



ADJUDICATING MORALITY: *ESTUPRO* IN VERACRUZ, MEXICO 1925-1950*

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During Mexico's revolution (1910-1920), the Constitutionalist enacts new laws that afforded women greater rights in the family and the workplace. Women attained *conditional* marital equality in the 1917 Family Relations Law, which was later expanded in the 1931 Federal Civil Code. They achieved new rights in the workplace including maternity leave and equal pay for equal work regardless of gender.¹ In addition, the state's legalization of divorce, including no fault divorce in 1917, (1914 in Veracruz) created opportunities for women to challenge men's familial power. Despite inconsistent enforcement and imperfections in the legal system, the transition from Porfirian authoritarianism (1876-1910) to postrevolutionary corporatist consolidation created some opportunities for women to demand greater inclusion, both politically and socially.

Yet despite initial legal victories for women in both the family and workplace, reformed penal codes continued to include honesty and chastity as key factors in determining the outcome of cases involving rape and *estupro*. Under Spanish colonial law, *estupro* (from the Latin *stuprum*, which means to disgrace or defilement) was defined as an act of sexual intercourse with a virgin, which involved seduction or deceit.² Because girls were part of the family patrimony, the accused could marry the victim or provide compensation.³ Colonial law and codes of honor survived into the republican period and shaped Mexico's first penal code. In 1831, a committee charged with drafting a criminal code divided criminality into two categories. The first pertained to crimes against security, order, and "tranquility" and the second addressed personal safety, good name, property and honor. Veracruz was the first state to enact a criminal code in 1835, which addressed crimes against "honor."⁴ The outcome of litigation involving sexual abuse or seduction (crimes involving honor) was often determined by chastity and public reputation.⁵

In this essay I argue that despite nascent feminist movements and progressive legal changes which elevated women's status in society, the Mexican Revolution marked continuity with, rather than a complete break from, colonial and early republican perceptions of sexual violence. Both conservative and liberal postrevolutionary officials were more concerned with monitoring women's sexual practices and maintaining the integrity and legitimacy of the family unit than they were with addressing violence against women. Officials, who championed the need to educate and protect



women and girls, were often reluctant to impede on men's cultural rights to control women's bodies, which is especially evident in cases of estupro involving girls with dubious reputations. This article is based on 23 cases of sexual abuse (1925-1950) I found in the *Archivo General del Estado de Veracruz*. These cases, while not entirely conclusive, provide insight into the intersection between tradition and law in postrevolutionary Veracruz and the challenges that families confronted (especially single mothers) if they decided to seek legal recourse on behalf of their daughters.⁶

While many scholars have explored sexual violence in both the colonial and republican periods, few studies have explored regions outside of Mexico City during the immediate postrevolutionary period. Veracruz long noted for its labor unrest, also had many areas which were conservative strongholds during the nineteenth century. The salience of Catholic tradition continued to resonate deeply in many of Veracruz's communities long after the guns of the Mexican Revolution fell silent. Alan Knight reminds us that "Laws, political institutions, property relations all changed—were 'revolutionized,' perhaps—but they often managed to coexist with inherited traditions. Radicals like Adalberto Tejeda [governor of Veracruz (1920-1924, 1928-1932)] were at pains to place themselves within old historical traditions."⁷ Catholic traditions conflicted with trenchant anticlerical politicians who challenged the power of the Catholic Church. Moreover, many officials, Tejeda included, supported eugenics, sterilization, (Veracruz had the only sterilization law in Mexico) sex education, and prohibition of alcohol.⁸ These policies dovetailed with the rhetoric of women's emancipation and their fight for dignity. Therefore, Veracruz provides a fascinating glimpse into the clash between tradition and modernity as both shaped local culture and legal process.⁹

Throughout the 1920s and 1930s, Mexican officials maintained that illegitimate children, the absence of fathers, and women's inability to properly educate their children in the home were inextricably linked to poverty and immorality. An official report from Governor Tejeda addressed the social and moral problems that legislators associated with poor living standards in Veracruz's towns, "Poor families live in cramped, unclean housing and promiscuity not only relaxes morality and customs, but it also frequently damages [the families] health, especially the children."¹⁰ Legal officials associated sexual violence with an underclass whose "morality and customs" had become relaxed as a result of urbanization and industrialization. In cases of sexual abuse, women or girls needed to demonstrate sexual probity, especially those who lived in poverty. Both penal and civil law in Mexico maintained the state's need to safeguard families, but young women or girls who were not "honest" were usually outside the auspices of state protection.

Following Mexico's revolution, officials spoke publicly about the need to protect families from disease and vice. Municipalities in Veracruz throughout the postrevolutionary period posted public edicts that explained rules of conduct in public and the importance of cleanliness. These

edicts reflected municipal government officials' concern over the growing tide of social change and immorality that they believed filled city streets with prostitutes and illegitimate children. Women, who worked late at night, frequented bars and cabarets or dressed provocatively, represented the failings of Mexico's revolution to reduce poverty and licentiousness. On the other hand, judicial officials and elites considered men's lascivious behavior to be an organic condition. For example, racist and psychosexual theories of the early twentieth century which were very influential in Mexico, maintained that men's sexual drive was natural, and that sexual crimes associated with the lower classes could only be remedied through careful education and women's discretion.¹¹

Fears that the revolution and modernization had undermined women's moral fortitude undoubtedly bolstered the state's preoccupation with preserving sexual difference.¹² Legal officials believed that women's bodies needed to be properly policed because their sexuality was paramount to preserving familial stability and honor. As Robert Buffington explains, "Supportive women. . . would provide a spiritual and moral. . . center for the 'modern Mexican family.'"¹³ Therefore women's primary roles as mother, educator, and wife superseded the violation of women's bodies. An attacker's option to marry his victim in order to escape prosecution demonstrates the legal system's view of marriage as an honorable act. At the same time, the legal system denied rape as an act of violence and violation. As recent as the early 1990s, many states in Mexico still retained laws that allowed men who raped minors to avoid prosecution if they married their victims.¹⁴

Over the past ten years, Mexican historians have produced both fascinating and provocative scholarship exploring sexual violence. Pablo Piccato, Robert Buffington, Ana Maria Alonso, Ivonne Szasz, and recently James Alex Garza have probed theories of law, criminality, and sexual violence in both Porfirian and post-revolutionary Mexico.¹⁵ These scholars, as well as others, have concluded that prosecuting men for sexual crimes was not only difficult, but that few women would take such a risky and litigious action when rape (*violación*) was involved. The rare police records that I read were strangely devoid of details. Undoubtedly police officials dissuaded families from filing charges, especially if it appeared that the victim was of "suspicious" background and reputation. In cases of estupro, preserving familial honor and patrimony could motivate, usually the father, to seek legal redress. In some cases however, the father was not present which meant that mothers, if they could not resolve the situation to their satisfaction, could file charges against the assailant. Such cases provide a fascinating window into how legal officials, plaintiffs and defendants viewed morality, gender, and sexuality in postrevolutionary Veracruz.

