The Americas*, 74: no. 4 (2017), pp. 468-470; Sloan, *Runaway Daughters*.

¹¹ See Sarah Chambers, “To the Company of a Man Like My Husband, No Law Can Compel Me: The Limits of Sanctions against Wife Beating in Arequipa, Peru, 1780-1850”: *Journal of Women’s History*, 11: no. 1 (1999), pp. 34-35; Arlene Díaz, *Female Citizens, Patriarchs, and the Law in Venezuela, 1786-1904*, Lincoln: University of Nebraska Press, 2004, p. 74; Marianela Ponce, *De la soltería a la viudez: La condición jurídica de la mujer en la provincia de Venezuela en razón de su estado civil*, Caracas: Academia Nacional de la Historia, 1999.

¹² “Etimología de Escándalo”, (found on August 23, 2022) at <http://etimologias.dechile.net/?esca.ndalo#:~:text=La%20palabra%20esc%C3%A1ndalo%20viene%20del,conducta%20que%20hace%20caer%20en>.

of the community was more important than the individual.¹³ For Aquinas, scandal did not necessarily involve public outrage or publicity and the responsibility for the spread of scandal did not reside only with the sinner. Aquinas articulated two basic types of scandal: active and passive. Active scandal is a word or deed that is a sin or appears to be a sin, publicly performed, so that it occasions another to sin: “scandal is sinning before others”.¹⁴ An active scandal was a serious offense because it endangered the morality of others. Indeed, Aquinas compared scandal to theft and homicide: murder deprives your neighbor of his corporeal life while scandal kills his spiritual life and excludes him from the kingdom of God. Significantly, at the same time Aquinas asserted that the mere act of committing a sin did not necessarily cause others to sin: an active scandal gave “occasion” for others to sin but does not “cause” them to sin. If one’s neighbors were righteous, they might respond to an active scandal by reinforcing their moral integrity, which means that they did not sin and were not scandalized. According to Aquinas, to say that a person is scandalized means that he has sinned, which reflects his own inclination to sin, that he “has an unsettled mind in cleaving to good”.¹⁵

Aquinas also recognized that people at times take offense, or move towards sin, as a result of witnessing the non-sinful actions of another person. Passive scandal occurs when a person does or says something that is not sinful, and may even be virtuous, but induces another to sin. For instance, passive scandal occurs when one person demonstrates good fortune or expresses generosity, which induces others to envy. Again, the person who observed the initial act is scandalized only if he then commits a sin.¹⁶ Related to passive scandal, Aquinas also discussed what has come to be known as “pharisaical scandal”, referring to people who misjudge something as appalling due to their own ignorance and

¹³ Sergio Ortega Noriega, “El discurso moral acerca de la comunicación y su aplicación en la Nueva España”: Sergio Ortega Noriega (ed.), *Senderos de palabras y silencios. Formas de comunicación en la Nueva España*, Mexico: Instituto Nacional de Antropología e Historia, 2000, pp. 63-64.

¹⁴ St. Thomas Aquinas, *Summa Theologiæ*, United Kingdom: Eyre and Spottiswoode Limited, 1972 (trans. Thomas R. Heath) (vol. 35), p. 117. Question 43, Scandal.

¹⁵ *Ibid.*, pp 109-37 (Question 43, Scandal). Quote from p.123.

¹⁶ *Ibid.*, p. 123.

moral failings, as when the biblical Pharisees were scandalized by the virtuous actions of Jesus.

Scholarship on the pre-modern Hispanic world defines “scandal” in the same way as Aquinas. In Martín Alonso’s etymological encyclopedia of the Spanish language, the discussion of “*escándalo*” does not mention Aquinas but affirms that, since the thirteenth century, the Spanish language has defined scandal in the same terms used by Aquinas; “*escándalo*” is “action or word that induces another to do or think evil”, and the concept includes the categories of the active, passive, and pharisaical types.¹⁷ There is very little scholarship that explores the subject of and meaning of “scandal” in Latin American history prior to the late twentieth-century. I found two articles that defined “scandal” for the colonial period and one for the middle period. Mirroring Aquinas, they define scandal as “a public action that created the possibility that others would follow the bad example”.¹⁸ These studies also explain the pressing need of civil and ecclesiastical authorities to repress scandal in order to protect communal morality.¹⁹ For example, Lourdes Villafuerte examined the particularly intense nature of scandal when Spaniards, who were supposed to represent the strictest compliance with the honor code, engaged in a very public case of adultery in late colonial Mexico City.²⁰ Geneviève Verdo explored how, during the beginning of the independence period (1812) in Mendoza (la Plata), the notion of an individual right to free expression sat in tension to traditional ideas of honor and scandal.²¹

¹⁷ Martín Alonso, *Enciclopedia del idioma: diccionario histórico y moderno de la lengua española (siglos XII al XX) etimológico, tecnológico, regional e hispanoamericano*, España: Artes Gráficas Grijelmo, S.A., 1958 (vol. 2), “Escándalo”.

¹⁸ Nicolás Celis Valderrama, “Delitos, violencias y escándalos sexuales en Chile: escalas de análisis metodológico (fines siglo XVIII - mediados siglo XIX)”: *Nuevo Mundo Mundos Nuevos*, (2018), p. 13 (page consulted on July 15, 2023) <http://journals.openedition.org/nuevomundo/72232>.

¹⁹ Ortega, “El discurso moral”; Lourdes Villafuerte, “Lo malo no es el pecado sino el escándalo: Un caso de adulterio en la Ciudad de México”: Sergio Ortega Noriega (ed.), *Senderos de palabras y silencios. Formas de comunicación en la Nueva España*, México: Instituto Nacional de Antropología e Historia, 2000, pp. 99-112.

²⁰ Villafuerte, “Lo malo”.

²¹ Geneviève Verdo, “El escándalo de la risa, o las paradojas de la opinión en el período de la emancipación rioplatense”: François-Xavier Guerra (ed.), *Los*

The paucity of scholarship on the historical conditions is not surprising, as scholarship on scandal began only in the past couple decades and most of it focuses on the phenomenon since the late twentieth century. The sociologist Ari Adut wrote “the first general and comprehensive analysis of scandal” in 2008.²² These studies of modern conditions examine scandal in the context of a robust media ecosystem within democratic institutions in which a nation becomes gripped with news about such things as a politician and sex, an athlete and drugs, corporate malfeasance, etc.²³ For example, historian Vanessa Freije, in her study of Mexican politics in the 1960s-80s, explains how

“scandalous news items provided collective opportunities to revise political expectations and sharpen expressions of dissent. [...] Urban Mexicans were, in this sense, ‘citizens of scandal’”.²⁴

As we shall see, the modern meaning of the term is significantly different from its meaning during previous epochs, including the middle period.

