



**Ann Twinam.** *Public Lives, Private Secrets: Gender, Honor, Sexuality, and Illegitimacy in Colonial Spanish America.* Stanford, Calif.: Stanford University Press, 1999. xiii + 447 pp. \$60.00 (cloth), ISBN 978-0-8047-3147-8.



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## Illegitimacy, Honor, and Inheritance in Spanish America

Twinam's book analyzes the records of 244 elite Hispanic Americans, the majority of those who are known to have petitioned the crown for decrees of legitimization (*gracias al sacar*), between 1720 and 1820. Favorable action erased some or all of the disadvantages, limited inheritance rights, disqualification for certain honorable positions, and loss of public respect, suffered by those conceived outside of lawful wedlock.

The first chapter, "Antecedents," sets Twinam's study in context and explains the methodological issues she encountered. Demographers and historians, she tells us, have documented a considerable increase in illegitimacy in both Europe and the United States during the second half of the eighteenth century. During this same period, however, Spanish American illegitimacy rates, even though substantially higher, generally stabilized or declined, largely because the racial, social, and demographic upheaval of the post-conquest period had subsided. Nevertheless, Twinam documents a substantial increase in the number of applications for *gracias al sacar* after 1750. This, she argues, strongly suggests that those of tainted birth confronted increasing prejudice from

a "challenged" colonial elite as they attempted to negotiate career advancement or advantageous marriages. Twinam also considers how issues related to marriage and illegitimacy and the increasingly stiff scrutiny of the petitions by the bureaucracy fit into the context of the contradictory agendas advanced by Bourbon reformers.

Under "Methodological Considerations," Twinam questions whether the 244 petitions represent a meaningful statistical sampling and how her study relates to earlier explorations of Latin American illegitimacy. She answers the first with amazing honesty: "In most cases there can be no direct linkage between the statistical patterns generated by the *gracias al sacar* pool of petitioners and any demographic reality" (p. 21). With regard to the second, she claims that, since petitioners were distributed throughout the Spanish American empire, they afford a unique continental perspective on the issues of legitimacy, gender, and honor confronted by the colonial elites. These issues will be discussed further below.

Twinam then describes the "passing" mechanisms colonial elites employed to recast illegitimate birth or liaisons with racial or social inferiors into more acceptable

form. Public and private realities might sharply diverge. It was possible to be or become what one was not but acted as. Parentage publicly denied might be privately admitted by raising a “foundling” as a son or daughter. Honor might be accorded or withheld depending on individual merit or the willingness of a particular society to concede it at any given moment. Earlier requests for *gracias al sacar* were granted almost automatically upon payment of fees which were not standardized. As time went on and the imperial bureaucracy tightened standards, it also tended to search the facts more carefully, consult local authorities, and defer to local wishes as it decided whether and which rules to enforce or dispense with.

Twinam further prepares her readers to understand Hispanic attitudes toward marriage and illegitimacy by documenting the persistence in the eighteenth century of marriage customs which the Council of Trent (1545-1563), made a determined effort to reform. The post-Tridentine church recognized as legal only sexual activity that occurred after an exchange of vows before a priest. One does not have to read much of Twinam’s book, however, to realize that the power of the church was not sufficient to change customs that tolerated sexual intimacy prior to marriage, especially when promises to wed had been exchanged. Even the Spanish state conferred a degree of recognition on such unions by automatically legitimating *hijos naturales*, offspring born to partners eligible to marry, whenever their parents exchanged their vows before a priest and listed their names on their children’s baptismal certificates. It created a separate, somewhat inferior sphere for *niños expósitos*, foundlings whose parents did not publicly acknowledge them, even though they frequently made arrangements to have them cared for privately, often within the family network. This provided a protection for the honor of the unwed mother and a pretext for the state to treat the children compassionately by presuming the most favorable status that could be construed even if it could not be conclusively proven. Church and state united to condemn adultery and violations of priestly celibacy by reserving the severest penalties for children born of such unions. Even here, however, the desire to discourage these forms of illicit sexual activity was mitigated by pity for its innocent victims. The state, especially when it was attempting to claim greater control over the civil aspects of marriage from the church, felt itself fully entitled to dispense meritorious individuals from the penalties they suffered by reason of their parents’ indifference to civil and ecclesiastical regulations governing sexuality, procreation, and

family life.