Law, Criminality and Culture

In 1914, Veracruz's Military Governor, Cándido Aguilar, under the command of future president and Constitutionalist leader Venustiano



Carranza, legalized divorce citing the need to free women from the bonds of slavery. He appealed to the modernizing forces of Europe and the United States and reasoned that “cultured nations” recognize that married women’s rights should not be denied. “In past times, women’s weakness and lack of education led to restrictions. This prevented their judicial involvement. However, in our current state these conditions have disappeared because it is undeniable that women have progressed in education and instruction.”¹⁶ Expanding women’s legal rights would position family law within an international context of liberalism while allowing women to play a greater part in the state’s modernizing project.¹⁷ Later, Governor Tejeda’s determination to extend the benefits of the Mexican Revolution to the poorer classes in society was balanced with his overt campaign to reform Veracruz’s “moral depravity” through temperance movements, eugenics, and the criminalization of commercial prostitution.¹⁸ In 1932, Tejeda wrote that outlawing commercial prostitution, “has not been born only from a sentimental reason, but rather it is also based on rational and scientific principles without which the government has neglected to morally dignify and promote the social liberation of Veracruz’s women.”¹⁹ Much of the postrevolutionary rhetoric from high level officials such as Tejeda and his successors in Veracruz did not seek to advance women’s rights, but rather sought to modernize patriarchy to fit women’s expanded roles in the family and community. Even though Presidents Aleman and Cortines (previously Veracruz governors) granted and expanded women’s right to vote, neither viewed women as equal citizens.

During the latter half of the nineteenth century, reform-minded liberals introduced new penal codes that were supposed to erode the last vestiges of “barbarism and fanaticism” associated with colonial Mexico. Veracruz’s Penal Code of 1896, based largely on the 1871 federal penal code, stated that sexual assault was a crime against “the order of families, public morality, and good customs,” and as a result, men who commit such acts should be confined to prison.²⁰ However, introduction of protective legislation spoke more to the concerns over family stability and honor than violence against women. State led efforts to protect women and children emerged largely from scientific research which increasingly noted the importance of motherhood to the stability and health of children. Officials underscored the dangers working women and children faced due to disease and the toxic effects of hard labor thereby undermining their reproductive role which was vital to the stability and prosperity of the nation.²¹ Working women (most whom labored as seamstresses, domestics and laundresses) who were heads of the household also confronted the problems associated with child care. The difficulties for working women to protect their daughters coupled with men’s “urges” could make it difficult to attain legal recourse if in fact a charge of sexual abuse went to court, not to mention the stress and economic ramifications that women endured.

Much of the language contained in revised labor and familial laws reflected the state’s increased concern with the welfare of Mexican women

and children and their potential contribution to the state's postrevolutionary modernization project. These initiatives were, in part, grounded in nineteenth century positivist ideology of order and progress, vestiges of colonialism that underscored women's probity and modesty, and postrevolutionary philosophy which emphasized the importance of women's education, mothering, and community activism.²² Porfirian Education Minister Justo Sierra noted that education would prepare women for the home. "She will be the companion and collaborator of man in the formation of the family" which Sierra argued perpetuates the "creation of the nation."²³ Sierra's prescription reflected late nineteenth century sentiments that centered on reforming the poorer classes in Mexican society, many of whom were also indigenous. Porfirian criminologist Carlos Roumagnac posited theories of criminal behavior that reinforced elite ideas about the degeneracy of the lower classes and their propensity to commit criminal acts.²⁴ The influence of these theorists carried over into the postrevolutionary period as reformers grappled with the economic and social changes that many believed advanced rather than reformed degeneracy.²⁵ Women, integral to postrevolutionary consolidation, needed to be educated citizens who would be divorced from the "fanaticism" of the Catholic Church while inculcating the values of hard work and sobriety in the family.²⁶ Carlos Monsiváis eloquently explains that "During the 1920s, the federal government and the majority of regional governments wanted to balance the not-so-relative liberalization of customs with an exaltation of the civic and moral 'virtues' of Woman."²⁷

In 1925, President Plutarco Elías Calles created revision committees to reform Mexico's Federal Penal Code. Positivist scholars such as José Angel Ceniceros and Miguel Macedo believed that criminal acts such as sexual abuse were pervasive in all societies and that social and cultural factors informed criminal behavior.²⁸ As a result, the punishment should fit the individual and not the crime. However, this theory had far reaching implications. Positivists insisted on establishing a better understanding of who would commit certain crimes. Positivist and legal reformer José Almaraz led the charge for a Social Darwinist perspective that called for the protection of society from those who might threaten the social order whether they had committed crimes or not.²⁹ This meant targeting citizens who might become criminals such as vagrants and alcoholics. The 1929 Federal Penal Code reflected these changes and produced a firestorm of debate. Two years later, state officials reformed the penal code so as to protect society from dangerous criminals yet also provide citizens protection from arbitrary arrest. The 1931 Penal Code also gave judges greater discretionary power and allowed them to consider social and personal circumstances in the sentencing phase of the trial.³⁰

The flexibility in the new penal code also expanded the paternal role of judges. Judges were able to use their discretionary power to take into consideration the background of the criminal, his or her social

circumstances, and the likelihood that this person would commit another crime. Judges increasingly became paternal figures who presided over Mexico's expanded surveillance of social and family life. The new penal code balanced the state's desire to crack down on crime with the social realities of Mexican society, to placate both modernists and traditionalists.³¹ Judges no longer adhered to mandatory sentencing of sexual offenders if they believed that there were mitigating circumstances. When the code was adopted in Veracruz in 1932, Tejeda explained the partial rejection of positivist criminology which derided pure retribution as a method of reform.

The social attitude with respect to the delinquency and crime, modified in this body of law, considers that delinquency is like a social pathological problem, which should not be a reason simply for vindication and punishment. In this way the penal code postulates principles and norms of defense that separate it from the old punitive conception of simple punishment and repression.³²

This perhaps explains the relaxation of criminal codes pertaining to sexual abuse as sentences for all forms of sexual assault were reduced in the new penal code.³³

Theories of international "experts" on women's sexuality also contributed to how lawmakers and citizens understood sexuality and violence. The work of Cesare Lombroso, Richard von Krafft-Ebing, José Ingenieros and Havelock Ellis, although differing in some respects, maintained that women, and certainly girls, were susceptible to immoral influences.³⁴ Ingenieros, for example, was a noted champion for women's rights, but he also argued that inequalities between men and women were natural, undeniable, and as a result, moral.³⁵ While reformers underscored women's potential as national educators and moralizers, scientists continued to make a case for biological differences that confirmed women's weakness and corruptibility.³⁶ Researchers noted that women's cranial shape or menstrual cycles predisposed them to degeneracy. Using emotions rather than reason made them unfit for dangerous and masculine responsibilities.³⁷ These ideas meshed with both the vestiges of Spanish and Porfirian law as well as regional realities in Mexico which shaped how legal officials and citizens understood rape and estupro.³⁸ Educational and social reform during the 1920s and 1930s also addressed officials' growing concerns that the postrevolutionary state's anticlericalism undermined morality. Reformers such as education secretary José Vasconcelos (1920-1924) believed that women could extend their maternal influence from the family into the classroom.³⁹ Therefore thousands of women became teachers following Mexico's revolution in order to instill postrevolutionary values in young minds. With proper guidance, women could carry the values of sobriety, hard work, and devotion into the family and the classroom.