In its modern sense, the exact definition of “scandal” is elusive and focuses less on the sinful transgression and more on the public response to the transgression. In the modern context, a scandal is a loud public reaction to a perceived transgression against social values. In other words, a scandal is a public reaction that may occur regardless of whether the transgression deserves public attention or whether the transgression even occurred. As sociologist Ari Adut points out,

“Scandal is a polysemic word. A significant transgression, the forceful reaction that a transgression elicits, the discredit heaped on persons and institutions as a result of a transgression or its denunciation, and an episode during which a transgression is publicized and condemned are all referred to as ‘scandal’ in everyday parlance”.²⁵

A scandal can be caused by the publicity of a transgression or it can be a “socially constructed phenomena [...] a moral panic fashioned or

espacios públicos en Iberoamérica. Ambigüedades y problemas, siglos XVIII-XIX, México: Fondo de Cultura Económica, 1998, pp. 225-40.

²² Adut, *On Scandal*, p. i.

²³ Freije, *Citizens of Scandal*; Laura Kipnis, *How to Become a Scandal: Adventures in Bad Behavior*, New York: Metropolitan Books, Henry Holt and Company, 2010.

²⁴ Freije, *Citizens of Scandal*, pp. 2-3.

²⁵ Adut, *On Scandal*, p.11.

exploited by elites to manipulate mass perceptions”.²⁶ The sociologist Carolina Schillagi also identifies the public, not the presumed transgressor, as the agent that creates the scandal, i.e., public response creates scandal. Schillagi emphasizes that the modern period has more scandal, and more intense scandal compared to the past, not because of a decline in the morals of public figures, but rather because of the greater visibility of those figures due to the media.²⁷ While the modern sense of the word retains parts of the older meaning –an action that induces others to behave badly– it focuses not only on the transgressor’s culpability for allegedly committing a sin but also on the public’s agency in creating its own outrage.

For our purposes, there are a few features of Aquinas’ definition and a modern definition that bear emphasis. The Thomistic and the modern definition agree that “scandal” relates both to a transgressive act and to how others respond to that act. Further, they agree that the observer of the sinful act is an active agent and responsible for his response; the observer decides whether to spread news about the transgression, whether to reject or follow the bad example, etc. On the other hand, Aquinas differed from a modern conception of scandal in key ways. Aquinas did not discuss scandal as public outrage or communication about the sin. For Aquinas, a scandal was a sin performed in the presence of another person and could occur without widespread public knowledge. In contrast, all scholars of the modern phenomena consider scandal to be the public response to a perceived transgression and some of these scholars do not focus at all on the transgressive act itself. For instance, Freije says,

“I consider scandals [...] as social processes involving a series of amplifying moments that included recirculation, gossip, new revelations, public responses, denials, punishment, remembering, and silencing”.²⁸

Further, Aquinas conceptually connected scandal to crime, as an act by one person that damages another person. In contrast, modern liberal legal systems, and therefore scholarship on modern scandal, treat

²⁶ Ibid., pp. 8-9.

²⁷ Carolina Schillagi, “Problemas públicos, casos resonantes y escándalos. Algunos elementos para una discusión teórica”: *Polis* 10: no. 30 (2011), pp. 245-266.

²⁸ Freije, *Citizens of Scandal*, p. 15.

scandal not as a crime but rather as the public response to a sensational crime.

These definitions of “scandal” are very helpful but do not sufficiently capture the term’s meaning for the period of this article’s study. This medieval definition is a good starting point but does not quite capture how the term gets used in the middle period. The scholarship on the contemporary period provides many useful insights, but it derives from a context with democratic institutions and a robust media and therefore offers only limited insights into the phenomenon of scandal amongst plebeian Latin Americans from two to three centuries ago. The first printing press arrived in Caracas in 1808 and did not reach many of the provinces until well after independence. Media played a far more limited role in a system that was only nominally democratic, where media (i.e., newspapers) existed only in some cities, and most citizens were illiterate. Most of the scandals examined in this article concern people of humble status and were local affairs among poor plebeians for whom information transmitted through word of mouth. This is scandal at the level of the village or neighborhood among a largely illiterate community, which most of the scholarship does not address.

Scandal in the Middle Period

What then, did the term “scandal” mean to the people of the middle period? The meaning of scandal remained stable across these decades, imparting a consistent collection of political, religious, and gendered connotations from the late colonial through the early republican decades. At this time, a “scandal” was something far more serious than a public rumor that caused embarrassment or might ruin the career of a public figure. The word “scandal” was associated with rebellion or mutiny, with actions that could cause a fragile order to collapse, imperil all of society, and even threaten people’s eternal souls.

Scandal in Political-Administrative Discourse

In political-administrative discourse of the time, the term “scandal” connoted sedition against, or at best a failure to support, the religious-social-political-legal order. The concept, then, was associated with a challenge to hierarchy, rebellion against the moral norms that

supported the hierarchy, and a threat to stability. As a possible foreshadowing of this meaning, Martín Alonso's etymological encyclopedia notes that in the thirteenth-fourteenth centuries, the word was associated with "war, revolt". We see a similar concept in Mendoza (La Plata) in 1812, when authorities arrested some elites for causing a scandal when they publicly mocked the political ideas of another elite. In the proceedings, the prosecution labeled the defendants as "Saracens" and "insurrectionists" and the court convicted them for threatening social and political order.²⁹

Documents from middle period Venezuela make the association between scandal and rebellion explicit. For example, in the 1790s, Venezuela received numerous refugees and prisoners from the French and Haitian Revolutions. These people brought with them revolutionary ideologies, which colonial officials regarded as dangerous. In 1793, the Capitan General of Venezuela wrote about 119 emigres from French Martinique, who raised concerns because of their

"lack of moderation and modesty amongst them regarding religious, political, and moral order... the *scandal* grew [*se aumentaba el escándalo*] and it was observed that the emigres were disorderly and make claims that could create problematic sentiments about the true system..."³⁰

The same terminology appeared in a struggle over jurisdiction between two colonial officials in 1800 in the city of Coro, when the Captain General complained that the *intendente subdelegado* made his "refusals *scandalously*, behaving as a true enemy of the State and the Patria..." and that he engaged in "*scandalous* acts of insubordination to the commands of the comandante de Armas, directed to fulfill the most rapid service to the King..."³¹

After independence, we see a similar association of "scandal" with rebellion against the republic, the law, and the constitutional order. In Caracas in 1822, months after Spanish forces had been forced out of

²⁹ Verdo, "El escándalo".

³⁰ Archivo de la Academia Nacional de la Historia (henceforth AANH), CC, 1793, Sevilla: Ministerio de Educación y Cultura. Archivo General de Indias (henceforth AGI). AGS/Secretaria_Guerra, 7202, expediente 2, 13-14, 23. "Sobre los Emigrados de Martinica y prisioneros de Santo Domingo que llegaron a la Provincia de Caracas".