Twinam is a careful student of Spanish marriage law, custom and practice, of elite familial arrangements in Spanish America, and assumptions about honor and gender. She is at her strongest when she parses the effects of the various forms of illegitimacy, the identities derived from the child’s natal, baptismal, private and public social status, his or her gender, the devices and arrangements made to protect honor, and the degree of responsibility assumed and recognition accorded by each parent. Informal societal judgments based on assessments of the intricate combinations of these factors and the scrutiny of royal bureaucrats ultimately determined the range of opportunities for honor and inheritance open to the various types of illegitimates. Careful study of the records generated by the applicants provide her with a wealth of material on the mechanisms of social control and improvisation which she exploits in masterful fashion. She documents in exquisite detail how, in the course of the century, applications became more numerous, more detailed and were more minutely scrutinized by a bureaucracy that had more and more direct experience in the Spanish colonies. She notes and periodizes changes in legislative and bureaucratic emphasis, and interprets them in the dual contexts of Hispanic American reality and Bourbon reform.

Twinam derives most of her data from petition files her persistence enabled her to locate in the *Cartas y Expedientes* sections of *legajos* for the various *audiencia* divisions housed at the Archivo General de Indias in Sevilla. These are, apparently, a unique source which owes its existence to the Iberian willingness to distinguish between the facts of birth and the laws and customs which defined and reconstructed it. She has supplemented these findings with further research in various Spanish-American archives. Tables summarize the conclusions she has drawn from the various databases she has created. She reads her documents sensitively, and squeezes them for every nuance they will yield. Her findings are exhaustively researched and logically presented. She studies illegitimacy in all its grades from the perspective of the father, the mother and the child, and follows it through the life courses of each. The sum of her artfully worked portraits of various elite petitioners and their family structures is a rich tapestry that provides both intimate details of individual lives and a comprehensive overview of the legal and societal structures in which they functioned.

Twinam’s bibliography and notes mention Linda

Lewin's published and unpublished work on Brazilian inheritance law. More recently, Linda Sturtz, has explored the social definition of race in Jamaica and the attitudes of elite Jamaicans to legacy cap legislation designed to limit the inheritance rights of "browns" procreated by the planter aristocracy. Her paper, "'Exorbitant Grants . . . Made by White Persons to Negroes': The 1761 Debate over the Rights of Englishmen in Jamaica," [1] reveals attitudes toward race, illegitimacy, honor, and mobility that are more similar to the patterns Twinam describes than to North American practice. Legal "whitening" was possible in Jamaica as it was in the Spanish world. Sturtz indicates, however, that Jamaicans' concerns about illegitimacy were much more overtly racial and economic in the late eighteenth century than those Twinam identifies in Spanish America during that same period. Sturtz mentions that the legacy caps imposed by the 1761 act could be bypassed by private bills procured by politically well connected Jamaicans. How closely they resemble the *gracias al sacar* mechanism remains to be explored. Both Twinam and Sturtz conclude that prejudice against illegitimacy increased after 1750. Twinam also suggests that it was more intense in the Spanish Caribbean than it was in Andean South America (see below). How substantive the similarities are, how much they can be traced to the period before 1655, when Jamaica was under Spanish rule, and how much Caribbean realities predominated over Spanish and English legal traditions and institutions remain to be studied.

There are few studies of North American practice. No racial issues complicated relations between Robert Morris, Financier of the American Revolution, and his illegitimate daughter, Polly Croxall. Elizabeth M. Nuxoll's "Illegitimacy, Family Status, and Property in the Early Republic: The Morris Croxall Family of New Jersey," [2] provides a North American case study of the financial arrangements made to support Polly by a father who may himself been illegitimate. Nuxoll's notes provide citations to several other cases involving illegitimate daughters of upper class North Americans. A comprehensive overview of Anglo-American practices comparable to Twinam's study of Spanish America, however, remains to be written. Without the equivalent of the *gracias al sacar* petitions Twinam mined, it will be difficult to research.