However, sex education became part of a much larger debate over girls' morality. Patience Schell explains that feminine modesty was a concern

for the Ministry of Public Education which thwarted efforts to educate young girls about sex. This stood in sharp contrast to the Department of Public Health which maintained that young women “did not realize their virginity was threatened and, according to social workers, became prostitutes as a result.”⁴⁰ This was an affront to middle class sensibilities which continued to maintain the salience of girls’ morality and women’s familial example. Similar to the late colonial period, girls’ perceived reputation could either undergird or undermine their legal defense in cases of estupro. This represents a clash between a culture that was reticent to expand women’s sexual education and state officials who believed that some form of instruction was necessary to prevent young girls from falling prey to sexual desire or corrupting forces. Clearly the Revolution did not erode cultural perceptions that women could also corrupt men. As Monsivais notes in his examination of the *soldaderas* following the Mexican Revolution, “The soldaderas suffered rape, rejection and victimization to such a degree that in 1925, Secretary of Defense General Joaquin Amaro called them ‘the main cause of vice, diseases, and disorder’ and ordered them expelled from the barracks.”⁴¹ The soldaderas’ transgressive behavior (locating themselves in masculine spaces) underscored men’s seeming inability to control themselves. So while postrevolutionary reformers sought to modernize patriarchy in ways that did not condone men’s overt sexual violence, they also continued to affirm women’s ability to tempt and corrupt men setting up a duality that was difficult for women to navigate.⁴² As former Zapatista Antonio Díaz Soto y Gama noted in 1919,

Is it not painful for all Mexicans to see the low depths to which our women have fallen? I admire the woman in two forms—rather, I admire her in one form but understand that the woman has two roles: to provide pleasure, a very humble role but one that appeals to men because we are all sinners and a high role, that of bearing the future generations and in that capacity the woman is the most superior being, the most sanctified of all, the mother.⁴³

These opposing concepts of womanhood shaped ideas about women’s sexual role in society while retaining the importance of motherhood and morality. This double standard trapped women between a culture that often portrayed women as sexual objects for men’s pleasure while demanding that they remain honorable and chaste. While state officials such as Tejeda or Aguilar in postrevolutionary Veracruz did not condone sexual violence and sought to reform ideas that women were merely “beasts of pleasure,” they also were slow to encroach on men’s authority to control women sexually.⁴⁴

The Cases

Most cases of sexual abuse did not see the inside of police station not to mention a courtroom. Pablo Piccato points out in his seminal work on

criminality in Mexico City, that for the poor and working class, “sexual crimes often remained outside the public eye because police and judicial officials disallowed the sexual nature of male violence against women and because women’s relatives downplayed the fact that for the victim, sexual intercourse itself could be a form of violence. . .”⁴⁵ Most sought to keep such matters quiet. This seems to be the case in Veracruz as well. When cases of sexual violence made it to the courtroom, the litigants’ social class was a factor. It was far easier to dismiss the lower classes’ widely accepted propensity for violence due to their poverty and lack of education. For example, in a case of marital violence from Orizaba in 1939, the attorney defending the husband’s actions argued that,

There are women on whose lethargic or deformed heart there is no track of resentment resulting from the blows of a brutal husband. These women can be perfectly calm and then suddenly enthusiastic affection can lend itself to these fleeting storms which are almost continuous among certain social classes.⁴⁶

Many single or widowed mothers in Veracruz not only struggled against public perceptions of the poorer classes’ morality, but also the economic demands of meeting their families’ needs. As a result, women often relied on older children or extended family members to care for young children. The following case of sexual abuse illustrates these challenges.

On October 24, 1930, a criminal case was filed in Orizaba (*Juzgado de Primero Instancia*) against Marcelino Gomez for estupro and sexual assault (*atentado al pudor*) of his niece Galinda Villa.⁴⁷ The mother of the young girl, Antonia Villa, claimed that when her older daughter, Claudia, returned home late in the afternoon, she found her uncle (Gomez) in bed with her ten year old sister. In the trial record, Villa stated that she had left Galinda in Gomez’s care while she and her oldest daughter went to work. Gomez’s profession is not mentioned, although the trial record notes that he had friends in the municipal government. Villa, whose husband had died several years earlier, worked as domestic servant in Orizaba, and her daughter made tortillas to help support the family. Villa also had a third daughter who was at church during the time of the incident. Late that afternoon, Claudia and the victim, Galinda, rushed to the home where their mother was working and described what had happened. Villa recounted the traumatic details of the crime. “He threw her [Galinda] onto the bed, undid his trousers, placed his right hand over her mouth so she could not scream and placed his penis between her legs while she struggled in pain to free herself.”⁴⁸ That same evening Villa took her daughter to the hospital and informed the police.⁴⁹ Police then arrested Gomez pending criminal charges. Under these circumstances, if the state found Gomez guilty, he could face up to six years in prison.⁵⁰

In the case against Gomez, the court heard evidence from witnesses and a doctor against the defendant. Gomez denied the charges and claimed that

it was in fact Galinda, whom he said was thirteen or fourteen years old, who tried to seduce him.⁵¹ Such a defense was logical because, according to Veracruz's penal codes, the sentence was not as severe if the girl was at least fourteen years old.⁵² Gomez explained that Galinda initiated sexual contact and deliberately tried to arouse him. Gomez's attorney, in graphic detail, explained that the defendant was alone with Galinda when she "began to play with the defendant, passing her hand over his genitals three times thereby exciting him."⁵³ Gomez then testified that when he gave in to her overtures, Galinda's sister interrupted them before they could have intercourse. He claimed the girl was not as young as Villa stated, that she initiated sexual contact, and that he had done nothing wrong because they did not have sex. Galinda's sister Claudia, however, testified that when she came home the door to the bedroom was open. When she entered the room she found her uncle in bed with her sister who was crying. "He [Gomez] immediately stood up and put on his trousers. When I asked him what he was doing he did not answer me."⁵⁴ The age of the victim also complicated the case. A doctor testified that he believed the girl was older than ten but not older than twelve. The court was not able to locate the registry to determine Galinda's age. Gomez's attorney also questioned Claudia's testimony because he argued that the door to the bedroom was closed and therefore she could not have seen what happened. If there was no eye witness, then it was in fact Galinda's word against her uncle's. This however, did not preclude Gomez from confessing that he had sexual contact with Galinda, only that they did not have sex. Despite character witnesses that testified that Gomez was a decent and respectable man in the community, and medical evidence that suggested that Galinda had not been raped, the judge found Gomez guilty of *Atentado al pudor* and sentenced him to six months in prison.⁵⁵

Decoding judges' decisions in cases such as this is indeed complex. Judges were essentially bound by the parameters established in legal codes even if they did enjoy a degree of flexibility in weighing evidence and sentencing. Ana Maria Alonso found in her research on Namiquipa, Mexico, that judges could use their power "to support women who represented themselves as sexually passive."⁵⁶ Undoubtedly this affected how these cases were presented in a court of law. Judges, clearly attune to the maneuverings of litigants and attorneys, operated within legal and cultural parameters that favored chaste and honorable women over those who were of poor public reputation. Judges, however paternalistic and patriarchal, also had to weigh the veracity of the evidence in accordance with legal codes or risk a ruling being overturned in a higher court.

Cases of estupro and rape expose fundamental tensions between the need to protect women and children, beliefs that women and girls could instigate their own sexual abuse, and men's traditional rights to control women and girls sexually. Moreover, penal law and judges' adjudication in cases of estupro demonstrate the legal system's continued preoccupation with preserving sexual difference since the benefits of state protections



were contingent upon women's proper moral conduct and public reputation. Indeed the penal code indicates that the crime must be committed with a "chaste and honest" woman or girl.⁵⁷ Officials were obviously suspicious of the supposed sexual power of women and girls and may have accepted men's claims that they had been seduced. Legal officials who charged that women in some ways incited an attack indicates an inability (or lack of desire) on the part of state officials to break with customs suggesting women were temptresses and therefore may have deserved an attack. Undoubtedly ideas about girls' or women's honorability influenced the framing of subsequent penal codes which retained "honesty" as a key factor in determining culpability. Gomez's attorney, therefore, had no problem pointing out Galinda's sexual prowess despite her young age.