³¹ Sevilla: Ministerio de Educación y Cultura. AGI, 1800. AGS/Secretaria Guerra, 7205, Exp. 9, ff650-51.

most of Venezuelan territory, a woman named Lameda Cirprians got into a political argument with a man, Policarpo Mendo, which resulted in criminal charges. The two did not previously know each other but were both standing in Caracas' central plaza (today the Plaza Bolívar), watching a procession of royalist women pass by on their way to be exiled from the territory. According to her testimony, Lameda loudly cheered the exile of the female prisoners "for their flagrant and *scandalous* disloyalty to the Government of the Republic". She yelled that all *godos* [royalists] should be sent away, and she pointed out Policarpo as a *godo*: "You who have been a Captain of the *godos* and murderer in Matrin and Cotirita, all with the greatest *scandal* and betrayal that you contain".³² The two argued and, according to Lameda, Policarpo pushed her to the ground, for which she charged him with assault. Decades later, in the inter-elite political fights of the 1840s, we see the same association between scandal and treason against the constitutional order. In 1840, the leader of the opposition group proposed to create a formal political party, the Liberals, though he noted that the term "party" still had a negative connotation, being associated with faction, disunity, and chaos: "The word party, then, was a forbidden word, a word of *scandal* and unfailing ruin".³³ In 1845, an article in a Liberal newspaper accused the ruling group, known as the "conservatives",³⁴ of malfeasance but dismissed the accusations that Liberals plotted rebellion:

³² Archivo General de la Nación (henceforth AGN), CC, 1822, L-06, ff4 and 9. "Lameda Cirprians contra ella por injurias".

³³ Antonio Leocadio Guzmán, *El Venezolano*, no. 2, (31 de agosto de 1840) (Caracas) Found in *Pensamiento político venezolano del siglo XIX: textos para su estudio*, Caracas: El Congreso de la República, 1983 (ediciones conmemorativas del sesquicentenario de la independencia), p 175.

³⁴ While the Liberals formed what we could call a modern political party, at this time the "conservatives" were not technically a party. See Véronique Hébrard, "Partido-facción en Venezuela, 1770-1870": Javier Fernández Sebastián (ed.), *Diccionario político y social del mundo hispanoamericano. Conceptos fundamentales, 1770-1870*, Madrid: Centro de Estudios Políticos y Constitucionales- Universidad del País Vasco, 2014 (v 7), pp. 203-16.

“For our part, as long as the current person who holds the Executive Power does not *scandalously* violate the Constitution, openly destroying public liberties, we will support him as the constitutional leader of Venezuela...”³⁵

As during the colonial period, “scandal” implied undermining the political authorities, though after the 1820s the loci of authority had shifted from Crown and Church to the Republic and the Constitution.

Scandal and Women

The nature of scandal was highly gendered and, though the components that created scandal did not change to any great degree, plebeian women were particularly vulnerable both to the accusation and to the consequences of the accusation. As the middle period progressed, women came under increased scrutiny from both society and the state. After independence, the judicial system paid increased attention to single women in Venezuela and elsewhere in Latin America, as the courts increasingly sought to serve a patriarchal role to punish, control, and correct their behavior.³⁶ Historian René Salinas points out for nineteenth-century Chile, community members were vigilant of each other, pressured each other to follow cultural norms, and were primarily concerned to prevent public scandals. Women were the most typical target of denunciations by neighbors and therefore they bore most of the weight of administrative sanctions.³⁷ As Adut points out, people are more likely to denounce a transgression if they are of equal or higher status to the transgressor, in order to avoid revenge.³⁸ For these reasons, plebeian women were highly vulnerable to the charge of creating scandal precisely because of their low status –most of society had either equal or higher status to them and therefore was positioned

³⁵ “La Situación en Venezuela”: El Republicano, N° 34 (January 1, 1845). Found in Manuel Pérez Vila (ed.), *La oposición liberal en oriente: Editoriales de “El Republicano” 1888-1846*, Caracas: Academia Nacional de la Historia, 1981, pp. 45-47.

³⁶ Chambers, “To the Company”; Shelton, “Bodies of Evidence”; Sloan, *Runaway Daughters*.

³⁷ René Salinas, “Violencia interpersonal en una sociedad tradicional. Formas de agresión y control social en Chile. Siglo XIX”: *Historia Social y de las Mentalidades*, 12: no. 2 (2008), pp. 17-18.

³⁸ Adut, *On Scandal*, p. 21.

to denounce their transgressions, and any transgression by a low status woman could be viewed as a challenge to patriarchal norms and hierarchy. Within this context, we can understand why for women it was imperative to avoid scandal—community members and government authorities responded to a scandalous woman as though her example was a threat to her entire community and could denounce her actions without fear of reprisal.

When scandal erupted at the local or family level, the accusations typically had no connection to political sedition but rather related to violations against proper norms and hierarchies. Latin American culture viewed a woman who behaved in a wanton manner or disregarded male dominance as a threat to the entire social order and to civilization itself. In Victor Uribe-Uran's examination of spousal murders in the late colonial Spanish Atlantic, the prosecutor in a case in which an adulterous wife and her lover murdered her husband argued that the crime was "an act against the law of Jesus Christ [...] without respect towards God [...] and filled with *scandal* and horror the entire republic." As Uribe-Uran explains,

"in the prosecutor's opinion, [this murder] was tantamount to the killing of other highly regarded patriarchs – even the king himself, a bishop, a judge, a father, or a brother".³⁹

As Laura Shelton described for nineteenth-century northern Mexico,

"A patriarchal domestic order was the foundation of a stable society and state. Women's sexual conduct and their deference to husbands, fathers, and other male relatives marked the boundary between civilization and barbarity".⁴⁰

On the other hand, men were also required to respect the social order such that a woman could accuse a man of creating scandal if he violated proper hierarchies and unjustly transgressed against her rights. In a colonial example from Caracas (1805), Doña Melchora Landaeta filed charges against her 32-years-old son, Patricio Cabrales. With support from several neighbors who supplied testimony, Melchora asserted that her son was frequently drunk and out of control. Because her son was a wastrel, it fell to Melchora to support the family through her own work

³⁹ Uribe-Uran, *Fatal Love*, pp. 119-20.

⁴⁰ Laura Shelton, *For Tranquility and Order: Family and Community on Mexico's Northern Frontier, 1800-1850*, Tucson: University of Arizona Press, 2010, p. 9. See also Sloan, *Runaway Daughters*, pp. 35-36.

and she was therefore the proper head of the household. She explained to the court that her son disrespected her status when he would “insult, shame, and hit me with insulting and disrespectful actions and words [...] without respecting my advanced age or my position as mother...”⁴¹ Further, Melchora emphasized that the son’s behavior was publicly known and therefore scandalous. She described one incident in which, late at night, Patricio “came to my house and banged on the door to the *scandal* of the neighborhood...” She requested that authorities arrest and exile Patricio from the province, “In order to protect the good reputation of my family, for the safety of my person, and to impede the *scandal* that spreads throughout the neighborhood...”⁴² Instead, the judge sentenced him to six years of military service in the local battalion. Men, like women, caused scandal when they violated hierarchy and women could seek legal protection against such transgressions.

