

Elizabeth Dore

One Step Forward,

Two Steps Back

Gender and the State in the Long Nineteenth Century

This book is a response to Joan Scott's call to examine how politics constructs gender and gender constructs politics.¹ Its purpose is to analyze how politics of a particular type—state politics—affected gender relations and how gender conditioned state formation in Latin America from the late colony to the twenty-first century. Each chapter is a study of ways in which the state influenced gender relations and vice versa in a particular country at a specific historical conjuncture. Like all anthologies, this one aspires to be more than the sum of its parts. Its aim is to contribute to the elaboration of a systematic account of the interaction between state politics and gender politics in Latin America.

Periodizations of the state in Latin America are fairly common, typologies even more so.² They highlight agreement regarding the importance of historicizing state forms and disagreement regarding how to differentiate states. Notwithstanding their diversity, the existing periodizations do not take gender into account: neither the gendered nature of states nor how states regulated gender.³ In light of this absence, the two introductory chapters in part 1 of this volume analyze major changes in gendered state making across Latin America.

Until recently this endeavour would have foundered on a paucity of empirical research and an underdevelopment of theory. The former obstacle has been partially overcome by a number of excellent monographs on what could broadly be called state-gender relations in Latin America; the latter has been redressed by the growth of an analytical literature concerning

ble, but necessary. Drawing on the twelve case studies presented in this volume and on recent scholarship in the field, the introductory chapters analyze the ways states constructed gender and how gender conditioned state making over a period of 250 years. In light of the heterogeneity of states and gender cultures in Latin America and of the time span under review, the objective of these two essays is to identify major turning points and historical continuities in the interface between state politics and gender politics.

Years ago, historians of Europe and the United States assessed the fit between "traditional" history and "gender" history.⁵ They questioned, in particular, whether conventional periodizations corresponded to major turning points in women's lives. Joan Kelly, for instance, asked, "Did women have a Renaissance?"⁶ More recently, feminist scholars in the United States have debated whether state-sponsored research and development in the field of contraception, which culminated in the Pill, were more important in the transformation of gender relations in the late twentieth century than, say, the Cold War. Maxine Molyneux and I embarked on this cross-disciplinary project after realizing that scholars of Latin America rarely have addressed issues of long-term regional trends and turning points in the ways states influenced gender.⁷ Our conclusions, which form part I of this book, were written in the spirit of discovery and recovery. We hope they make a contribution to the fruitful dialogue between feminists working to transform the state and those of us studying the formation of gender relations in Latin America.

How Latin American states sought to govern gender relations during the long nineteenth century, from the late colony to the twentieth century, is the subject of this essay.⁸ It focuses on the legal regulation of gender, especially changes in family and property law. Although states enact laws to promote certain social practices and to discourage others, it goes without saying that governments are not always successful in reforming societies in politics.

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restrictions on women's participation in the public domain. In particular, historians have stressed the emancipatory effects of secularization, arguing that the declining prerogatives of the church and the rising powers of the state generally resulted in an expansion of women's rights. Overall, these analyses have supported the orthodox interpretation of liberalism in Latin America, which claims that liberal states ushered in "Order and Progress."

Yet evidence from a number of countries casts doubt on this account. Transposing Kelly's question regarding women in Renaissance Europe to the Latin American context, I ask, "Did liberal states usher in 'Order and Progress' in gender relations?" I assess the implications of legal reforms and secularization for women, keeping in mind that their effects varied along lines of nation, class, and race. I conclude that, on balance, state policy had more negative than positive consequences for gender equality, which suggests the need to reassess the view that the long nineteenth century was a period of progress for women. Some legal reforms and some aspects of secularization did reduce gender inequalities for some, maybe most, women. Nevertheless, I propose that the general direction of change was regressive rather than progressive. My interpretation of the relationship between state politics and gender politics in the long nineteenth century can be summarized in the phrase "one step forward, two steps back."

States act in myriad ways on gender relations. It is necessary, therefore, to clarify what this chapter is not about. During the long nineteenth century, Latin American states moved on a number of fronts to normalize elite, predominantly male, ideals of femininity and masculinity especially in areas of health, education, employment, and charity-social work. This normalization provided the opportunity for national, regional, and local officials to exert pressure on men and women to conform to what the elite regarded as "proper" behavior. As a number of chapters in this volume demonstrate, "proper" was a highly fluid notion that varied by sex, class, race, marital status, age, and so on.⁹ Furthermore, state policy regarding politics.

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discussion about how to study the state and with a characterization of Latin American states as they emerged over the course of the long nineteenth century. The second part examines and rejects the myth of the supersubordinated female in the colonial era; the third part analyzes the early republics; and the fourth part treats the reform of property and family law enacted by liberal states. What this essay stresses and what has not been adequately explored before is that the liberal assault on the historic privileges of the church and Indian Communities was accompanied by a similar assault on the privileges of women. At a time when landed property and other resources gradually became commodities, women lost much of the legal protection to family property that they had enjoyed "from time immemorial." The fifth part assesses secularization and its implications for marital rights, and finds that, contrary to the prevailing view, secularization of married life tended to expand inequalities between women and men. The conclusion contrasts this interpretation to the view that history is a story of progress.

Part One: Understanding the State

To understand the state, we must begin by posing three interrelated questions: What is the state? Why does it exist? How does it rule? Answering these questions involves a theoretical analysis of the role of the state in a particular society and an empirical examination of the historical development of specific social conditions. In my approach, "What is the state?" centers largely on the classic debate about the relationship between the state and class interests. "Why does it exist?" refers to the objectives inherent in the exercise of power. "How does it rule?" treats the means by which the state achieves its political domination. It is noteworthy that late-state and class interests. "Why does it exist?" refers to the objectives inherent in the exercise of power. "How does it rule?" treats the means by which the state achieves its political domination. It is noteworthy that late-twentieth-century literature on the state tends to eschew the first two questions, moving directly to the third, "How do states rule?" In general, scholars examine fundamental issues—such as how states organize consent, suppress opposition, and protect sovereignty—without addressing the prior issues, namely, the class nature of the state and its objectives of rule. I propose that this approach leaves many substantive issues about the state unresolved.

long period of time; it treats states of different kinds, with different objectives, and different methods of rule. In response to the question "What is the state?" I propose that despite their heterogeneity and under ordinary conditions, these Latin American states ruled in the interests of a portion of the society's upper classes through the general interest of the populace— insofar as that was possible. By this I mean that except under extraordinary circumstances, states ruled in the class interests of an elite, but with an ideology that rule was in the wider interests of a broader portion of society.