This case also demonstrates the complexities of daily life for poorer families. Villa was a widow who, along with her daughters, struggled to maintain their home in an Orizaba *vecindad*.⁵⁸ Her life was centered on family, labor, community and church.⁵⁹ Women who worked outside of the home often relied on extended family for the care of their children. Gomez had a responsibility to provide protection for his extended family in the absence of Villa's husband and to help alleviate the hardships of daily life. However, he shirked his honorable responsibility to protect Galinda. This also may have factored into the court's decision.

While sexual abuse was difficult to prove and a woman's poor reputation could easily provide exculpatory evidence, the judge in this case convicted Gomez.⁶⁰ However, it was probably Gomez's confession that he had sexual play with the young girl that resulted in the ruling. Gomez did not deny his sexual contact with Galinda, only that they had not had intercourse. The attorney's defense of Gomez, however, adds another dimension to the legal and social implications of Mexico's revolution and how it informed perceptions of "deviant" social behavior, class, and gender.

Now gentlemen magistrates, to those who I have the honor to address because you will decide the fate of my defendant, [I acknowledge] that the painstaking [legal] process, and the social climate in which we find ourselves is due to the modernism that the revolution has brought, and which has also relaxed the morality that existed many years ago. Because of this the jails are full. The government, far from being a [moralizing force], is a source of corruption. Now because a man is subjected to the nature of his own weakness based on his psychological functions which are irresistible, the government proposes careful education to provide a means to attain morality among inmates. . .something which the government cannot provide because of its sad financial situation. Now gentlemen, do you think you can moralize this town by filling the prisons? Impossible, because this is a crime of nature. . .My defendant never considered that

what he did was a crime because he is unconscious of any concept that would indicate that this was a crime.⁶¹

Gomez's attorney cited the deleterious effects of the Mexican Revolution on community morality. In addition, Gomez's defense also fits within much of the psychosexual research based on psychoanalysis which not only explored men's sexual proclivities and women's role in encouraging abuse, but also affirmed sexual difference.⁶² The only solution therefore was for the state to provide proper education to enable men to resist their urges, while instructing women about the dangers of temptation.

This case also demonstrates how science, tradition, and the postrevolutionary mission to create stable, productive, and hardworking families clashed over the state's increased interference in relationships between men and women. Early studies exploring the changes in family life following the Revolution note the damaging effects it had on morality, some of which was blamed on the decline of church power. For example, an article appearing in the journal *Social Forces* in 1936 reaffirms the belief among some that the Mexican Revolution expedited the deterioration of Mexican morality and therefore officials needed to work harder to fill the vacuum left in the wake of the Catholic Church's decline;

The attitude of the revolutionary governments toward the church during the last decade has left the home the sole source of information and guidance in the realm of sex development. The high percentage of illegitimate births, the striking prevalence of syphilitic infection, and the acknowledged amorality and immorality of the great masses are clear evidence of the need of sex instruction of a systematic nature.⁶³

This observation, while faulting state officials for not doing enough to create sex education programs, also points out the social perceptions of the poorer classes. Officials believed that poor or working class men and women behaved differently from their upper class counterparts and therefore licentiousness was part of working class life. Katherine Bliss found in her research on Mexico City that officials were in fact reticent to punish working class men for sexual crimes because officials believed that violence among the lower classes was common.⁶⁴ Conversely, women or girls who claimed they were raped or assaulted had to establish their honorability while the legal process in many ways, stripped them of dignity, respect, and honor. As Monsiváis explains, legal officials continued to argue that if women understood the importance of "guarding their modesty" and dressing responsibly, they would not have had to endure violence and humiliation.⁶⁵

Gomez's attorney's argument also reflected the growing changes in criminology. As I discussed earlier, much of the research that was emerging during the 1920s and 1930s affirmed that men were libidinous. If

the state could not provide education and proper moral guidance, then there was no reason to assume that poorer men's behavior would change. Gomez's attorney explained that the state's efforts had failed to remedy Mexico's social problems, which explained his client's inability to grasp his crime.⁶⁶ Gomez's attorney did not condone or defend his client's conduct, but associated his behavior with men's inability to control their sexual desires, behavior that authorities associated with the depravity of the poorer classes. This argument points to the dichotomous nature of tradition and law and the incongruities of state rhetoric that maintained the need to protect "vulnerable" women and children while also implicating them in the crime.⁶⁷ Another case, also from 1930, mirrors many of the circumstances that appear in the case against Gomez.

In 1930, María Antonio Santiago, filed an appeal with the State Supreme Court in Jalapa (*Tribunal Superior de Justicia*) to overturn the lower court's ruling in Orizaba which exonerated Federico Breton for the rape and kidnapping (*rapto*) of her daughter Joséphina Santiago.⁶⁸ The mother claimed that the municipal court (*Juzgado de Primero Instancia*) did not adequately consider her case due to her inability to prove that Joséphina was in fact her daughter. Officials in Tlaxcala, Veracruz where the girl was born, apparently never notarized her daughter's birth. In addition, Joséphina's legal name and the name that the mother used in the affidavit complicated matters. The mother explained that the priest gave Joséphina part of her name, María Apolonia, while her mother gave her the name Josépha. At home everyone called her daughter Joséphina. Confusion over the girl's name baffled court officials in Orizaba and led them to question the mother's legitimacy.⁶⁹ Much of the documentation is dedicated to sorting out the daughter's real name and who her biological mother and father were. Joséphina was born out of wedlock, "*hija natural*" and the father was not involved in her life. María's appeal, while addressing the problems of legitimate birth and her daughter's name, also carefully constructed her daughter's honor while detailing the confusing circumstances of this case. The mother explains that her daughter spent her childhood in Huamantla, Veracruz which was a "very Catholic town and contains one chapel for every person who lives there."⁷⁰ She also explains that her daughter, "a young and innocent creature," was baptized with all the sacraments. María notes that she laments the lower court's refusal to find Breton guilty and that this has caused "great pain, dishonor, and suffering."⁷¹ The municipal court did not find Federico culpable based on several technicalities, which the mother sought to remedy.

In the trial record, María recounted the events that led to her daughter's ordeal. She argued that Federico Breton tricked her "naïve" daughter, who was probably seventeen at the time, into chasing him to a room where he brutally beat and raped her. According to her complaint, she sent her daughter out one evening to run some errands, which involved determining the value of two rings that she had in her possession. Although it was only around six o'clock, it was dark outside because it was winter. While

Joséphina was out, she met Federico who commented on the two rings she had, and wanted to know where she had purchased them. When Breton asked if he could look at them more closely, the mother explained, “my daughter being naive, handed them over. Federico then ran off with the rings and my daughter ran after because she feared that I would punish her if she lost them.”⁷² When she caught up to him, she discovered that he had lured her to a “dingy room where he abused and violently raped her.” María’s complaint, several pages long, indicates not only what she believes happened, but moreover what she thinks will be important to legal officials. Her meticulous recounting of events comes as a result of the state’s “abundance of obfuscations” which has “obstructed justice” for her young daughter. Her testimony reconstructed her young daughter’s honor and chastity as well as the religiosity of her home town and her devotion to the Church which she believed would be important to court officials despite the secular bent of many postrevolutionary officials. María saw to it that she received the sacraments and that she was baptized so as to guarantee her daughter’s piety and sanctity. Thus, the description of her rape heightens the brutal act forced upon an honorable, young, and chaste body. María explains, “The act of rape removed the honor of my daughter who was a virgin.”⁷³ The defendant denied the charge and maintained that the girl was of legal age and consented. The final ruling in this case is missing.