Scandal and Sex

The most typical form of feminine scandal involved an accusation that a woman had violated sexual norms, which indicated a challenge to patriarchal and religious hierarchies. To avoid scandal, a woman should live under the authority of a family patriarch and remain sexually chaste. For instance, in 1790, José Briceño charged a neighbor couple with verbal injury against his family. In a statement, José defended his family against the defamations when he declared,

“that [my wife] Rosa de Meza is not nor every would be a witch or sorceress, he also declares that his daughters, one single and one married, live an orderly life [*arreglada vida*], without trouble or *scandal*, they do not associate with men and do not offer any reason to call them *putas* nor do they live an irresponsible life...”⁴³

To defend herself against the charge of scandal, a woman should be obedient to patriarchal hierarchy (a good, sexually chaste wife and

⁴¹ AANH, CCC, 1805, 15-6114-3, f1. “Doña Melchora Landaeta, contra su hijo Patricio Cabrales, por injurias reales y verbales”.

⁴² Ibid., ff6, 1v-2.

⁴³ AGEM, RP, 1790, Injurias, Tomo II, Fols: 82 – 102. “Expediente de demanda de Jose Briceño...” Quote from ff98-98v.

mother), obedient to Catholic hierarchy (not a witch), and protective of communal peace and public order.

The consequences for a woman accused of creating scandal through sexual misconduct could be serious, even deadly, as parents attempted to hide any potential dishonor to their family. In 1834, authorities found María de los Santos, a poor young woman, in a boarding house room that was rented to a man. They turned her over to her mother and brother who then whipped her to death. The authorities and a neighbor witnessed the beating but did not stop it. The defendants explained to the court that they punished Maria because she “entertained” men [*entretendida con los hombres*].⁴⁴ As another example, in criminal trials of killing a newborn baby in Mérida province, the defendants were always the infant’s mother, all of whom were poor, single, and illiterate. Most of the defendants claimed innocence, asserting that the child was stillborn. Nonetheless, they had to explain to the court why they hid their pregnancy, the birth, and the dead body of their newborn child. The most common explanation mothers offered for their secrecy was that they were afraid their parents would beat or kill them if they became pregnant. Court officials, in turn, treated the threat of parental violence as a credible mitigating circumstance to explain the defendant’s actions. At a societal level, people understood that parents might beat or kill a daughter to protect the family against gossip and scandal, and the daughters were frightened to the point that they hid, and perhaps killed, their babies.⁴⁵

Scandal and Violence

Court officials treated scandal as a form of crime that fell under their jurisdiction, such that they should mitigate the societal effects of scandal even if a crime had not occurred. We see this association between crime and scandal particularly with incidents that involved “inappropriate” violence. Women could legitimately use violence under the correct circumstances, but “inappropriate” violence could cause

⁴⁴ AGEM, RP, 1834, Homicidios y muertes violentas, Tomo IX, ff80 - 125. “Expediente contra Prudencia Toro y Lorenzo Parra...”

⁴⁵ Reuben Zahler, “Reforming Women, Protecting Men: The Prosecution of Infanticide in Venezuela’s Early Republic, 1820–60”: *Law and History Review*, 40: no. 2 (Aug/Sept 2022), pp. 1-31.

scandal. Societies throughout the Atlantic world, including Latin America, viewed household violence as a typical part of domestic life used to uphold hierarchies and provide moral instruction. Violence in the home should obey the rules of honor and the social hierarchy: a dominant could hit a subordinate but the subordinate could not hit a dominant. Parents could hit their children and the household servants, and husbands could hit their wives. As long as the violence was “moderate” and designed to maintain moral order, wives were expected to suffer violence submissively.⁴⁶ As René Salinas describes, violence was a quotidian part of family relationships and a pedagogical tool. However, if the violence exceeded the accepted norms of the community (e.g., a husband permanently wounded or killed his wife, or if the wife attacked the husband), the matter was considered “scandalous” and went to the courts.⁴⁷

False Accusations

Scandal as Crime

Women were particularly vulnerable to criminal accusations that included scandalous behavior, whether or not there was evidence to support the criminal charge. Judges had a tendency to punish the woman for creating scandal even if she was innocent of the crime. This response makes sense from a Thomistic perspective, which viewed scandal as akin to the crimes of theft or murder, and therefore deserving of punishment. Scandal was not technically a crime in that there was no statute or criminal code against scandal. The most prominent legal dictionary of the early republican period, published by the Spanish jurist Joaquin Escriche in Spain in 1838 and in Venezuela in 1840, did not include an entry for “escandalo” or “escandalizar”.⁴⁸ Nonetheless, a woman could face court sanction merely for being accused of scandalous behavior. For example, in 1838 Pedro José de Araque charged that his wife, Carmen Pino, had attempted to murder him by feeding him poisoned food. Carmen successfully defended herself as she

⁴⁶ Chambers, “To the Company”; Shelton, *For Tranquility*, pp. 63-69.

⁴⁷ Salinas, “Violencia interpersonal”, pp. 20-21.

⁴⁸ Joaquin Escriche, *Diccionario razonado de legislación civil, penal, comercial y forense*, Caracas: Valentin Espinal, 1840.

discredited all of Pedro's witnesses and demonstrated that Pedro had fabricated the charges as an act of revenge against her. The judge acquitted Carmen of the charges and ordered her to live in a *casa de depósito*, a standard practice while a woman awaited a divorce. The judge also, however, made Carmen pay court costs though exacted no punishment on her husband.⁴⁹ Again, from a Thomistic perspective it makes sense for the judge to punish a person who makes a scandal. However, it makes less sense when one considers that the husband initiated the false accusation, but still the wife got punished for the scandal that ensued.

Single women were even more vulnerable to false accusations, as they did not have a husband to protect them and were somewhat suspect for being single. Community members who disapproved of a single woman's behavior could fabricate charges of violent crime in order to invite the court's attention to her scandalous lifestyle and thereby exert control over her. For example, in 1847 residents of Josefa Rangel's Caracas neighborhood accused her of attempted murder. Josefa was a single, 46-year-old seamstress who lived in a working-class neighborhood in Caracas. A female neighbor, Socorro Irasabal, charged Josefa with attempted murder, alleging that Josefa threatened Socorro's sister with a knife during an altercation. Notably, Socorro initiated the complaint not with a description of a violent act but rather with a description of Josefa's lifestyle:

"There lives next to my house a woman called Josefa Rangel who has *scandalized* the neighborhood, frequently saying obscene and injurious words to all that live there; she does not have a job; in her house she has relations with various men; she commits her immoral and impure acts publicly, such that she is a bad example to the entire neighborhood; she is *scandalous*, drunk and very demoralized. Yesterday she attacked my sister Juana with a knife..."⁵⁰

While one might expect a criminal trial to focus principally on the knife attack, various witnesses first testified about Josefa's lifestyle, and then got around to discussing the attempted murder.

Ultimately, the judge both acquitted her of the criminal charge (attempted murder) and punished her for non-criminal, scandalous

⁴⁹ AGEM, RP, 1838, Homicidios y muertes violentas, Tomo X, ff207 - 233. "Expediente contra Carmen Pino..."