In this interpretation, class rule does not imply that the exercise of power at all times directly promoted the well-being of the dominant classes nor that those states should be understood simply as a tool wielded by economic elites to achieve their aims or to impose their will. Rather, insofar as those states presented themselves as governing in the common good, politics involved the construction of consent alongside the imposition of authority. It is a truism that subaltern classes always endeavor to exert pressure on the state, but only in unusual historical conjunctures, and even then only briefly, have exploited classes exercised state power. I suggest, therefore, that it is useful to think of the state as operating within a gravitational field in which the pull of the exploiting classes is considerable and the pull of the exploited classes considerably less. Or, as one historian has written, the state's many activities take place within the *field of force* of the dominant classes.¹¹

Turning to question two—"Why does the state exist?"—in all but extraordinary circumstances, the primary objective of rule is to enable the exploiting classes to appropriate labor and resources from the subordinate classes. How this appropriation is achieved depends upon the mode of production or the way economics, politics, and social life are organized. Finally, "how rule is accomplished" is the story of how exploiting classes, under unique historical and social conditions, establish and perpetuate their rule. In contrast to most capitalist states, premodern states in the Latin America of the long nineteenth century did relatively little to camouflage their class character.¹² To the extent that politicians masqueraded as ruling in the common interest, they portrayed themselves as benevolent *patrones* who governed for the good of their subordinates. In the last twenty years, scholars have come to recognize that the exercise of state power involves the politics not only of class, but also of race and gender. There-

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does it exist? and How does it accomplish rule?—rest on an analysis of changing class, race, and gender relations in society.

Recently, historians writing about state formation in Latin America have been influenced by a neo-Marxian tradition, particularly by Philip Corrigan and Derek Sayer.¹³ Their book, *The Great Arch: English State Formation as Cultural Revolution*, argues that states endeavor to create a political culture that naturalizes one form of social domination. Utilizing coercion and constructing consent, states gradually make it appear that one historically specific way of organizing society is the only "natural" way. In this approach, the state—the organized power of the ruling classes—normalizes particular social relations and identities, and destroys others. As Corrigan and Sayer emphasize, states play a critical role in transforming the way ruling classes appropriate labor (or the products of labor) from exploited classes. Also, states frequently take the lead in transforming social relations, consciousness, and culture more generally. This understanding of state making is particularly relevant to gender. With its array of governmental, juridical, cultural, and overtly coercive institutions, state politics normalizes a variety of gender relations. Acceptable and unacceptable ways of being female and male may vary, depending on class and race. However, states establish a quasi-official gender regime by regulating as many aspects of life as they can reach, including sexual practices, prostitution, vagrancy, contraception, abortion, marriage, and the family. Because states are part of and act within particular societies, theories of the state in the abstract are of limited analytic value. Therefore, before examining the ways that states altered constructions of gender in the long nineteenth century, I turn to a very brief characterization of those states and societies.

This chapter treats an era that largely predated the rise of capitalism in Latin America. By capitalist, I mean a society permeated by the market and organized around relations of free wage labor. In the nineteenth century, ~~the rise of capitalism in Latin America~~ largely predated the rise of capitalism in Latin America. By capitalist, I mean a society permeated by the market and organized around relations of free wage labor. In the nineteenth century, politics and economics in most of Latin America were based largely on ~~the rise of capitalism in Latin America~~ constructing consent, states gradually make it appear that one historically specific way of organizing society is the only "natural" way. In this approach, the state—the organized power of the ruling classes—normalizes particular social relations and identities, and destroys others. As Corrigan and Sayer emphasize, states play a critical role in transforming the way ruling classes appropriate labor (or the products of labor) from exploited classes. Also, states frequently take the lead in transforming social relations, consciousness, and culture more generally. This understanding of state making is particularly relevant to gender. With its array of governmental, juridical,

Politics in colonial Spanish and Portuguese America was based on the ideology that the legitimacy of the state derived from God. Nevertheless, state power ultimately derived from the state's capacity to impose its rule with violence. The colonial state perpetuated a hierarchical social order differentiated primarily by gender, race, and official status. Within the limits of the autocratic state, consent of the governed was fostered by a patriarchal system in which senior males exercised authority in the home, the community, and the polity.

Liberal states came to power in most Latin American countries in the middle of the nineteenth century and ran the gamut from a more radical liberalism in Mexico to a constrained version under the empire in Brazil. To a greater or lesser extent, liberals advocated free trade, private property, and anticlericalism. In line with most of their counterparts in Europe and the United States, Latin American liberals promoted freedom of property, not freedom of persons. Consequently, liberals in power in Latin America sought to reduce corporate control over land by the church and Indian Communities in order to foster private property in land. At the same time, liberal states advocated and often directly organized unfree labor systems—debt peonage, state labor drafts, and slavery. Their promotion of forced labor rested on two pillars: first, the ideology that Indians, mulattos, blacks, and peasants in general were primitives who had to be forced out of their natural laziness into the world of work; second, the material reality that, in the absence of a market in labor power, the landed elites had to use overt violence to recruit and discipline a labor force if they were going to enrich themselves from export agriculture.

Rejecting the old ideology of divine right and hereditary privilege, liberals asserted that the right to rule derived from the social superiority of elite males. They believed it was the natural right of men with wealth or ~~profession~~ or ~~profession~~ of divine right and hereditary privilege, liberals asserted that the right to rule derived from the social superiority of elite males. They believed it was the natural right of men with wealth or professional status to exercise political authority.¹⁴ This belief marked a change from, but not a radical break with, the patriarchal principles of the patriarchal system in which senior males exercised authority in the home, the community, and the polity.

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countries, full political participation was the purview of males with money or a profession. Other members of society had limited political rights; in particular, they did not have the right to vote. For the majority of the population, exclusion from the political sphere mirrored their lack of freedom in the economic sphere. Liberals represented this exclusion as government for the people, so consent of the governed was fostered by a paternalist ideology underpinned by the state's capacity to impose its rule with force.

Throughout the region, except in Brazil and Cuba, there was an interregnum of early republics between the late colonial and liberal states. These states were unstable regimes, struggling to rule not-yet-existing nations. More than anything else, they were bridges between the fall of empire and the rise of liberal states across the region.

Part Two: Late Colony: the Myth of Women without Rights

Mature colonial society was a corporate patriarchy, divided along the lines of estate, race, and gender.¹⁵ In Spanish America, the social order was officially segmented into three strata: republic of the Indians, republic of the Spaniards, and *castas*. The category *casta* usually included all people of mixed race: called *mestizo* if they were of Spanish-Indian heritage, and *negro* or *mulatto* if of African ancestry. Each strata was further subdivided by sex. Portuguese America had many more racial categories, all subdivided by sex. The Spanish and Portuguese Crowns codified the privileges and obligations of subjects in each group. These elaborate systems of race-gender segregation were spelled out in decrees that detailed which peoples could occupy positions in the church, the guilds, and the professions, which paid tribute and had labor obligations, and even which could wear jewelry and imported cloth.

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As María Eugenia Chaves describes in her chapter in this volume, in practice, women's privileges and obligations, notwithstanding the text of decrees, were conditional upon their honor. Chaves develops her argument through an examination of a trial in late-eighteenth-century Guayaquil, in which a female slave challenged her slave status by arguing that she was publicly recognized to be a woman of honorable morals. Drawing on the text of a lengthy court case, Chaves demonstrates how the Spanish colonial

plores the parallels between the upper-class ideology that slaves were sexually licentious by nature and the quasi-official classification of all slaves as people without honor.