Despite the gaps in the court record, this appeal shows the complexities involved in rape and kidnapping cases and the importance of constructing a woman’s honor and chastity within an emerging bureaucratic legal system that underscored the importance of chastity and honesty. If Joséphina had not been a virgin then it would be very difficult for her to attain a favorable verdict.⁷⁴ Joséphina’s honor was in part tied to her affiliation with a “very catholic town with many chapels” which underscores Sanchez’s violent sexual attack. In addition, the mother’s defense of her daughter was not associated with social position but rather emphasized piety, baptism, and sacraments.

This case exposes the clash between modernity and tradition in regions such as Veracruz. Many who lived in rural areas simply did not legitimate their marriages or births with state officials placing them at a serious disadvantage in criminal cases. However, María’s position as a mother defending the honor and innocence of her daughter is particularly important for how both society and the state understood sexual difference. In this case, much like the case of Galinda Villa, there was no father to defend the honor of his daughter or family. While this alone could have garnered the court’s sympathy, her social class could have been enough for officials to question whether or not she had properly “guarded her modesty.”

Single mothers who confronted the sexual abuse of their daughters demonstrate the complexity of a changing legal system as well as perceptions that continued to associate the poorer classes with immorality and depravity. Even following Mexico’s revolution, women’s chastity and

honesty were integral in cases of sexual abuse or *estupro*. Because the family was the basic unit of social organization, officials were more concerned with preserving familial integrity and reducing the numbers of illegitimate children than they were with prosecuting men for committing acts of sexual violence. The case of Federico is also very instructive. The victim in this case was seventeen years of age and out on the streets after dark. Federico did not deny the encounter, but rather claimed that the girl was of legal age and that their sex was consensual. It was his word against hers. These were the most difficult cases to prosecute.

Familial honor was another factor that played into how citizens understood sexual violence. Penal codes during this time implied that charges of violating a girl's body could be reversed if the perpetrator married his victim and if the girl was at least fourteen years old. This could restore her honor and the honor of the family. If the offender refused to do so, the state had the right to incarcerate the offender for up to four years. A front page story of forbidden love in one of Orizaba's most widely circulated newspapers told of such a case. In August of 1934, Vicente Sanchez ran away with his young lover Isabel Chavez. Vicente, 17 years of age, came to collect Isabel from her home and take her to the train station. The article did not disclose Isabel's age. According to Isabel's testimony, she was the one who pressured Sanchez to run away. As they approached the train station, Isabel's father and the police caught up with them and arrested the boy. Sanchez explained that he wanted to marry Isabel but his parents had convinced him that he did not have the means to support a wife.⁷⁵ Because Sanchez was shirking his duty to preserve the honor of Isabel's family, an honor that was still tied to women's bodies, he would face a lengthy jail sentence. Sanchez had "deflowered" the young girl. If the court believed that Isabel was "chaste and honest" then the only option was for Sanchez to preserve Isabel's honor and the honor of her family. While many of the details do not appear in the article, and the case does not appear in the judicial record, the ruling was clear. The court sentenced Sanchez to two years and four months in jail. His family appealed the court's decision to the State Supreme Court in Jalapa, but the judge in that case would not overturn the lower court's ruling. The judge's ruling fit within the statutes laid out in Veracruz's penal code which provided sanctions for men who would not restore the honor of the girl and family in question.⁷⁶ Sanchez had a fundamental responsibility as a man to restore the honor of Isabel and her family.

Clearly, cases of *estupro* could be more complicated when it involved consensual sex. Nonetheless, if the girl was a virgin, not legally an adult, and did not have blemishes on her reputation, the court usually assumed that the girl was naïve and that the offender took advantage of the girl to pursue "carnal pleasures." This did not change in the 1940s. For example, in the case of Porfirio De Valle and Carmen Alegre, the court sentenced the boy to three and half years in prison in 1941 for the kidnapping and the *estupro* of Carmen Alegre who was 15 years of age.⁷⁷ Despite Carmen's

testimony that she did not resist De Valle and that she was attempting to escape a difficult home situation, the court did not sympathize with her. The mother of the girl pressed charges, and authorities arrested the boy and sentenced him to three and half years in jail. De Valle's attorney filed an appeal with the State Supreme Court arguing that the sentence of three and half years was not constitutional according to penal law because the sex was consensual and violence was not involved. In addition, he argued that the girl was 15 and that she consented, therefore there was no kidnapping. More importantly, however, the attorney argued that during the time that the defendant was out on bail following the initial charges, he married the girl and therefore had complied with the penal statutes which stated that marriage would absolve him of all charges. The attorney also maintained that the marriage had the girl's mother's blessing. The appeal, which the court litigated one year later, did not overturn the previous ruling in Orizaba.⁷⁸ The State Supreme Court ruled that the boy was not in fact free to marry the girl when he was out on bail. However, the judges did find that the sentence of three and half years was excessive given the details of the case and therefore reduced it. The circumstances of the trial indicate that when a boy or a man took possession of a girl's virginity, he was required to marry her or suffer incarceration, which suggests women's continued place in securing familial honor and patrimony. As long as a young man could legally offer marriage, a familial stain could be removed. In both of the previous cases, the court, following statutes stipulated in the state penal codes, ruled that premarital sex among minors could only be transformed from licentious acts to honorable relations through marriage.

The state's passage of the Law of Social Defense in 1944 and a new penal code in 1948 continued to stipulate a girl's honesty if in fact the family had any hope of attaining legal recourse.⁷⁹ In cases that I examined that involved appeals to the State Supreme Court in Jalapa and in some cases the Federal Supreme Court, officials had to be sure that there was no evidence that the victim was sexually questionable. For example, in 1947 Angel Ortiz was charged with the kidnapping and rape of his 14 year old sister-in-law. While the court sentenced him to two and half years in prison, and this ruling was upheld in the appeals process, the language in the case is fascinating. Similar to the previous cases, the family was lower class and the mother was not married. According to testimony, the defendant claimed that his sister-in-law asked him to "ravish her several times." As a result, he had not done anything wrong because she "asked for it."⁸⁰ Following the court's conviction, he appealed to the State Supreme Court and finally the Federal Supreme Court. The Supreme Court's ruling contains captivating language. The judge argued that despite the defendant's claim that she had instigated sexual contact, there was no evidence of any "lustful provocation" on the girl's part. In other words, had she been suspected of initiating contact then her morality would have been called into question and could have provided exculpatory evidence according to penal codes.

Despite laws that continued to define *estupro* along narrow lines, some argued quite presciently, that implementing more severe punishments for sexual crimes would not have an effect on the numbers of crimes committed. Beda Ponce de Mendez noted in 1947 that

Educating women in the school and in the home through various scholastic institutions. . . would destroy societal prejudice that held that women were weak. [This] is the best method to avoid sexual crimes. . . without having to resort to new rules inserted into penal codes. Rather, we ask for the [state] to quickly adapt women into social life in the same way that has been done for men, because laws continue to stipulate that women are weaker than men and need protection.⁸¹

The emphasis on sexual difference and women's weakness facilitates a culture of violence against women and girls. De Mendez also notes that labor inequalities between men and women also exacerbate the problem.