⁵⁰ AGN, CC, 1847, 1847, R-05. "Rangel Josefa contra ella por homicidio." Quote from f1.

behavior. In other words, the courts considered Josefa's lifestyle a danger to society, even if she had committed no crime. During her interrogation a court official asked, "Is it true that you have no job, that you have *scandalized* with various men in your house, publicly committing immoral acts and harming all the neighbors?"⁵¹ The bad behavior was regrettable and the fact that it was public knowledge made it dangerous. Josefa denied the allegations and the judge threw out the attempted murder charge due to lack of evidence. Nonetheless, the judge asserted,

"it is proven that Rangel lives surrendered to a relaxed and *scandalous* lifestyle, and while it is certain that failings of this kind do not strictly pertain to public crimes, they nonetheless merit a connection in deference to public morality and order".⁵²

The judge then released her for time served (three months in jail) and made her pay court costs. There was no punishment for the neighbors who pressed the unsubstantiated charge against her.

Community members could also fabricate such accusations for reasons of greed and opportunism. For example, in 1831 Francisca Zambrano, an unmarried adult orphan, wrote to the governor of her province (Mérida) seeking protection. She explained that, after she had a miscarriage, a group of male civilians and officials in her town threw her in jail on false charges of infanticide. To release her from jail, they demanded that she transfer to them ownership of a small piece of land, her only source of wealth. They then sold the land and pocketed the proceeds. When she left the jail, the officials charged her with court costs, which she could not pay.⁵³

Plebeian women in particular were vulnerable to false accusations of scandal, as the hazards for the accused were great, while the dangers for the accusers were comparatively low as long as they were of equal or higher social status. Once the court system intervened, the female defendant not only had to address the evidence against her but also defend her honor to convince the court that she was credible and worthy of the court's protection. If officials found a woman to behave in

⁵¹ Ibid., f4

⁵² Ibid., ff19b-20.

⁵³ AGEM, RP, 1831, Infanticidio, Tomo I, ff48-50. "Solicitud de Francisca Zambrano..."

a scandalous manner, the courts could interfere and punish her even if she had not committed a crime. The process imposed material damage, such as jail time and fines, required her to reveal details of her personal life that she would prefer remain private, and likely damaged her reputation within the community.

Wives and Violence

As previously mentioned, violence within the domestic realm was common and legal as long it flowed from the top-down, following the family hierarchy. From a legal perspective, what mattered was that the violence obeyed the rules of honor and did not become excessive. To violate the rules of feminine honor could be dangerous as Latin American societies and state institutions viewed women who lacked honor as not deserving of legal or social protection.⁵⁴ Women at times attacked a husband, but they did so rarely and could face severe punishment at his hand or wind up in jail. Even if a woman suffered the sting of infidelity, she was more likely to attack her husband's lover than the husband himself, as violence against her competitor was illegal but did not violate the patriarchal hierarchy.⁵⁵ As we see in the next examples, a woman charged with inappropriate violence, such as attacking her husband's lover or attacking her husband, faced a double challenge: she had to assert her version of events and also demonstrate that she was an honorable, submissive woman and therefore credible. When the courts convicted a wife of inappropriate violence, officials considered mitigating circumstances such as: was the woman honorable; was the violence pre-meditated; and was the violence scandalous, i.e., might the example influence others.

Whether the defendant's violent actions were premeditated had a large effect on the penalty she would receive. For example, in 1809, Bernardina Valero, a 30-year-old, illiterate *labradora* [laborer], admitted that she slashed Rosa Calderón twice in the face with a knife. She explained that she did so in a moment of passion (i.e., unpremeditated) because years ago Rosa slept with Bernardina's

⁵⁴ Shelton, *For Tranquility*, p. 88; Sloan, *Runaway Daughters*, pp. 3, 58.

⁵⁵ Chambers, "To the Company"; Shelton, *For Tranquility*, pp. 81-85; Steven Stern, *The Secret History of Gender: Women, Men, and Power in Late Colonial Mexico*, Chapel Hill: University of North Carolina Press, 1995, pp. 98-111.

husband. Nonetheless, a knife attack exceeded what the courts would allow from a jealous wife so, as the *alcalde ordinario* explained, “because the *scandal* caused [by the attack] required the preventative arrest of the aggressor...” Bernardina Valero found herself in jail charged with assault. To assist her case, her court defender asked witnesses a series of questions to establish her good character:

“do [the witnesses] know me as the legitimate woman of Eugenio Cerrada, with whom I live without creating any bad mark on my person, raising and instructing my family [...] if they know or have become aware that I have made *scandals* in the streets, or faced other charges, or other similar issue, with the exception of the quarrel I had with María Rosa Calderón...”⁵⁶

She asked the court for leniency because she had a clean record and because the attack was not pre-meditated. However, witnesses attested that Bernardina had first talked angrily with Rosa, then attacked her, and then called her “*puta*” and said, “you’re lucky that I didn’t cut off your head.” Based on the testimony, the court decided that the attack was not the result of uncontrolled passion but rather was premeditated. The *alcalde* sentenced Bernardina to six months of exile in a nearby town, court costs, and the medical expenses to heal Rosa of her wounds.

As another example, in 1830, authorities arrested Jacinta Dugarte for the pre-meditated murder of her husband with the assistance of two other people. Her marriage to Vicente Peña was known to be tumultuous. As one witness told the court, Jacinta was notorious for having sexual affairs such that the bishop of Mérida met personally with her and told her to stop “*scandalizing* her marriage...” The witness added that the beating that Vicente gave to her after the bishop’s exhortations was “devastating” [*siniestro*].⁵⁷ Eventually, Jacinta plotted her husband’s murder with the support of her cousin and her husband’s brother-in-law. The three defendants confessed that, at night while Vicente and Jacinta slept, the co-conspirators snuck into the couple’s house and the three then attacked Vicente. They beat and strangled him to death, then returned him to the bed and smeared his chest with chewing tobacco to make it appear that he dozed off with a wad in his

⁵⁶ AGEM, RP, 1809, Heridas, Tomo III, ff232 – 251. “Expediente contra Bernardina Valero...” Quote from f246.

⁵⁷ AGEM, RP, 1830, Homicidios y muertes violentas, Tomo VII, Fols: 99-218. “Expedientes contra Angel Ignacio Barrios, Jacinto Dugarte y Eulalia Márquez...” f205 v.

mouth and choked in his sleep. The authorities were not fooled and shortly arrested the three. The prosecutor called for the death penalty for this premeditated murder, which he called a “hideous crime” that “denied God and Nature”.⁵⁸ Even Jacinta’s defense attorney admitted that “the events that occurred should *scandalize* any person...”⁵⁹ Given that she was a dishonorable woman (a known adulteress) and the murder was clearly pre-meditated, the provincial court convicted and ordered the death penalty for the three defendants. However, at the time, all three had escaped from jail and could not be found. The Superior Court, therefore, declined to approve the convictions until the provincial court cleaned up some paperwork and captured the defendants. Unfortunately, the case paper trail ends at that point, so we do not know the eventual outcome.