It is worth noting that in the U.S. South before the Civil War, honor also resided in the public sphere. As Patricia J. Williams argues, "character was a central ingredient in proving racial identity during the nineteenth century [in the South]."¹⁶ In exploring the "litigation of whiteness," she shows that along with skin color, reputation and "white conduct and character" were all essential to the "performing" of whiteness.

Returning to Ibero-America, the patriarchal character of colonial society was codified in a succession of royal proclamations that dated from the time of Conquest.¹⁷ These decrees granted fathers and husbands legal authority in their households and established a regulatory framework that restricted and protected women and children. Evidence of the naturalization of patriarchal authority in those societies is the absence of religious or philosophical disputation regarding women's subordination. In contrast to the celebrated Las Casas-Sepúlveda debates over the relative merits of Indian versus African slavery, there was no public justification of female subordination. In Ibero-America, men's gender privileges and obligations were regarded as natural law. It was taken to be self-evident that women were not equal to men. Therefore, senior males' authority derived from their "natural-born" superiority to women.

State theory in the colonial era rested on the principle that a well-ordered society was composed of well-ruled families. Such families were governed by patriarchs who exercised power, demanded obedience, provided maintenance, and guaranteed protection.¹⁸ Colonial officials drew on legal and cultural norms of patriarchal authority to lend legitimacy to the authority of the state. Their political discourse was impregnated with analogies between the king and the family father. In this model of government, the Crown was like the benevolent father who ruled over and protected his family. Like all good fathers, he rewarded his children when they behaved well and punished them when they behaved badly.

Male prerogatives in colonial society were pervasive. Nevertheless, the extent of women's legal subordination has been greatly exaggerated. Frequently, it has been argued that the colonial state accorded women few rights and denied them juridical personhood.¹⁹ This is a myth: the Ibero-

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most contemporary states, and in particular contrast to the Anglo-Saxon legal tradition, where until the late nineteenth century women were virtually denied juridical personhood, the Spanish and Portuguese Crowns granted women extensive privileges. Women could sign contracts, ratify official documents, make wills, and appear in court. In the Anglo-Saxon world, with its tradition of primogeniture and entail, it was rare for women to own and control landed property. By contrast, in the Ibero-American world, women of the propertied classes were guaranteed an equal share of their parents' wealth, including land, by mandatory partible inheritance laws. Therefore, one of the salient ways in which the late colonial states in Latin America constructed gender was to guarantee to women property rights and an equal share of their family's fortune. It is noteworthy that female property ownership may well explain, in part, the high proportion of female household heads in Ibero-America, relative to the number in Europe and the United States in the eighteenth and nineteenth centuries. My chapter in the second part of this volume explores this issue and its ramifications in the case of Nicaragua.

Of course, like all myths, the myth of the colonial woman without rights contains certain truths. Although less sexist than most contemporary systems of jurisprudence, the Ibero-American legal tradition profoundly circumscribed women's rights. First, only widows and unmarried adult females (if legally emancipated by fathers) exercised rights of contract and property. Married women and minors were subject to direct patriarchal control and forfeited their juridical persona, including administration of property, to their father or husband.²⁰ Second, women were not permitted to govern another person. Unlike men, who exercised patriarchal authority (*patria potestad*) over their wives and children, women had absolutely no legal authority over their children.²¹ This contrast between female status vis-à-vis property and children had far-reaching implications, notably be-
cause few people (male or female) were property owners in this era, but

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mobility, or "whitening." These changes tended to blur race- and gender-based social distinctions. In their efforts to shore up the old social order, the Portuguese and Spanish colonial governments enacted laws in the 1770s that strengthened parents' rights to veto their children's choice of marriage partner.²³ Although at first glance these laws might seem of marginal significance, they were important signals of the states' attempts to reinforce more absolutist understandings of patriarchal authority in the home and in the body politic, as a number of historians have argued.²⁴

In contrast to canon law, which before the 1770s had regulated marriage choice and which protected men's and women's freedom to select their spouse, the new secular laws expanded parents' rights to intervene if their child's proposed consort was of inferior social or racial status. It is significant that at a moment when the Crown sought to legitimate its rule, the state appropriated authority from the church. By circumscribing church powers in an area so economically important and so sacred as the regulation of marriage partners, the state moved to reinforce its political domination.²⁵

In addition to treating the symbolic effects of this matrimonial law reform, historians have tracked its practical consequences.²⁶ Before the state claimed for itself the power to regulate choice of marriage partner, disputes between parents and children were argued in church courts. There, ecclesiastical judges were guided by the sacramental nature of marriage, which upheld the principle of free will regarding choice of marriage partner.²⁷ In other words, religious doctrine and practice had tended to restrict the authority of the family patriarch. However, following the reform, these disputes came under the jurisdiction of state courts, which sustained the father's authority to overrule—and to rule over—his children. This shift brings to the fore an important conceptual issue: secularization and its gendered effects. Reform of marital law was an early indicator of a trend that became increasingly apparent over the course of the nineteenth century: the transition from ecclesiastical to secular more absolutist understandings of patriarchal authority in the home and in the body politic, as a number of historians have argued.²⁴

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panded educational and economic opportunities for females. In both areas, the entry of women into the male domain came about in response to a combination of enlightenment ideas and state efforts to promote economic growth. The Bourbon state in Spanish America encouraged basic education for women so they could more effectively moralize and educate their children. As William E. French argues, "Motherhood became a civic responsibility that only enlightened women could fulfil."²⁹ At the same time, the state overturned laws that barred women from joining artisan guilds.³⁰ Though the immediate impact of these reforms was limited, as few females enrolled in schools or joined guilds, they had a wider significance. The erosion of barriers to female education and employment laid the basis for women's autonomy from direct patriarchal authority.

Part Three: Exclusionary Republics

Following independence, the state virtually disappeared in Spanish America. The exceptions were few, notably Chile and Costa Rica.³¹ In the rest of the region, elites fought among themselves not so much to control the state, which existed in name only, but to accumulate sufficient power to construct one. It is frequently noted that in periods of upheaval, politicians link appeals for order with calls for a return to patriarchal values. Paradoxically, during Spanish America's independence wars, both royalists and republicans claimed for themselves the patriarchal tradition. Rebecca Earle's chapter on the independence era in Colombia illustrates the ways in which royalists stressed the absolute authority of the king, and republicans emphasized the contingent nature of the Crown's patriarchal authority. Steve J. Stern's paradigm of contested patriarchal models, absolutist versus contingent, is appropriate here.³² In a classic formulation of the contingent nature of the Crown's patriarchal authority. Steve J. Stern's paradigm of contested patriarchal models, absolutist versus contingent, is appropriate here.³² In a classic formulation of the contingent nature of patriarchal privilege, Simón Bolívar declared that because the king had violated his familial duties and obligations, the population had the right to rebel. In a more absolutist vein, royalists demanded obedience to the king and called on the population to "honor thy father."