The legal processes captured in the cases presented in this article shed light on how both litigants and state officials viewed sexual relations and crimes in postrevolutionary Veracruz. Litigation focused on family integrity and public reputation, or in cases of consensual sex, restoring honor. Fears of rampant decadence associated with modernization coupled with how elites viewed marginalized groups' morality affected how cases of sexual assault were understood and litigated. The stability of the Mexican family was central to the postrevolutionary project of promoting modernity and prosperity. Women's role in the home and conduct outside the home were central in measuring progress and success of these new ideals. The ways in which litigants structured their arguments in a court of law, not to mention the persistence of girls as part of the family patrimony, also demonstrates the continuance of tradition as represented in legal codes in regions such as Veracruz, despite the "modernizing" rhetoric of state officials. While the Revolution created new spaces for women to address labor and familial inequalities, sexual crimes and perceptions of sexual abuse marked continuity with, rather than a break from, colonial and early republican perceptions of sexual violence.

Endnotes

* The research I conducted for this article would not have been possible without a generous research grant from Manhattanville College. I would also like to thank Mark Wasserman, Temma Kaplan, my wife Tamara, and the anonymous reviewers whose comments were invaluable.

¹ Venustiano Carranza's Law of Family Relations legalized divorce in 1917. While the law underscored women's primary familial role, it created a legal and discursive space for women to challenge their husband's authority in the home. See "Ley Sobre Relaciones Familiares," Expedida por

Venustiano Carranza, Primer Jefe del Ejército Constitucionalista, Encargado del Poder Ejecutivo de la Nación, Edición Oficial, Estado de Veracruz-Llave, 1917.

² Catherine Komisaruk, "Rape Narratives: Rape Silences : Sexual Violence and Judicial Testimonies in Colonial Guatemala," *Biography* 31 (3) 2008.

³ Arlene J. Díaz, *Female Citizens, Patriarchs, and the Law in Venezuela, 1786-1904* (Lincoln: University of Nebraska Press, 2004).

⁴ Victor M. Uribe-Uran, "The Great Transformation of Law and Legal Culture: "The Public" and "the Private" in Transition from Empire to Nation in Mexico, Colombia, and Brazil, 1750-1850" in Joseph W. Esherwick, Hasan Kayali, and Eric Van Young eds. *Empire to Nation: Historical Perspectives on the Making of the Modern World*, (Lanham: Rowman and Littlefield, 2006), 68-105.

⁵ Komisaruk, "Rape Narratives: Rape Silences." Also see, Rebecca Earle, "Rape and the Anxious Republic: Revolutionary Colombia 1810-1830 in *Hidden Histories of Gender and the State in Latin America*, Elizabeth Dore et al, (Durham: Duke University Press, 1999) 127-146. For more on women's honor in nineteenth century Mexico see Kathryn A. Sloan, *Runaway Daughters: Seduction, Elopement, and Honor in Nineteenth-Century Mexico* (Albuquerque: University of New Mexico Press, 2008).

⁶ In most cases of *rapto* or *estupro*, the father brought charges against the offender.

⁷ Alan Knight, "Popular Culture and the Revolutionary State in Mexico, 1910-1940," *The Hispanic American Historical Review*, 74, 3 (Aug. 1994) 393-444, 398.

⁸ Nancy Leys Stepan, "*The Hour of Eugenics*": *Race, Gender, and Nation in Latin America* (Ithaca: Cornell University Press, 1996). Also see Alexandra Minna Stern, *Eugenic Nation: Faults and Frontiers of Better Breeding in Modern Latin America* (Berkeley: University of California Press, 2005)

⁹ By "traditional" versus "modernity" I refer to the struggle, as liberal postrevolutionary officials viewed it, between superstition, fanaticism and ignorance, and anticlericalism, modernization, and discipline.

¹⁰ *Estado de Veracruz Informes de sus Gobernadores 1826-1986*. Tomo XII Xalapa, Veracruz 1986, p. 6302.

¹¹ Robert Buffington, *Criminal and Citizen in Modern Mexico* (Lincoln: University of Nebraska Press, 2000)

¹² My use of "sexual difference" follows Joan Scott's argument that "gender is the social organization of sexual difference. But this does not mean that gender reflects or implements fixed and natural physical differences between women and men; rather gender is the knowledge that establishes meanings for bodily difference. These meanings vary across cultures, social groups, and time since nothing about the body, including women's reproductive organs, determines univocally how social divisions will be shaped. . . Sexual difference is not, then, the originary cause from which social organization ultimately can be derived. It is instead a variable social

organization that itself must be explained." See Joan Wallach Scott, *Gender and the Politics of History* (New York: Columbia University Press, 1989), 2.

¹³ *Ibid.*, 66.

¹⁴ Elena Azaola Garrido, *El Delito de ser Mujer: Hombres y Mujeres Homicidas en la Ciudad de México: Historias de Vida*, (México: Plaza y Valdes), 1996.

¹⁵ For thoughtful analyses on how men and women interpreted and negotiated the law in modern Mexico, see Ann Varley, Helga Baitenmann, and Victoria Chenaut eds. *Decoding Gender: Law and Practice in Contemporary Mexico* (New Brunswick: Rutgers University Press, 2007).

¹⁶ Archivo General del Estado de Veracruz (AGEV), *Candido Aguilar's Civil Decree*, Gobernación y Justicia, Legislación/ Leyes y Decretos, Caja 13, Exp. 450, June 18, 1915. All translations in this article are my own.

¹⁷ Legislators often cited France and the United States as models of liberalism, culture, and economic prosperity.

¹⁸ For more on Tejeda's efforts to improve the living standards of campesinos in Veracruz see Heather Fowler-Salamini, *Agrarian Radicalism in Veracruz, 1920-1938*, (Omaha: University of Nebraska Press, 1978).

¹⁹ Adalberto Tejeda, *Memoria de las Labores del Gobierno Constitucional del Estado de Veracruz-Llave Durante el Cuatrienio 1928-1932* (Jalapa-Enriquez: Talleres Tipográficos del Gobierno del Estado, 1932), 132.

²⁰ *Código penal del Estado de Veracruz Llave: proyecto formado por las Comisiones Unidas de la honorable Legislatura y del honorable Tribunal Superior de Justicia, aprobado y mandado observar por la Ley núm. 32 de 15 de agosto de 1896*. (Xalapa, Mexico: Enriquez, 1896). For an excellent analysis of domestic violence in nineteenth century Mexico see Ana María Alonso, "What the Strong Owe the Weak' Rationality, Domestic Violence, and Governmentality in Nineteenth Century Mexico," in *Gender's Place, Feminist Anthropologies of Latin America* Rosario Montoya, Lessie Jo Frazier, and Janise Hurtig eds. (New York: Pelgrave, 2002), 115–134. Also see, Alonso, "Love, Sex, and Gossip in Legal Cases from Namiquipa, Chihuahua" in *Decoding Gender, Law and Practice in Contemporary Mexico*, Helga Baitenmann, Victoria Chenaut, and Ann Varley eds. (New Brunswick: Rutgers University Press, 2007).

²¹ Department of labor records indicate that inspectors believed that women were more susceptible to tuberculosis and other illnesses. State officials often used such claims to argue that women who worked in jobs that were normally male dominated, threatened the health and stability of the family. *State Labor Office charged with investigating the unhealthy conditions at the cigarette factory El Progreso*. Archivo Municipal de Orizaba (AMO), Salubridad, Caja 561, Exp. 20, June 13, 1919.

²² Many legislators were in favor of modernization but were not necessarily willing to dispense with positivist ideology that emphasized order and progress. See Robert Buffington, *Criminal and Citizen in Modern Mexico*, (Lincoln: University of Nebraska Press, 2000). Also see José Angel Cenicerros, *Tres Estudios de Criminología*, (Mexico: DF) 1941. Cenicerros

explores the continued influence of positivism on penal reform in Mexico.