We see a very different outcome in the case of a husband killer when the court found the defendant to be honorable and the crime not to be pre-meditated. In 1837 in the city of Ejido, Lorenza Sánchez and her husband, Agustín Torres, got into an argument in their home. Agustín then stumbled out of the house, blood flowing down his leg from a severed femoral artery. He collapsed onto the front patio, repeatedly said, “she killed me”, and soon bled to death.⁶⁰ Lorenza proclaimed innocence, stating that her husband’s wound was accidental. She maintained that during the argument, Agustín hit her and threw her to the ground. He then forcefully dropped so that his knee hit her stomach. He was wearing a knife in a sheath on his belt, but the sheath was broken so that the knife tip was exposed. When he dropped down, the knife tip cut his leg. In order to fortify her credibility, her attorney sought to build a character defense by asking witnesses to attest to the following: 1) that Lorenza was

“an honored woman who has always had an abundance of the most appropriate behavior when living with her husband, now dead. 2) That any time her husband had any displeasure, she was always obedient and received any punishment with resignation and never raised a hand against him”.⁶¹

⁵⁸ Ibid, quotes from ff105 and 153.

⁵⁹ Ibid., f157.

⁶⁰ AGEM, RP, 1837, Homicidios y muertes violentas, Tomo X, ff63-115. “Procedimiento contra Lorenza Sánchez por la muerte de su marido Agustín Torres...”

⁶¹ Ibid., f87.

As already mentioned, a key element of feminine honor was obedience and submission to the patriarch's violence.

Unfortunately for Lorenza, her story was not credible. Witnesses asserted that Agustín was not wearing the knife and, when investigators located the sheath, they found that it was unbroken. The medical doctor who performed the autopsy found that the cut was inconsistent with the accident that Lorenza described – the cut went all the way down to the femur bone and could not have been caused by accident. Further, the doctor found that Agustín had several wounds on his body, while Lorenza had none, indicating that Agustín had not struck her.

Despite the overwhelming evidence against Lorenza, court officials imposed a lenient penalty that served to reduce the influence that she might have on other wives. The provincial prosecutor and judge agreed that the case looked like pre-meditated murder but they could not be sure. They focused on the fact that there were no eyewitnesses to the stabbing itself, and therefore found that perhaps the death was accidental. They decided against the death penalty and instead the prosecutor recommended a “punishment for this crime that will ensure that the malice and imprudence of some women who are wrathful towards their husband does not spread...”⁶² The provincial judge imposed a punishment of six months in prison, five years of exile from the province, and payment of court costs. The case was then reviewed by the Superior Court. After Lorenza had spent 13 months in jail, the Superior Court reduced the punishment to time served, four years of exile, and payment of court costs. Exile, presumably, not only punished Lorenza but also served to remove her temporarily from the community and thereby reduce the influence she had on others who knew her story.

These cases illustrate that courts could respond very differently to female violence. Court officials were notably concerned by the potential effects of scandal and motivated to reduce the spread of the bad example. If the violence appeared undeniably premeditated and the wife dishonorable, the lower court could recommend severe punishment against the wife. However, if there was at least a little ambiguity about premeditation and the wife could claim honor, the court imposed a comparatively light punishment designed not so much to punish the defendant as to reduce the effects of her example. In all cases, the defendant had to prove her honor, which was much easier if she could

⁶² Ibid., f91.

demonstrate that she lived with a patriarchal male, obeyed his authority, and did not disturb her community. In the case of a publicly known adulteress who had scandalized her neighborhood, it would be nearly impossible for her to claim honor.

Scandal and Responsibility in the Middle Period

Having now reviewed some examples, we can draw some comparisons between the meaning of scandal during different historical epochs. Though scholarship on the middle period defines scandal in terms that simply echo those of Thomas Aquinas, during this time the term's meaning was distinct. During the medieval, middle, and modern periods, scandal has remained a public act that could induce others to sin. During the middle period, however, scandal included much more. Thomas Aquinas and the middle period courts treated scandal as a form of crime, as a phenomenon that hurt society and that fell under the jurisdiction of state institutions to police. Distinct from the medieval and modern conceptions, in the middle period scandal was an act of rebellion, whether against the king, the Church, the republic, or the patriarchal social order. Also, while for Aquinas scandal could involve just two people –the sinner and the observer– the documents from the middle period describe scandal in far more communal terms, in which scandal includes many people and perhaps the entire community.

Another significant difference in the middle period conception of scandal as compared to the other definitions relates to the question of who bears responsibility for scandalizing the community. Thomistic and modern conceptions of scandal present both the transgressor and the public as responsible for creating scandal. For Aquinas, a person engaged in scandal when he publicly sinned, but did not “scandalize” others unless they also committed a sin:

“on the path of the spirit a man may be disposed to a fall by another’s word or deed [...] there is nothing which by its very nature dispossess a man towards a spiritual fall, except that which has some lack of rightness about it [...] he is not really scandalized unless he falls into spiritual ruin, which is a sin”.⁶³

In a similar vein, the modern interpretation refers to “scandal” as the public’s reaction to a transgressive act. Modern scandals are “socially

⁶³ Aquinas, *Summa Theologiæ*, pp. 111 and 115.

constructed phenomena [...] the public reaction to transgressions”, or “social processes involving [...] gossip, new revelations, public responses, denials, punishment, remembering, and silencing”.⁶⁴ The modern view posits active and passive roles for both the transgressor and the public. Both the transgressor and the public generate scandal, suffer from scandal, and can be victims of scandal. The modern definition of scandal assumes a liberal division of public and private spheres in which immoral acts may remain private affairs and therefore need not be scandalous. Immoral behavior is of public concern only if it breaks the law or manifestly damages a public institution. Technically speaking, non-criminal private behavior is not a public concern, whether or not it is immoral. Therefore, if a public scandal were to erupt from a non-criminal private action, many moderns would view the scandal as an inappropriate trespass of public scrutiny into the private sphere. Consequently, they may feel sympathy for the transgressor and view the target of scandal as the victim of inappropriate public criticism.

In contrast, the documents from the middle period do not depict a sense of shared roles, in which both the transgressor and the public create scandal. Rather, the historical documents describe scandal as something that a transgressor alone created, and the scandal she caused damaged a blameless community. Some examples from the documents we have already viewed:

In 1805, the mother pressed charges against her drunken son because “he came to my house and banged on the door to the *scandal* of the neighborhood...” She hoped the court would remove him in order “to impede the *scandal* that spreads throughout the neighborhood...”⁶⁵

In 1830, the defense counsel for the adulteress wife who colluded with others to kill her husband stated: “... the events that occurred should *scandalize* any person...”⁶⁶

In 1837, the prosecutor against the wife who stabbed her husband in the thigh sought a punishment that would “ensure that the malice and

⁶⁴ Adut, *On Scandal*, pp. 9, 11 ; Freije, *Citizens of Scandal*, p. 15.

⁶⁵ AANH, CCC, 1805, 15-6114-3, f. 1. “Doña Melchora Landaeta, contra su hijo...” ff1v-2.