After independence was won or, as in some places, granted by default, republicans accommodated their patriarchal discourse to the new situation. Leaders of the early republics, switching to an absolutist model of

patriarchal rights, assumed the mantle of the benevolent father who demanded obedience and respect from his children. Earle describes how the political elite in Colombia demobilized the female population, which had been drawn into active participation on both sides in the wars.³³ Following independence, considerable gender disorder remained as women's presence continued to be felt in spheres regarded as exclusively male.³⁴ Politicians moved swiftly to make it clear that they would not tolerate female activities of this nature. They urged women to return home where they belonged and sought to marginalize them from the public sphere, symbolically as well as literally. In some regions, demographic change imposed a particular urgency on elite intentions to fortify patriarchal authority and remove women from the public domain. As a legacy of war, the population was overwhelmingly female in some of the new republics. For instance, in Argentina, females outnumbered males in the decades after independence by a ratio of approximately three to two, and the balance between the sexes was not restored until the middle of the century.³⁵

The process by which political authority was reestablished in the half century following independence was deeply gendered. The new countries of Latin America remained highly unstable, debilitated by coups, intra-elite wars, popular rebellions, and banditry. As the corporate social order of the colonial era was gradually dismantled, the family became the bulwark of the new society.³⁶ Recognizing that the state was too weak to rule effectively, some politicians took comfort in the idea that elite family networks would serve as the glue to hold society together.³⁷ They advocated a political model wherein male elders represented both the family to the state and the state inside the family. With this in mind, politicians sought to enhance the powers of the family patriarch and to link their own claims to political authority with the traditional prerogatives of the family father.³⁸ The 1853 inaugural address of Nicaragua's supreme director, Fruto Chamorro, is emblematic of this political philosophy: "I consider myself as a loving but rigid father of the family [who] always seeks the welfare of his children. . . . I will maintain the peace, but like a good father of the family I will punish the wayward son who disturbs it."³⁹

In the United States and Western Europe, politicians influenced by the Enlightenment advocated a fraternal contract that extended political rights exclusively to propertied males. They called this the "Liberal Contract,"

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but Carole Pateman calls it the "sexual contract" because political rights were synonymous with patriarchal rights over women.⁴⁰ This sexual contract was spelled out in some of Latin America's first constitutions. In Mexico and Central America, for example, men became citizens at a younger age if they were married (provided, of course, they fulfilled the property requirement) than if they were single.⁴¹ In a similar vein, citizenship could be suspended if a man showed ingratitude toward his father.⁴² Such conditions underlined the importance Latin America's founding fathers accorded patriarchal authority in the home. As well as institutionalizing family patriarchy, the constitutions codified the public authority of elite patriarchs *cum* fathers. In this way, early republics were polities of propertied males who governed their subordinates, male and female, in and beyond the confines of their families.

Benedict Anderson argues that the transition from premodern sacred communities and dynastic realms to the imagined community of modern nation-states required new symbols to represent the nation and new ideologies to legitimate and support new forms of state power.⁴³ Such new symbols and ideologies were not the predominant characteristic of early Latin American nationalism, however. The imagined communities of the young republics largely reworked old symbols and traditional ideologies. In their search for stability, Latin America's republican leaders attempted to naturalize the patriarchy they inherited. As a consequence, family patriarchy possibly acquired a greater political significance in the new society than it had had in the old.

Reforms in education and employment countered somewhat the trend toward state support of patriarchal absolutism with a protodevelopmentalist mentality; Mexican politicians made education obligatory for girls and boys between the ages of seven and fifteen. By the 1840s, the number of toward state support of patriarchal absolutism with a protodevelopmentalist mentality; Mexican politicians made education obligatory for girls and boys between the ages of seven and fifteen. By the 1840s, the number of females and males enrolled in schools in Mexico City was roughly equal. Though females were denied access to secondary schooling, primary education opened up certain vocational opportunities for them, which in turn loosened the strictures of patriarchal control.⁴⁴ Such measures were a continuation of policies initiated by the colonial state and demonstrated a commitment by the region's new leaders to the principle of basic education for females.

Part Four: Gendered Liberalism

Latin America's liberal states ushered in two great social transformations: the large-scale privatization of land and the secularization of society. These reforms—or in the case of women, we might say "counterreforms"—radically altered the regulatory frameworks that governed gender relations. Laws promoting the rise of private property in land had largely negative implications for women because they were accompanied by provisions that abrogated much of the legal protection women had enjoyed "from time immemorial" to their share of family property. Secularization tended to reinforce wives' subordination to patriarchal authority. As states reworked the juridical frameworks that restricted and protected women, reforms tended to weaken women's historic rights to property and the church's official protection of sexual equality within marriage. At the same time, however, governments passed laws that strengthened women's personal rights, especially to control male violence. State regulation of gender followed similar trends across the continent; nevertheless, there were some significant differences in national experiences.

After independence in most of Spanish America, landowners, mineowners, and merchants were more preoccupied with fighting each other than with figuring out ways to appropriate the labor of the poor.⁴⁵ Once order was restored, around midcentury, elites sought to forge a state that above all would enable them to acquire land and labor to produce coffee, nitrates, metals, beef, and other products for export. Although ideological differences between liberals and conservatives have been exaggerated, liberals did tend to be more aggressive than their political rivals in dismantling corporate privileges inherited from the colonial era, privileges that they believed inhibited economic growth. Consequently, liberals viewed the church and the Indian Communities, where they existed, as prime targets for reform.⁴⁶ To this end, under the auspices of liberal politicians, the state introduced laws that subverted corporate land rights and vastly expanded private property in land.⁴⁷

The rise of private property in land revolutionized the social order in every Latin American country in the nineteenth century. However, contrary to conventional wisdom, I maintain that rather than unleashing capitalism, the rise of private property in land retarded it in many countries.

With privatization, many small and medium peasants across the continent (with Brazil and the Argentine state the great exceptions) acquired some security of tenure and title to land.⁴⁸ This new form of *landedness* impeded the expansion of exports, liberals' primary goal. Exporters found it hard to appropriate labor from landed peasants, and peasant property inhibited the spread of a market in land. To resolve these difficulties, liberals in government in almost every country institutionalized forced labor regimes. Consequently, even more so than their counterparts in Western Europe and the United States, Latin America's liberals were obsessed with protecting the rights of property, while turning a blind eye to the rights of "man"—and woman.

The new property regime in Latin America had important implications for gender relations. Yet, little attention was paid to family law in the decades following independence for two reasons: first, politicians believed that patriarchal prerogatives imparted stability to a social order under threat; second, the state was too weak to enact new codes of law. Consequently, elaboration of civil and criminal codes, a central aspect of state regulation of gender, was postponed throughout Latin America until nation-states were stronger in the second half of the nineteenth century.

