

GENDER AND FAMILY STUDIES

The Limits of Gender Domination: Women, the Law, and Political Crisis in Quito, 1765–1830. By Chad Thomas Black. Albuquerque: University of New Mexico Press, 2010. Pp. xiii, 368. Charts. Maps. Appendix. Notes. Bibliography. Index.

This study offers a fascinating look at how, despite the patriarchalism inherent in Spanish law and government, women in late-colonial Quito acted as free agents, that is, as autonomous and full-fledged participants in a judicial system that recognized their importance in the day-to-day life of the city and corregimiento. Quiteñas were “adroit and ardent” litigators who, not unlike indigenous peoples throughout the colonial era, successfully used the law to defend their interests in disputes over money and property. How was this possible? As Black shows through a detailed analysis of 1,600 cases culled from the archive of Quito’s first notary, the answer lies in both the realm of legal practice and a legal culture that privileged customary usage and judicial discretion over imperial dictates that violated local understandings of justice.

Black traces the repercussions of two political crises, one in 1765 and the other in 1809–1810, both involving local governance, the judicial system, and above all, women’s participation in the latter and their effective legal status. His first three chapters address the fallout of the crisis sparked by Quito’s popular 1765 tax rebellion, the Revolution of the Barrios. Chapter two highlights Bourbon officials’ continued efforts to centralize authority and thus increase their control and surveillance over the region’s people and resources; these efforts were directed primarily at the unruly barrio plebe in the name of enforcing moral behavior. It examines the use of neighborhood police patrols (the *ronda*) and documents an increase in arrests and prosecutions for perceived moral (sexual) crimes under the auspices of the audiencia. Yet, according to Black, although women often bore the brunt of this policing trend, Bourbon officialdom’s larger post-1765 agenda—that of enforcing “a new understanding of paternal authority and hierarchical obedience” (p. 120)—was far from successful.

Chapter three explains why. In examining the civil disputes that make up the bulk of Black’s larger sample for the period (disputes that primarily involve women), he shows how the region’s traditional decentralized judicial system—and, Habsburg legal culture—continued to operate and how, through at least 1809, female litigants skillfully exploited it. He contrasts the orderly top-down vision of Bourbon legal commentators as expressed in manuals like Colom’s *Instrucción jurídica* with the messy reality of a culture that gave room to local values, traditions, and practices as embodied in *derecho vulgar*. Use of the latter helped women obtain justice through the courts.

Black’s cases reveal the litigation of Quiteñas from across the social spectrum, including pawnshop owners, food vendors, and all manner of retail merchants, as well as household heads (*vecinas*) who lent money or credit. They reveal litigants’ tendency to use simple loan instruments rather than formal notarized documents in business dealings, suggesting an even larger female role in Quito’s financial and commercial life than

has been suspected. More important, the cases demonstrate the virtual absence of male licensure, which Castilian law and its reform-minded champions prescribed for any woman seeking access to a court. In the vast majority of cases, Quiteñas appeared before the courts without claiming any formal permission (license) whatsoever from their husbands or other male guardians. The idea of male authority over women thus constituted a legal fiction.

This situation changed, however, after the much deeper crisis of authority that began with Napoleon's 1809 toppling of the Spanish monarchy. Real male gender domination—that is, patriarchy as most people, feminists included, have conceived it—began with the liberal revolution that subsequently swept the Hispanic world, ushering in a new age of “liberty and equality” that in legal as well as political terms worked to the detriment of women. Black gives examples of how the actual practice of the law changed through the 1820s and how liberal-republican legal culture both bolstered male prerogative and reduced women's access to the courts, and thus the latter's ability to protect themselves and their property. Reinforcing work by Kim Gauderman and others, he challenges us to take a closer look at what we mean by “patriarchy” and to attend to the various historical forms and nuances of gender domination. He revises our understanding of what the “colonial legacy” meant for women. Although male gender domination and the patriarchal social structure certainly operated outside the formal realms of law and institutions, Black's work is a welcome corrective to older views and an important scholarly contribution.

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Enduring Violence: Ladina Women's Lives in Guatemala. By Cecilia Menjivar. Berkeley: University of California Press, 2011. Pp. xiv, 288. Acknowledgments. Appendix. Notes. References. Index.

Menjivar's study analyzes the various forms of violence that Ladina women of eastern Guatemala are exposed and subjected to on a daily basis. The violence of the quotidian includes overt and covert forms of violence that result from gender ideologies that extend beyond eastern Guatemala and beyond the country itself. The author emphasizes the fact that these ideologies are not the product of singular characteristics or unique flaws in the actions of individuals and local communities, but are grounded and normalized behaviors that are often accepted by all—women, men, the judicial system and a nation that has experienced and continues to experience elevated levels of violence. From earthquakes to civil war to a widespread system of fear and control, from militaristic and paramilitary actions to household dynamics that preserve and reproduce ingrained cycles of violence, Guatemalan women not only acknowledge but also resign themselves to treatment they often seem to justify.

The study is rich in ethnographic accounts that allow the women to recount the ways in which they experience, accept, or resist the situations in which they find themselves.