⁶⁶ AGEM, RP, 1830, Homicidios y muertes violentas, Tomo VII, Fols: 99-218. “Expedientes contra Angel Ignacio Barrios, Jacinto Dugarte y Eulalia Márquez...” f205v.

imprudence of some women who are wrathful towards their husband does not spread..."⁶⁷

In 1847, a neighbor complained, "There lives next to my house a woman called Josefa Rangel who has *scandalized* the neighborhood..." The interrogator asked Josefa, "Is it true that you have no job, that you have *scandalized* with various men in your house, publicly committing immoral acts and harming all the neighbors?"⁶⁸

These texts present a shared understanding that the transgressor alone created scandal and scandalized others, thereby damaging society. There is no suggestion that the neighbors themselves chose to sin (i.e., how Aquinas explained being scandalized) or that the community bears responsibility for creating scandal (i.e., a modern definition). Rather, in the middle period the transgressor was the active wrong doer, the public was the passive victim. In a Thomistic perspective, one can condemn the scandalized person for committing sin. In a modern conception, one can feel sympathy for the target of scandal, given that scandal can be an unfortunate, unjust occurrence that hurts the target. In the middle period, however, there was no room for sympathy as the target was not a victim of scandal but rather had scandalized her neighbors and hurt society. In this way, middle period documents discuss scandal in close association with the concept of crime and treated the target of scandal as a criminal. The woman who created a scandal was a criminal and a rebel against morality, honor, and proper hierarchies, as well as the political-social-religious order.

Return to Juana, Juan, and Juan

Now, let us return to the story from the beginning of the article, as the case in which Juan and Juana were accused of killing Juan Bautista (her husband) brings together many of the themes that this article has explored. Neighbors knew that Juan and Juana were carrying on an adulterous affair. Immediately after Juan Bautista appeared dead in the river with large gashes on his head and leg, she moved into her lover's house. Six months later, the neighbors came to authorities and accused the couple of murder. When the authorities launched the investigation

⁶⁷ AGEM, RP, 1837, Homicidios y muertes violentas, Tomo X, ff63-115.

"Procedimiento contra Lorenza Sánchez..." f91.

⁶⁸ AGN, CC, 1847, R-05. "Rangel Josefa contra ella por homicidio" ff1 & 4.

into this matter of adultery and murder, they did not do so with the typically bland, formulaic, bureaucratic language that befits a routine procedure. Rather, the *alcalde* initiated the investigation with an unusual flourish of moralistic language that blended religious gravity into the secular duty of the civil authorities:

“In order to ensure the vindication of the laws, to fulfill the sacred precept of morality that is authorized by acts of the magistrates, who act as jealous priests of the laws, I am obliged to require and so order at the soonest possible to investigate...”⁶⁹

The defendants denied both that they had committed a crime and that they had created scandal. The *alcalde* accused Juan of “bringing *scandal* to the neighborhood and corrupting the moral health” when he took Juana into his home on the day of the funeral. Juan responded, “I did not take the woman, nor did I advise the woman to kill [Bautista]”. He explained that, directly after the funeral, Juana’s godfather brought her to Juan’s house and they lived together since then. In so doing, Juan implied that he did not cause scandal because the community (the godfather) sanctioned Juana’s move into his house.

The *alcalde* then interrogated Juana, who also denied that she had committed murder or scandal. The *alcalde* presented Juana with witness testimony that she had complained about her husband, threatened him, stated that she intended to leave him, was seen carrying a blood machete on the day he died, and that on the day of his death she had appeared happy and made derogatory comments about the body. Juana denied these allegations and insisted that she never mistreated her husband. The *alcalde* pressed the matter:

Alcalde: Is it not true that you were bored with your husband, you wanted him to disappear, that you constantly fought with him, wished ill for him, and constantly hurt him?

Juana: Well, if we fought, we did not fight *scandalously*.

Alcalde: Don’t you think that one of the greatest *scandals* is to live unmarried in an evil state with a man, getting him to think of your husband as a supreme enemy, and to be just that for your husband?

Juana: I did not give him a bad life, and if I had he would have complained.⁷⁰

⁶⁹ AGEM, RP, 1850, Concubinato y adulterio, Tomo X, ff163- 216. Quote from f165.

⁷⁰ *Ibid.*, f173v.

Juana's responses were notably simple, defiant, and even modern, though they did not save her from prosecution. She admitted to the adulterous affair and subsequently to living with her lover out of wedlock. But her answers indicated no remorse, guilt, or shame. Using Thomistic logic, she rejected the premise that she had created scandal because her behavior had occurred discreetly within the confines of her marriage and other people did not observe it. Therefore, their quarrels were not "scandalous," and the public and the authorities had no reason to scrutinize her behavior. She asserted that her adultery did not bother her husband, given that he never complained. She did not argue that what happens in a marriage is of no public interest. Rather, she argued that what happened in her marriage stayed within the confines of her marriage. If sinful behavior was quiet and discreet, it was not of interest to the public and was not scandalous. She evaded the undeniable part of the accusation – that to carry on an adulterous affair and then to live with her lover out of wedlock was *prima facie* scandalous. Rather, she maintained a position that if there were no public quarrels and no marital discontent, there was no scandal. Her position was surprisingly modern, in that she implied a right to privacy, even if her behavior was sinful. Nonetheless, the community members clearly did not agree, and the authorities arrested her and Juan for murder and "co-habitation" [*amancebamiento*].

As the couple sat in jail and the investigation proceeded, the narrative against the defendants began to weaken or unravel. It became clear from the 15 witnesses that authorities interrogated that nobody had actually seen Juana carry a machete or heard her threaten her husband, but rather people got those impressions through hearsay. Indeed, some witnesses said they saw Juan (the lover) in another town on the day of Bautista's death. Other witnesses eventually admitted that on the day of the death, Juana was the first to find her husband in the river and jumped in to pull him out, screaming for help – behavior that hardly seemed consistent with intent to murder. The chain of rumors and hearsay led back to one particular couple, Victorino Molina and Laura Contreras, who seem to have ginned up neighbors with second-hand anecdotes and inspired them to alert authorities. Juana asserted that Victorino and Laura were long-time rivals of hers and that some years ago there had been a civil suit between them. Witnesses eventually confirmed that the death of Juan Bautista could have been accidental:

he had a bad limp that caused him to walk unsteadily; he could have fallen off of the bridge; the river in December ran deep and fast; the rocks in the river were large enough to cause his head wounds.