When jurists finally turned their attention to drafting new laws and legal codes for postcolonial society, several issues high on their agenda had major implications for gender—including property rights, inheritance rights, and parental authority. After independence, the first wave of family law reform reduced patriarchal authority over children.⁴⁹ In Mexico, Argentina, Brazil, and most other countries, changes to the civil codes released unmarried adults from parental authority and lowered the age of majority. These measures reduced the jurisdiction of male elders within the family and expanded the freedom of adult children, female and male, in personal and financial matters. However, jurists in almost all Latin American countries (e.g., Mexico, Chile, Argentina, Brazil, and Central America) rejected pro-
sequently, even more so than their counterparts in Western Europe and the United States, Latin America's liberals were obsessed with protecting the rights of property, while turning a blind eye to the rights of "man"—and woman.

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on which the State in large part depends." And as another Mexican politician explained, if wives were emancipated from their husbands' authority, it would "risk the continued mutiny of the population against the established authority, and undermine the stability of the Mexican state."⁵¹ Apparently these absolutist interpretations of patriarchal right enjoyed widespread popular support, at least among men. Drawing on a number of legal cases, Arrom found that most men believed their wives should remain subordinated to their authority.⁵²

With the rise of private property in land, parents' legal obligation upon their death to divide property equally among their legitimate children, or mandatory partible inheritance, was abolished in Mexico, Central America, and other countries of the region. This reform had negative implications for women. From the proverbial "time immemorial," inheritance laws in the Spanish and Portuguese empires had required parents to distribute property and wealth equally to sons and daughters. These laws were in marked contrast to the Anglo-Saxon property regime in which primogeniture favored eldest sons. But the commission drafting the Mexican Civil Code of 1884, which ended obligatory partible inheritance, apparently was inspired by English law. In a speech justifying the reform of inheritance law, one jurist extolled England, "that great nation . . . that is today the most free and perhaps the most civilized in the world."⁵³ One may infer that he was voicing admiration for the Anglo-Saxon common law tradition in which the eldest son generally inherited landed property. This example suggests that some Mexican lawmakers believed subdivision of property contributed to economic backwardness. Perhaps they were right; nevertheless, the abolition of mandatory partible inheritance was detrimental to women. With new laws promoting privatization of land, which transformed property relations in all social strata, including the peasantry, the elimination of the guarantee that women receive an equal portion of their parents' estate, no matter how grand or humble it might be, worked
subordinated to their authority.⁵²

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changes to family and property law that undermined women's rights to the family fortune, such as it might be. First, there was the end of the obligatory dowry; second, the abolition of the requirement that the property of married couples be jointly owned. The second reform allowed both men and women to exclude their spouse from sharing ownership. Although the first reform was characteristic of all Latin America,⁵⁵ the second pertained only to Mexico and Central America.⁵⁶ Muriel Nazzari has studied the effects of the "disappearance of the dowry" among families of the São Paulo elite. However, more research is needed before we will be able to discern regional trends in the practical consequences of these reforms or counterreforms.

? Overall, the patriarchal inheritance system, which promoted gender parity in property ownership, was part of an ancien régime that liberal politicians sought to sweep away in their quest for "Order and Progress." Just as they regarded church and community property as impediments to the free market, so it seems they regarded the legal protection women enjoyed to land and wealth. In the eyes of more radical liberals, such as those in Mexico, these particular impediments had to be swept aside to make way for the revolutionary transformations that the market would bring.

The legal reform of property rights points to a widening of gender inequalities, particularly in Mexico. However, more research is needed to specify the long-term gendered consequences of liberal family and property laws in different regional and national contexts. In this regard, it is important to remember that the category *women*—insofar as it does not differentiate women according to status, class, ethnicity, and race—is of limited analytical value in tracking gender changes within the social order. For one, the effect of legal changes was different and often contradictory for single, widowed, and married women. Second, class, ethnicity, and race conditioned how women were affected by the law. Finally, the disjuncture between state policy and social practices was different and often contradictory for single, widowed, and married women. Second, class, ethnicity, and race conditioned how women were affected by the law. Finally, the disjuncture between state policy and social practices also comes into play. For in-effects of the "disappearance of the dowry" among families of the São Paulo elite. However, more research is needed before we will be able to discern regional trends in the practical consequences of these reforms or counterreforms.

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property was dismembered and women who had for centuries been part of the private property sector. It is noteworthy that among indigenous regions there is evidence of a heterogeneity of experiences. Florencia Mallon's analysis of the sexual differentiation of land privatization in Puebla, Mexico, suggests that law reform had negative consequences for women. None of the new land titles distributed in the 1860s went to women; they obtained access to land only by virtue of their ties to men, or as wives and mothers.⁵⁸ Although Mallon's conclusion is supported by another study from Mexico,⁵⁹ those experiences contrast with other cases where land privatization dismantled barriers to Indian women's acquisition of land.⁶⁰ We might conclude, tentatively, that although land privatization reduced men's common property rights, its effect on women was more contradictory. Where it extended the rule of Hispanic laws and practices, such as in the former Indian communities, liberal agrarian reforms may have expanded poor women's opportunities to own and control land.

Liberal reforms to property and family law were not all of a piece. However, it would seem that change moved in the direction of expanding gender inequalities.⁶¹ Reform to inheritance law had negative implications for gender parity insofar as it reduced protective measures for women. In contrast, what I call the "ladinoization of gender" in Nicaragua may have benefited indigenous women in that it opened the way for them to acquire rights to property, a way previously blocked by customary practices in Indian communities.

Part Five: Secularization of Marriage

The second great transformation effected by liberal states was the secularization of marriage.

The second great transformation effected by liberal states was the secularization of society. In Latin America, the majority of incipient nation-states sought to legitimate their authority by obtaining access to land only by virtue of their ties to men, or as wives and mothers.⁵⁸ Although Mallon's conclusion is supported by another study from Mexico,⁵⁹ those experiences contrast with other cases where land privatization dismantled barriers to Indian women's acquisition of land.⁶⁰ We might conclude, tentatively, that although land privatization reduced men's common property rights, its effect on women was more contradictory. Where it extended the rule of Hispanic laws and practices, such as in the former Indian communities, liberal agrarian reforms may have expanded poor women's opportunities to own and control land.

construction of gender. For instance, it is often argued that the Catholic Church has always undermined gender equality. The conclusion scholars draw from this interpretation is that secularization has always modernized the gender order.⁶³ Neither the former nor the latter propositions are entirely true in the case of Latin America. Secularization in Latin America had contradictory gendered effects over the course of the long nineteenth century.⁶⁴ To the extent that Catholicism naturalized the notion that motherhood was the sole purpose of women's lives, it played a reactionary role. However, Catholic doctrine held that marriage was a sacred union of equals; to the extent that the church put into practice this article of faith, secularization thus tended to expand inequalities between men and women, particularly within marriage.