²³ Mary Kay Vaughan, *The State, Education and Social class in Mexico, 1880-1928*, (DeKalb: Northern Illinois University Press, 1982), 204.

²⁴ Ibid.

²⁵ *Memoria de las Labores del Gobierno Constitucional de Estado de Veracruz-Llave Durante el Cuatrienio 1928-1932*. (Jalapa-Enríquez: Talleres Tipográficos del Gobierno del Estado, 1932)

²⁶ Kristina Boylan, "Gendering the Faith and Altering the Nation, Mexican Catholic Women's Activism, 1917-1940," in Jocelyn Olcott, Mary Kay Vaughan, and Gabriela Cano eds. *Sex in Revolution, Gender, Politics and Power in Modern Mexico*, (Durham: Duke University Press, 2006), 199-222, 202.

²⁷ Carlos Monsiváis, "When Gender Can't Be Seen amid the Symbols: Women and the Mexican Revolution" in *Sex in Revolution, Gender, Politics, and Power in Modern Mexico*, Jocelyn Olcott, Mary Kay Vaughan and Gabriela Cano Eds. (Durham: Duke University Press) 2006, p. 15

²⁸ Robert Buffington, *Criminal and Citizen in Modern Mexico*, (Lincoln: University of Nebraska Press, 2000). Positivist thinkers in Mexico subscribed to a philosophy that associated progress with modernization, morality, discipline, and freedom from the tyranny of the Church. Positivist ideas informed the state's creation of laws, education, and labor.

²⁹ Ibid.

³⁰ Ibid.

³¹ Robert Buffington, *Criminal and Citizen in Modern Mexico*. Also see Miguel S. Macedo and José Angel Cenicerros, *Derechos, Penal y Procedimientos Penales, Programa y Conferencias de 1926* (México: Escuela Libre de Derecho, 1928). For an analysis of the Mexican Penal Code of 1929 see Salvador Mendoza, "El Nuevo Código Penal de México," *The Hispanic American Historical Review*, 10 (3) (1930), 299-312.

³² *Memoria de las Labores del Gobierno Constitucional de Estado de Veracruz-Llave Durante el Cuatrienio 1928-1932*. (Jalapa-Enriquez: Talleres Tipograficos del Gobierno del Estado, 1932), 29. Tejeda's position was not necessarily radical as many legal officials sought to overturn Porfirian methods of detainment and punishment while accentuating rehabilitation.

³³ The Penal Code of 1932 based fines and imprisonment on whether or not the victim had reached puberty. If the victim was "prepubescent" a conviction could yield one to three years in prison as opposed to four to six years in the 1896 code. If the victim had reached puberty, the penalty was reduced to two months to one year which is similar to the penalty that appears in the 1896 code, although puberty was now the measure for penalty and not age. In addition, a perpetrator could not be charged with deflowering if the victim had reached the age of 16. In cases of rape The Penal Code of 1932 simplified the language contained in the 1896 code. The age for deflowering was raised to 16 and "chaste" was dropped from "honest and chaste." In addition, the prison terms for rape ranged from

three to six years if the victim had reached puberty as opposed to five to ten years if the victim was "prepubescent." This allowed for more leeway in the sentencing process than what existed in the 1896 code. The Penal Code of 1948 continued to simplify the law. Deflowering applied to girls under the age of 18 and the penalty was three months to three years. In cases of rape, the penalty was one to six years unless the victim had not reached puberty which was two to nine years. Fines were also included in all of the penal codes. See *Código penal del Estado de Veracruz Llave: proyecto formado por las Comisiones Unidas de la honorable Legislatura y del honorable Tribunal Superior de Justicia, aprobado y mandado observar por la Ley núm. 32 de 15 de agosto de 1896*. (Xalapa, Mexico: Enriquez, 1896) and Adalberto Tejeda, *El Nuevo Código Civil del Estado de Veracruz-Llave* (Xalapa: Talleres Gráficos del Gobierno del Estado, 1932). *Códigos Penal y de Procedimientos Penales, Leyes sobre la Asistencia Social y la Atención Jurídica de los Menores, y de Ejecución de Sanciones*, (Xalapa, Veracruz, 1948).

³⁴ Karen Mead, "Gendering the Obstacles to Progress in Positivist Argentina, 1880-1920," *The Hispanic American Historical Review*, 77, (4) (November, 1997), 645-675.

³⁵ *Ibid.*

³⁶ Sueann Caulfield, "Getting into Trouble: Dishonest Women, Modern Girls, and Women-Men in the Conceptual Language of Vida Policial, 1925-1927," *Signs*, (Autumn 1993), 146-176.

³⁷ *Ibid.*

³⁸ José Angel Cenicerós, *Tres Estudios de Criminología*, (México: DF, 1941). Cenicerós explores the influence of positivism on penal reform in Mexico.

³⁹ Francesca Miller, *Latin American Women and the Search for Social Justice* (Hanover: University Press of New England), 1991.

⁴⁰ Patience Schell, "Gender, Class, and Anxiety at the Gabriela Mistral Vocational School, Revolutionary Mexico City" in *Gender, Politics and Power in Modern Mexico*, Jocelyn Olcott, Mary Kay Vaughan, and Gabriel Cano eds. (Durham: Duke University Press, 2006), 112-126.

⁴¹ Monsiváis, "When Gender Can't Be Seen amid the Symbols: Women and the Mexican Revolution," 8.

⁴² The cultural construction of La Malinche also shaped how Mexicans understood women's sexuality and vulnerability. See Joann Martin, "Motherhood and Power: The Production of a Women's Culture of Politics in a Mexican Community," *American Ethnologist*, Vol. 17, No. 3. (Aug., 1990), 470-490.

⁴³ Extraordinary Session, *Diario de los debates de la XXVII Legislatura* 1, no. 12 (May 12, 1919) quoted in Katherine Elaine Bliss, "Theater of Operations: Reform Politics and the Battle for Prostitutes' Redemption at Revolutionary Mexico City's Syphilis Hospital" in Stephanie Mitchell and Patience A. Schell eds. *The Women's Revolution in Mexico, 1910-1953*, (Lanham: Rowman and Littlefield, 2007), 125-150.

⁴⁴ This was also the case in other parts of Latin America where judges had to balance their duty to punish immoral behavior without overtly challenging men's traditional authority to discipline women. See Arlene J. Díaz, "Women, Order and Progress in Guzmán Blanco's Venezuela, 1870–1888," in *Crime and Punishment in Latin America, Law and Society since Late Colonial Times* Ricardo D. Salvatore et al. (Durham: Duke University Press, 2001), 56–82.

⁴⁵ Pablo Piccato, *City of Suspects, Crime in Mexico City 1900–1931* (Raleigh: Duke University Press, 2001), 130.

⁴⁶ Fondo: Tribunal Superior de Justicia Sección: Orizaba Serie: Juzgado Segundo 1939–1940 Exp. 194, March 27, 1939.

** Some of the names in this chapter have been changed to protect the identities of the families.

⁴⁷ AGEV, Tribunal Superior de Justicia, Orizaba, Juzgado Primero, Penales, Año 1903–1939, exp. 584, October 27, 1930.

⁴⁸ Ibid.

⁴⁹ Mexico's Criminal Code of 1929 no longer permitted police to conduct physical inspections of rape victims unless it was clear that they had been beaten. See Pablo Piccato, "El ChaleQuero or The Mexican Jack the Ripper: The Meaning of Sexual Violence in Turn-of-the-Century Mexico City," *Hispanic American Historical Review* 2001 81(3–4): 621, 623–651.