The court officials eventually absolved the defendants of all charges, but still found a way to punish the couple. The prosecutor agreed that there was no solid evidence of murder, much less that the defendants were the culprits. As the prosecutor explained, nobody actually saw the death but instead witnesses drew conclusions of murder by talking amongst each other so that their statements “do not constitute any direct evidence”.⁷¹ Regarding the crime of adultery, the injured spouse was dead so there was nobody to press charges. The defense attorney noted that the couple confessed to living together, but there was no law against living together. Consequently, both the prosecutor and defense attorney agreed to a deal where the authorities would keep an eye on the couple and make them pay court costs. The judge took a different direction in that he acquitted the pair of all charges, did not impose court costs, but ordered them to stop living together, though it is not clear that he had any legal authority to do so.⁷²

This case illustrates the power of rumor and moral outrage to move community members to activate judicial authorities through accusing somebody of both criminal behavior and creating scandal. In a modern sense of scandal, it appears that the villagers created a scandal (i.e., “socially constructed phenomena... the public reaction to transgressions...”) then accused the couple of creating a scandal. Indeed, one might ask, if the villagers really believed that Juana and Juan had murdered the hapless Bautista, why did they wait six months before they filed charges? Very likely, the villagers were able to withstand the suspicious death of Bautista but not the scandalous behavior of the lovers who still remained together six months later. Notably, as in the false accusation against Josefa Rangel for attempted murder, the witnesses began their testimony not with evidence directly tied to the murder, but rather with a discussion of the defendant’s immoral behavior. Court officials promptly came to share this sense of moral disgust.

Apparently, neighbors could withstand the scandal for some time, but eventually they had enough and moved to action. A ringleader helped

⁷¹ Ibid., ff211v-212.

⁷² Ibid., f216v.

people to focus their attention on the immoral behavior and induced them to alert authorities. As sociologist Ari Adut points out, the community may tolerate a transgression as long as gossip occurs in separate, discrete groups. However, if somebody generates collective and focused attention to the transgression so that everybody now knows about it and knows that other people also know about it, the transgression clearly becomes common knowledge. Once the transgression is unambiguously common knowledge, ignoring it becomes less feasible and a scandal will break out.⁷³ This is again reminiscent of the neighbors' case against Josefa Rangel for attempted murder. The flimsy testimony of attempted murder appeared to be a pretext by neighbors to get local officials to control a single woman who behaved ungraciously. The sister of Josefa's alleged victim got others to take action against Josefa. Similarly, Juana's neighbors Victorino Molina and Laura Contreras motivated community members to share information, generate a scandal, and alert the authorities. Moral outrage and a drive to protect community values, more than objective evidence of a crime, motivated the villagers and also the local authorities.

The consequences for the targets of scandal were meaningful. Josefa spent three months in jail before her acquittal, then had to pay court costs. Juan and Juana spent three-and-a-half months in jail before their acquittal, which proved to be a particular burden to Juana who had eight children to care for. Further, the judge ordered them not to live together. All this for actions that technically were not illegal. The neighbors who pressed the false accusations suffered no legal punishment.

Conclusion

The meaning of "scandal" in the middle period was complex and distinct from both Thomistic theology and from modern understandings. Across these time periods, scandal remained a word or action that could induce another to sin. For Aquinas and during the middle period, but unlike the modern period, scandal was much like crime. Unlike the other time periods, in the middle period the term connoted rebellion. A nautical metaphor illuminates the meaning of scandal in the early modern

⁷³ Adut, *On Scandal*, p. 19.

context. In Latin, *scandalum* referred to a reef or rocky shoals, upon which a ship might wreck. Early Christians writers used *scandalum* instead to refer to a bad example that could lead others to sin. For example, a sailor on a ship fails to perform his duty or disobeys orders, and other sailors follow his example. The ship's crew then enters a state of mutiny against proper conduct and against the ship's officers. As a result, the ship hits the reef and sinks, destroying the crew. The middle period concept of scandal, then, conveys the imperative to uphold proper conduct and to respect hierarchy. A scandal was both the offensive action and its effect upon the social body or an institution. Scandal disrupted the moral order and quietude of the community. Scandal caused the ship (i.e., the social body or community) to lose proper order and direction, and to hit the reef.

Typically, to accuse a woman of scandal was not to suggest she was a political rebel, but rather to suggest that she was a rebel against feminine norms and proper hierarchies and therefore a proponent of chaos. In the court cases, women were accused of scandal for defying norms of feminine behavior such as sexual propriety, submission to patriarchal hierarchy, and inappropriate acts of violence. When attacking a woman in court, to label her as scandalous was a strategic move that indicated she was dishonorable, and therefore not credible or worthy of protection, and that she was dangerous to society, and therefore deserved punishment.

Because scandal hurt society, the courts treated it much like a crime. During the time period under study, there was not a liberal division between public and private, between an individual's morality and the public interest. Early modern political culture viewed individual morality as the concern of society, religious institutions, and state officials. When somebody transgressed against moral norms she victimized society and the public was justified to react with moral outrage. Civilians and officials did not treat scandal as something that the public generated or that victimized the transgressor. Rather, they described the transgressor as the sole cause of scandal and therefore solely responsible for the damage it caused to others. People empowered to protect society –community leaders, government officials, religious leaders– had a responsibility to punish the transgressor and restore proper order, just as ship officers have similar duty in the face of mutinous behavior.

The court's priority was to protect society rather than to punish harshly. Though scandal was not technically a crime, the courts treated scandal as something that fell within their jurisdiction and that deserved punishment. Doing so reinforced hierarchies, social order, and feminine norms. Even when the defendant had not committed a crime, the court still felt that it needed to repair social order, to put the ship back on the right path. The judicial response to scandal fit within a larger story in which nineteenth-century Latin American states increasingly sought to uphold social order by controlling the behavior of women, particularly single women who lacked a patriarchal master. Judicial officials' focus on reinforcing social order and patriarchal hierarchies, rather than on harsh penalties for felons, resulted in a mix of leniency and inequity for women. The punishment for killing a husband or a newborn could be quite lenient – a few years of unpaid labor that separated her from the community and thereby blunted the spread of her example. At the same time, when she was innocent, the courts utilized a formula to acquit the defendant of the crime and then punish her for having caused a scandal.

Both men and women could cause scandal, but women were particularly vulnerable to such an accusation. As we have seen, women accused male family members, government officials, and neighbors of causing scandal. In these accusations, the women used the term scandal in its typical form, in that they accused men of failing to respect proper hierarchies and of political disloyalty. Nonetheless, women were highly vulnerable to accusations of scandal both from within their community and within the courts, in part because of their lower status. Both men and women behaved dishonorably, of course. However, if somebody denounced against a man, as a dominant figure, his dishonorable behavior was less likely to appear as a challenge to hierarchy. Because women held a subordinate position, the community was more likely to view their dishonorable behavior as a challenge to hierarchy and therefore scandalous. Further if somebody is going to denounce a transgression, it is safer for the denouncer to be of higher status than the transgressor, in order to avoid revenge. Therefore, it is more likely that the target of scandal would be plebeian rather than elite, female rather than male. For these reasons, any perceived moral infraction or failure to meet feminine norms had the potential to scandalize the community. Ironically, the court officials and community members

treated women as both subordinate and dangerous. One would imagine that if women were politically and socially subordinate, they would pose little danger to society. Nonetheless, when a woman produced scandal, presumably she threatened religious-political institutions as well as the bonds of family and community. The authorities, like the officers on a ship, punished the mutiny in order to keep the ship afloat.