There is increasing evidence that state regulation of marriage and sexuality reinforced patriarchal authority over wives in the nineteenth century. Analyzing changes in the policing of married life in Costa Rica, Eugenia Rodríguez argues that after independence in 1821, when the state assumed authority over marriage, secular courts attempted to modernize, not to reduce, patriarchal power. Drawing on legal cases, she highlights how courts played a role in civilizing husbands' behavior toward wives. A similar point is made by Donna J. Guy, who analyzes court cases in Argentina later in the century.

The particular "liberal" combination of privatization and secularization had negative repercussions for many women. In the 1770s, royal decrees strengthened patriarchal control over family fortunes; one hundred years later, in the 1870s, the state again intervened to protect patriarchal control over children and money. With the rise of private property, the question of heirs became relevant to broader sectors of society. Consequently, although colonial laws had regulated the identification of legitimate heirs, civil codes drafted by liberal states reinforced a husband's control over his wife's body for inheritance purposes. For instance, the codes spelled out that husbands

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and wives is equally sinful, and there is evidence that ecclesiastical courts in Latin America tended to judge male and female adulterers similarly.⁶⁶ That changed after the regulation of marriage and adultery passed from the church to the state. In the nineteenth century, Latin America's civil codes virtually legalized adultery for males and made it a capital offence for females. In Mexico, Argentina, and Nicaragua, for instance, a husband's infidelity was neither criminalized nor considered grounds for divorce unless it took place in the marriage bed or created a public scandal.⁶⁷ This legal tolerance did not extend to wives; if a husband could prove that his wife had sex with another man, he enjoyed impunity within the law to kill her. In practice, this impunity was often extended to husbands whose wives were considered to be promiscuous in the "public's opinion." In other words, regarding sexual mores, secularization tended to override the church-based single standard with a double standard, although perhaps only to codify existing customs and attitudes.⁶⁸ It is significant that male adultery remained legal and female adultery remained criminal in most countries of the region well into the twentieth century.⁶⁹

Secularization did not create a blanket system of heightened gendered oppression. Late-nineteenth-century legal reforms benefited women in several ways. Over the course of the long nineteenth century, women's legal authority over their children increased slowly, if unevenly. In the late colony, widows and single mothers were legally responsible to provide for and protect their children, but had no legal authority over them. By the close of the nineteenth century, in most countries all *except* married women had the right to govern their children.⁷⁰ Despite its narrow reach, this reform was a watershed in Latin America. It marked the first time women were legally permitted to exercise authority over another person. It is significant, however, that wives were not granted parental authority over their children until after the turn of the twentieth century when women's organizations fought for reform of patria potestad.

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the roles of male breadwinner and female homemaker. This differentiation of gender roles within the family was new to the lower classes. The upper-class family model was detrimental to the poorer sectors of society, especially because it delegitimated a gamut of women's traditional economic activities outside the home. Rodríguez concludes that in the end, the expansion of judicial regulation of marriage that accompanied the consolidation of the liberal state had contradictory consequences for men and women.

* The modernization of patriarchal power over wives is one of the leitmotifs of this collection, treated explicitly in chapters about the nineteenth century by Eugenia Rodríguez and Donna J. Guy.⁷¹ Turning to the twentieth century, Mary Kay Vaughn analyzes how the postrevolutionary state in Mexico attempted to remake the peasant family in the interests of nation building and development. Ann Varley examines another aspect of modernization of patriarchy in Mexico. Drawing on Ana María Alonso, she argues that the state attempted to replace violence as a source of authority in the domestic sphere with more "modern" and reasoned notions of patriarchal power.

Charting the history of state regulation of fatherhood in Argentina, Guy shows that just as the state was empowered to protect patriarchal authority by granting men rights and privileges, it could also rescind those powers if a judge decided that a father had not fulfilled his paternal obligations. Through an examination of court cases, mostly for the later nineteenth century, she describes how the Argentine state weakened the absolute authority of the family patriarch. Notwithstanding men's contention that the state had no right to interfere in private family matters, courts abrogated the patria potestad of negligent and violent fathers. Guy found, however, that even when judges ruled against abusive fathers, they did so halfheartedly, apparently loath to diminish patriarchal authority. Her research shows that courts tended to take the word of fathers over mothers, with the overall effect of reinforcing men's patriarchal authority. In support of this view, she demonstrates that even in sentencing abusive fathers and husbands, judges often let them off with warnings or light punishments.

Notwithstanding the limits of state intervention in Latin America with regard to gender relations in the home, Guy argues that state powers to curb the authority of the patriarch within the family was and is a characteristic that distinguishes Latin America from other parts of the so-called

Third World. As she points out, the contrast between Latin America and the Middle East is particularly striking, where male power in the home has been less encumbered by the state. Guy underlines an important issue that merits comparative research to discern the causes and consequences of these contrasting models of state action regarding gender.

Throughout Latin America, secularization opened the way for radical measures on the issue of divorce. In Mexico, where marriage was removed from church authority in 1859, the Civil Code of 1884 permitted marital separation on the grounds of mutual incompatibility. This change was a milestone because the law upheld the principle that the rights and happiness of individuals—women and men—were more important than preservation of the family. Although it is important to remember that in the nineteenth century the Mexican state did not go all the way toward legalizing divorce, as some lawyers and legislators proposed, its steps in this direction, hesitant though they might seem, were remarkable.⁷² Finally, and also on the positive side, in the late nineteenth century, secularization spawned the expansion of nonreligious education, much of it vocational in nature. This expansion was emancipatory, particularly for women who over the next decades would enter the paid labor force in increasing numbers.⁷³

Part Six: The Long Century's End

The nineteenth century was long for women. Organizations of and for women emerged only toward the end of the century in Latin America. Prior to the birth of protofeminist associations, state policy was rarely framed in response to female mobilization. The lack of female voices in legal debates may explain why the rise of private property in Latin America was associated with a decline in protective measures that historically had guaranteed women a fair share of their family's wealth.

In the first decades of the twentieth century, female protagonists appeared on the political stage, calling for changes in state policy toward women.⁷⁴ In increasing numbers, women directly confronted the state—demanding the vote, improved working conditions, and changes to family and property law. This confrontation marked a watershed. Exceedingly slowly and very unevenly, Latin American states dismantled some of the legal and institutional foundations of patriarchal authority. The process

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dragged on for another century and continues to unfold with the turn of the millennium.

Historians—including historians who study gender—have tended to present the past as a narrative of progressive, sometimes linear change. Women's history is often imbued with a deeply teleological current, one that perpetuates the idea that over time gender inequalities have been and will be incrementally dismantled. However often we remind ourselves that history is not linear, the idea retains a certain power. The long nineteenth century in Latin America is generally viewed as an era of progressive modernization of gender relations, characterized by slow but steady advances in state policy toward women. Although elements of this interpretation are valid, this essay suggests that future research may reveal that state action over the long nineteenth century hardened patriarchal authority in important areas of life.⁷ Such findings would lend weight to the view that it was the rise of organizations of and for women—feminist organizations—around the turn of the twentieth century that pushed states to move more consistently in the direction of dismantling patriarchal privileges.