Twinam's work is so persuasive that it is easy to forget what she cannot and does not pretend to tell us as we allow ourselves to become absorbed by the intriguing case histories she presents. As she herself admits, her data does not reveal why many members of upper class

families who lived publicly with lovers and produced offspring did not find it necessary to go to the expense or bother of petitioning the crown to remove the taints they incurred at birth. What percentage of elites born outside lawful wedlock did each group represent? What percentage experienced discrimination? Did others not apply because their coping strategies were more successful, the prejudice less virulent in their microcosms or because they were less ambitious? Did the increased number of applicants at the end of the century represent an increase in discrimination or an increase in means available for niceties like tidying up the family tree? Where, in the spectrum of wealth, did the majority of applicants come from? Since fees for decrees were not standardized in any way until the very end of the eighteenth century, does the cost of the legitimization provide any clue to the wealth of the applicant? Twinam implies that it does not. She deals with the wealth issue most directly in her treatment of the application from Dr. Don Manuel de Borda, heir to an immense Mexican silver-mining fortune. Borda paid forty thousand pesos to legitimate his two sons, an amount equivalent to 49 percent of all the fees collected in the eighteenth century (pp. 280-281). Twinam uses his case, however, to argue that it is an exception to a general rule that the crown did not use the process primarily as a source of revenue. She suggests that the varying charges that were levied before fees were standardized in 1795 relate more to the level of shame attached to the taint which the petition was intended to remove or to official caprice than to wealth of the applicant.

Twinam might, perhaps, have provided more in the way of geographic analysis. She breaks down applications by *audiencias* from which they originated, but takes her investigation no further. She provides a map (p.19) of the "home cities" of petitioners which distinguishes *audiencia* capitals, although the map does not explain the difference in the symbols used. She does not, however, analyze the relative political or economic importance of the other cities or specify the number of petitions which came from each. How many were provincial capitals? If a significant number, what influence might the establishment of the intendency system had on any increase in the number of applications? Should the reader assume that most petitions came from major cities rather than provincial outposts? Is there any way in which geographical distribution correlates with relative wealth or opportunities for political appointment or public employment?

Future studies might also consider some alternative explanations to those Twinam suggests about the geog-

raphy of prejudice against illegitimacy. She finds that, in some regions, women were much more likely to apply for legitimization than in others, and speculates that high percentages of female petitioners suggests elevated levels of prejudice. The geographic and gender distribution of petitions, she argues, indicates that “Illegitimates suffered the greatest discrimination in the Caribbean and northern South America; somewhat less in Mexico and even less in Central America, the southern cone, and northern Mexico; and the least in the Andes” (pp. 205-206). Elevated numbers of petitions, however, can be interpreted as an optimistic reaction to illegitimacy. A foundling home was established in the 1780s in Arequipa, Peru, a city at the foot of the Andes. Records indicate that the bishop felt it was needed because of the increasing incidence of infanticide in his diocese, which he blamed, not on the economic distress the region was then experiencing as a result of the Tupac Amaru rebellion, but on parents trying to hide the guilt of illicit sexual activity.[3] It will probably never be possible to determine the social status of victims of infanticide, but several of residents of the Arequipa foundling home seem to have come from the upper levels of a very class-conscious society which may have regularly resorted to drastic measures to deal with illegitimacy. Arequipa may, of course, represent nothing more than an exception to a general pattern which closely approximates the one Twinam sketches. Nevertheless, matching the geographical distribution of petitions with whatever figures on infanticide are available might shed new light on how discrimination against illegitimates was manifested.

There is very little to criticize about this very fine book. It is intelligently and accessibly written, logically developed, and thoroughly researched. Undergrad-

uate students will be able to use the individual histories Twinam presents as a gateway to understanding the intricate systems societies have set up to manage race and sexuality, to create hierarchies, and to distribute wealth on the basis of them. They will also, hopefully, be inspired by the example she sets of perceptive, nuanced reading of her sources. Historians of family, gender and sexuality at every level will find the book rewarding. Its thorough treatment of Hispanic practice on the imperial level invites both further research on Spanish American regional variations and comparison with other colonial systems. Ample notes and bibliography will lead scholars further in any direction they choose to take.

#### Notes

[1]. Sturtz (sturtz@beloit.edu) presented her paper at the Fifth Annual Conference of the Omohundro Institute of Early American History and Culture (1999).

[2]. Elizabeth M. Nuxoll, “Illegitimacy, Family Status, and Property in the Early Republic: The Morris-Croxall Family of New Jersey,” *New Jersey History* 113 (Fall/Winter 1995): 3-21.

[3]. Mary A. Y. Gallagher, “Aristocratic Opposition to the Establishment of a Foundling Home in Arequipa, Peru,” in Roseann Runte, ed., *Studies in Eighteenth-Century Culture*, vol. 9 (University of Wisconsin Press: Madison and London, 1979), 45-58.

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