⁵⁰ *Código Penal Federal*, Al margen un sello que dice: Poder Ejecutivo Federal. Estados Unidos Mexicanos, (México: Secretaría de Gobernación. September 17, 1931), Articles 259–266.

⁵¹ Penal law defined rape as sexual intercourse with the use of violence, regardless of the age and sex of the victim. As a result, many cases were downgraded to lesser charges where violence was not involved. This usually meant deception or false promises. A conviction of rape could result in six years in prison if the victim was older than twelve and ten years if the victim was 12 years old or younger. See Pablo Piccato, "El Chalequero" or the Mexican Jack the Ripper: The Meaning of Sexual Violence in Turn-of-the-Century Mexico City," *Hispanic American Historical Review*, 81 (3–4) 2001, 621–651. Also see *Código Penal Federal*, Al margen un sello que dice: Poder Ejecutivo Federal. Estados Unidos Mexicanos, (México: Secretaría de Gobernación, September 17, 1931), Articles 259–266. For an early analysis of penal law in Mexico see Norman S. Hayner, "Criminogenic Zones in Mexico City," *American Sociological Review* 11 (4) (1946), and Salvador Diego-Fernández, *La ciudad de Méjico a fines del siglo XIX* (Mexico City: n.p., 1937). For an examination of sexual crime around the turn of the century see Carlos Roumagnac, *Crímenes sexuales*, vol. 1 of *Crímenes sexuales y pasionales: Estudios de psicología morbosa* (México City: Lib. de Bouret, 1906–10).

⁵² Piccato, "El ChaleQuero or The Mexican Jack the Ripper: The Meaning of Sexual Violence in Turn –of- the-Century Mexico City."

⁵³ AGEV, Tribunal Superior de Justicia, Orizaba, Juzgado Primero Penales, Año 1903–1939, exp. 584, October 28, 1930.

⁵⁴ *Ibid.* October 29, 1930.

⁵⁵ AGEV, Tribunal Superior de Justicia, Orizaba, Juzgado Primero Penales, Año 1903–1939, exp. 584, October 28, 1930.

⁵⁶ Ana Maria Alonso, "Love Sex, and Gossip in Legal Cases from Namiquipa, Chihuahua," in Helga Baitenmann, Victoria Chenaut, and Ann Varley eds., *Decoding Gender, Law and Practice in Contemporary Mexico* (New Brunswick: Rutgers University Press, 2007), 55.

⁵⁷ This case was litigated before the passage of the Penal Code of 1932. Therefore "chaste and honest" was still applied. Veracruz's Penal Code of 1932, removed the word "chaste" while retaining "honest."

⁵⁸ In 1921, the number of women who were widowed in the state of Veracruz was nearly three times that of men. The census report for Orizaba only lists the total number of widowers and does not separate them by sex. AMO, Biblioteca, *Estado de Veracruz, Datos Geográficos*, 1921.

⁵⁹ Norman S. Hayner, "Notes on the Changing Mexican Family," *American Sociological Review* 7 (4) (Aug., 1942), 489-497.

⁶⁰ Pablo Piccato notes in his research on sexual abuse in Mexico City that judges often dismissed rape cases because of a women's public reputation or morality. See Piccato *City of Suspects, Crime in Mexico City, 1900–1931* (Durham: Duke University, 2001). Also see Robert Buffington, "La violencia contra la mujer y la subjetividad masculina en la prensa popular de la ciudad de México en el cambio de siglo" *De normas y trasgresiones Enfermedad y crimen en América Latina (1850-1950)*, en Claudia Agostoni y Elisa Speckman eds. (México: UNAM, 2005), 287-325.

⁶¹ Criminal charges against Marcelino Gomez for sexual abuse of a minor, AGEV, Tribunal Superior de Justicia, Orizaba, Juzgado Primero Penales, Año 1903–1939, exp. 584, October 27, 1930.

⁶² Sigmund Freud, *Three Essays on the Theory of Sexuality*, trans. James Strachey. (New York: Basic Books, 1962). Also see Gustavo Rodríguez, "Perversiones Sexuales," *Revista Jurídica Veracruzana*, Tomo I Numero 2, April 30, 1940.

⁶³ C.D. Ebaugh, "Mexico Studies Sex Education," *Social Forces*, 15 (1)(October 1936), 81-83.

⁶⁴ Katherine Elaine Bliss, *Compromised Positions, Prostitution, Public Health, and Gender Politics in Revolutionary Mexico City* (University Park: University of Pennsylvania Press, 2002).

⁶⁵ Carlos Monsiváis, "When Gender Can't be Seen amid the Symbols, Women and the Mexican Revolution," in *Sex in Revolution, Gender Politics, and Power in Modern Mexico*, Jocelyn Olcott, Mary Kay Vaughan, and Gabriela Cano eds. (Durham: Duke University Press, 2006), 1-20.

⁶⁶ The attorney's argument that Gomez acted only according to his nature also reflects debates in legal journals which explored the natural impulses of sexual desire based on Sigmund Freud's work on psychoanalysis. See Dr. Gustavo Rodríguez, "Perversiones Sexuales," *Revista Jurídica Veracruzana*, Tomo I Numero 2, Jalapa, Veracruz, April 30, 1941.

⁶⁷ Sandra McGee Deutch argues that Carranza, fearing the Church's continued control over women and women's potential opposition to the revolution, initiated far reaching reforms to protect women in the workplace and at home. These reforms however were not to make women equal to men, but rather to affirm their domesticity and dedication to revolutionary ideals. See Sandra McGee Deutsch, "Gender Sociopolitical Change in Twentieth Century Latin America," *The Hispanic American Historical Review* 71 (2) (1991), 259-306.

⁶⁸ AGEV, Tribunal Superior de Justicia, Orizaba, Juzgado Segundo, 1929, exp. 189.

⁶⁹ The confusion over Joséphina's name is obvious in the lower court's ruling. When María explained that she sent for the civil registration of her daughter's birth in Tlaxcala, the document lacked a legal signature. This case is also complicated because Joséphina was either 17 or 18 years old when the alleged rape took place. Sanchez made this point in his defense when he claimed that there was no crime because Joséphina was of legal consensual age.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Ibid.

⁷³ AGEV, Tribunal Superior de Justicia, Orizaba, Juzgado Segundo, 1929, exp. 189.

⁷⁴ Pablo Piccato found that mothers of victims in most sexual abuse cases filed the complaint. See Piccato, *City of Suspects*.

⁷⁵ Author unknown, "Fue Confirmada la Sentencia Contra un Jovencita que Fue Raptado por una Chica," *Los Sucesos*, August 10, 1934, Tomo XIV pp. 1-2.

⁷⁶ Ibid.

⁷⁷ AGEV, Tribunal Superior de Justicia, Orizaba, Juzgado Primero, Penales, April 8, 1941, exp 99.

⁷⁸ Ibid.

⁷⁹ *Códigos Penal y de Procedimientos Penales, Leyes sobre la Asistencia Social y la Atención Jurídica de los Menores, y de Ejecución de Sanciones*, (Xalapa, 1948). For an analysis of legal changes pertaining to *estupro*, see Gerardo Gil Ortiz, 'Estudio Dogmatico Jurídico del Delito de Estupro', unpubl. thesis, (Universidad de Veracruzana, Xalapa, 1973).

⁸⁰ AGEV, Tribunal Superior de Justicia, Veracruz, Juzgado Primero Penales, Año 1947, exp 150.

⁸¹ Beda Ponce De Mendez, "La Mujer en Nuestro Derecho Positivo" Tesis que para su Examen Receptorial de Abogado, (Jalapa-Enriquez, 1947).