Notes

To the extent this essay successfully balances the general with the particular in its interpretation of regional trends in state-gender relations, it is because a number of scholars have shared generously of their time and expertise. In addition to the contributors to this volume, I thank Silvia Arrom, Asunción Lavrín, Susan Besse, Carmen Ramos Escandón, Muriel Nazzari, Robbie Gray, Elizabeth Kuznesof, and the anonymous reviewers. The essay has also benefited from discussions with John Weeks, Steven Topik, Lowell Gudmundson, and Anwar Shaikh.

1 Joan W. Scott, "Gender: A Useful Category of Historical Analysis," *American Historical Review* 91, no. 5 (December 1986): 1053–75.

2 For recent periodizations of the Latin American state, see Menno Vellinga, ed., *The Changing Role of the State in Latin America* (Boulder, Colo.: Westview, 1998)—in particular, chapters by Vellinga and Smith.

3 It is noteworthy that in the excellent collection edited by Vellinga, *Changing Role of the State*, with thirteen essays on the state in Latin America, none is about gender and the state. Joe Foweraker's chapter, "Social Movements and Citizenship Rights in Latin America" (285–88), is the only contribution that addresses gender issues at all. This absence is all the more notable because, as Sarah

Radcliffe argues, although in the 1980s and 1990s, Latin American states have significantly "rolled back," in policies affecting women they have "rolled forward." Sarah A. Radcliffe, "Latina Labour: Restructuring of Work and Renegotiations of Gender Relations in contemporary Latin America," *Environment and Planning* 31, no. 2 (1999): 196–208.

4 R. W. Connell, "The State, Gender, and Sexual Politics: Theory and Appraisal," in *Power / Gender: Social Relations in Theory and Practice*, ed. H. Lorraine Radtke and Henderikus J. Stam (London and Thousand Oaks, Calif.: Sage, 1994), 136–73, and *Gender and Power: Society, the Person, and Sexual Politics* (Oxford: Polity, 1987); Shirin M. Rai and Geraldine Lievesley, eds., *Women and the State: International Perspectives* (London: Taylor and Francis, 1996).

5 Joan Scott, "Women in History: The Modern Period," *Past and Present* 101 (1983): 141–57; Elizabeth Fox-Genovese, "Placing Women's History in History," *New Left Review* 133 (1982): 5–29.

6 Joan Kelly-Gadol, "Did Women Have a Renaissance?" in *Becoming Visible: Women in European History*, ed. Renate Bridenthal and Claudia Koonz (Boston: Houghton and Mifflin, 1977), 137–64.

7 Carmen Ramos Escandón analyzes this question with regard to Mexico in "Reading Gender in History," in *Gender Politics in Latin America: Debates in Theory and Practice*, Elizabeth Dore, ed. (New York: Monthly Review, 1997), 149–60.

8 For Latin American historians, the long nineteenth century generally begins with the Bourbon Reforms in the 1760s and ends with the Great Depression in 1930. For the purposes of this analysis of gender and state making, the long nineteenth century refers to the era from 1760 to 1900.

9 This theme runs through the volume. See, in particular, chapters by Rodríguez, Chaves, Dore, Guy, Roseblatt, Gotkowitz, and Vaughan.

10 In *Foundational Fictions: The National Romances of Latin America* (Berkeley: University of California Press, 1991), Doris Sommer demonstrates how gendered symbols and ideologies were reworked in the construction of the political legitimacy of the white (European) male republican elite in Latin America. For analysis of how gendered ideals are represented in official ceremonies, see Gotkowitz in this volume, and Marjorie Becker, "Torching La Purísima, Dancing at the Alter: The Construction of Republican elite in Latin America. For analysis of how gendered ideals are represented in official ceremonies, see Gotkowitz in this volume, and Marjorie Becker, "Torching La Purísima, Dancing at the Alter: The Construction of Revolutionary Hegemony in Michoacán, 1934–1940," in *Everyday Forms of State Formation: Revolution and Negotiation of Rule in Modern Mexico*, ed. Gilbert Joseph and Daniel Nugent (Durham, N.C.: Duke University Press, 1994), 247–64.

11 The term *field of force* is from William Roseberry, "An Introduction," in *Coffee, Society, and Power in Latin America*, ed. William Roseberry, Lowell Gudmundson, and Mario Samper Kutschbach (Baltimore: Johns Hopkins University Press, 1995), 1–33. Anwar Shaikh suggested the gravitational field analogy.

12 For my interpretation of the noncapitalist nature of some Latin American countries in the nineteenth century, see Elizabeth Dore, "Land Privatization and the Differentiation of the Peasantry: Nicaragua's Coffee Revolution, 1850–

- 1920," *Journal of Historical Sociology* 8, no. 3 (September 1995): 303–26, and my work in progress, "The Myth of Modernity: Nicaragua, 1840–1979."
- 13 Philip Corrigan and Derek Sayer, *The Great Arch: English State Formation as Cultural Revolution* (Oxford and New York: Basil Blackwell, 1985). For application to Latin America, see Joseph and Nugent, eds., *Everyday Forms*.
 - 14 Florencia E. Mallon analyzes an alternative "popular liberalism" in *Peasant and Nation: The Making of Postcolonial Mexico and Peru* (Berkeley: University of California Press, 1995).
 - 15 Silvia Marina Arrom was the first to use the term *corporate patriarchy*. *The Women of Mexico City, 1790–1857* (Stanford: Stanford University Press, 1985), 76.
 - 16 Patricia J. Williams, "The Contentiousness of Their Character," *The Nation* 268, no. 1 (4 January 1999), 10. Her argument is drawn from Ariela Gross, "Litigating Whiteness," *Yale Law Journal* 108 (1998): 109–89.
 - 17 Colonial law was based on the Siete Partidas, the Leyes de Toro, and the Council of Trent, which date from the fifteenth and sixteenth centuries.
 - 18 Arrom, *Women of Mexico City*, 95 ff.; and Patricia Seed, *To Love, Honor, and Obey in Colonial Mexico* (Stanford: Stanford University Press, 1988), 61–108.
 - 19 This view is presented in a number of studies, including Jean Franco, *Plotting Women: Gender and Representation in Mexico* (New York: Columbia University Press, 1990).
 - 20 The question of the proportion of women subject to direct patriarchal control is open to debate. As Arrom shows, the census of 1811 for Mexico City lists as married only 44 percent of women age twenty-five or over—a minority. The rest were listed as single or widowed. The majority would have exercised rights to property and wealth. See, *Women of Mexico City*, chap. 3.
 - 21 Asunción Lavrin includes qualifiers in her remarks about women's exercise of patria potestad in the late colonial era. "Women in Spanish American Colonial Society," in *Cambridge History of Latin America*, 11 vols., ed. Leslie Bethell (Cambridge: Cambridge University Press, 1984), 2:327.
 - 22 The consensus in Latin American family history is that in the late eighteenth and nineteenth centuries a large number of households across the region were headed by women. For a summary and critique of Latin American family history, see Elizabeth Dore, "The Holy Family: Imagined Households in Latin American History," in Dore, ed., *Gender Politics in Latin America*, 101–17. Also, K. Lynn Stoner, "Directions in Latin American Women's History, 1977–1985," *Journal of Latin American Studies* 17 (1985): 1–27.
 - 15 Silvia Marina Arrom was the first to use the term *corporate patriarchy*. *The Women of Mexico City, 1790–1857* (Stanford: Stanford University Press, 1985), 76.
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- Nazzari, *The Disappearance of the Dowry: Families and Social Change in São Paulo* (Stanford: Stanford University Press, 1991), 130–32 and n. 24.
 - 24 Lavrin, "Women in Spanish American Colonial Society," 321–55; John Tutino, "Power, Class, and Family: Men and Women in the Mexican Elite, 1750–1810," *The Americas* 39, no. 3 (1983): 359–82; Seed, *To Love, Honor, and Obey*; Arrom, *Women of Mexico City*, 11, 62, 77.
 - 25 A caveat is in order. Insofar as the decree was enacted throughout the Spanish Empire, emphasis on the particular vulnerability of the colonial state might be a mistake.
 - 26 Seed, *To Love, Honor, and Obey*, 227–41; Susan M. Socolow, "Acceptable Partners: Marriage Choice in Colonial Argentina, 1780–1810," in *Sexuality and Marriage in Colonial Latin America*, ed. Asunción Lavrin (Lincoln and London: University of Nebraska Press, 1989), 209–36; Verena Martínez-Alier, *Marriage, Class, and Colour in Nineteenth Century Cuba: A Study of Racial Attitudes and Sexual Values in a Slave Society*, 2d ed. (Ann Arbor: University of Michigan Press, 1989).
 - 27 Seed, *To Love, Honor, and Obey*, 5.
 - 28 Lavrin, "Women in Spanish American Colonial Society"; Arrom, *Women of Mexico City*, chap. 2.
 - 29 William E. French, "Prostitutes and Guardian Angels: Women, Work, and the Family in Porfirian Mexico," *Hispanic American Historical Review* 72, no. 4 (1992), 532.
 - 30 María de la Luz Parcerro, *Condiciones de la mujer en México durante el Siglo XIX* (Mexico City: Instituto Nacional de Antropología e Historia, 1992), 54, 70; Arrom, *Women of Mexico City*, 18.
 - 31 For the Costa Rican case, see Iván Molina Jiménez, *Historia de Costa Rica* (San José: Editorial Universidad de Costa Rica, 1998).
 - 32 Steve J. Stern, *The Secret History of Gender: Women, Men, and Power in Late Colonial Mexico* (Chapel Hill and London: University of North Carolina Press, 1995), 20 ff.
 - 33 These were the first examples in Latin America of the mobilization of women into sex-segregated organizations, other than for religious purposes. Arrom, *Women of Mexico City*, 11.
 - 34 Francine Masiello, "Women, State, and Family in Latin American Literature of the 1920s," in Seminar on Feminism and Culture in Latin America, *Women, Culture, and Politics in Latin America* (Berkeley and Oxford: University of California Press, 1990), 27–47.
 - 25 A caveat, emphasis on the particular vulnerability of the colonial state might be a mistake.
 - 26 Seed, *To Love, Honor, and Obey*, 227–41; Susan M. Socolow, "Acceptable Partners: Marriage Choice in Colonial Argentina, 1780–1810," in *Sexuality and Marriage in Colonial Latin America*, ed. Asunción Lavrin (Lincoln and London: University of Nebraska Press, 1989), 209–36; Verena Martínez-Alier, *Marriage, Class, and Colour in Nineteenth Century Cuba: A Study of Racial Attitudes and Sexual Values in a Slave Society*, 2d ed. (Ann Arbor: University of Michigan Press, 1989).
 - 27 Seed, *To Love, Honor, and Obey*, 5.
 - 28 Lavrin, "Women in Spanish American Colonial Society"; Arrom, *Women of Mexico City*, chap. 2.

- sity of Chicago Press, 1984); Larissa Lomnitz and Marisol Pérez Lizaur, "The History of a Mexican Urban Family," *Journal of Family History* 3, no. 4 (winter 1978): 392-409; Linda Lewin, "Some Historical Implications of Kinship Organizations for Family-Based Politics in the Brazilian Northeast," *Comparative Studies in Society and History* 21, no. 2 (1979): 262-92; Elizabeth Kuznesof, "A familia na sociedade brasileira: Parentesco, clientelismo, y estructura social, São Paulo, 1700-1980," *Revista Brasileira de Historia*, ANPUH 9, no. 17 (September 1988-February 1989): 37-63. For a comparative perspective, see Sarah Handley's argument that propertied dynasties were the mainstay of the French state: "Social Sites of Political Practice in France: Lawsuits, Civil Rights, and the Separation of Powers in Domestic and State Government, 1500-1800," *American Historical Review* 102, no. 1 (1997): 27-52.
- 38 Szuchman, *Order, Family, and Community*, 225-35; Masiello, "Women, State, and Family," 27-47. Sandra McGee Deutsch argues that this model continued well into the twentieth century. See "Gender and Sociopolitical Change in Twentieth-Century Latin America," *Hispanic American Historical Review* 71, no. 2 (1991): 259-306.
- 39 Burns, *Patriarch and Folk*, 80. Chamorro's inaugural address was first published in *La Gaceta Oficial de Nicaragua* (Granada), 4 October 1853.
- 40 Carole Pateman, *The Sexual Contract* (Cambridge: Polity, 1988).
- 41 Burns, writing on the Nicaraguan Constitution of 1838, *Patriarch and Folk*, 78; Donna J. Guy, *Sex and Danger in Buenos Aires: Prostitution, Family, and Nation in Argentina* (Lincoln: University of Nebraska Press, 1991).
- 42 Burns, *Patriarch and Folk*, 80.
- 43 Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1983), 6, 131.
- 44 Francoise Carner, "Estereotipos femininos en el siglo XIX," in *Presencia y transparencia: La mujer en la historia de Mexico*, ed. Carmen Ramos Escandón (Mexico City: El Colegio de Mexico, 1987), 95-110; Arrom, *Women of Mexico City*, 21-27; Parcerro, *Condiciones de la mujer*, 70; Lavrin, "Women in Spanish American Colonial Society," 345.
- 45 E. Bradford Burns, *The Poverty of Progress: Latin America in the Nineteenth Century* (New York: Norton, 1986).
- 46 Whereas Brazil had liberal and conservative governments, the Portuguese had never granted communal land rights to Indians. Consequently, in Brazil there was no process of privatizing corporate lands of Indian Communities.
- 47 Robert G. Williams, *States and Social Evolution: Coffee and the Rise of National Governments in Central America* (Chapel Hill: University of North Carolina Press, 1994). Doré, "Land Privatization and the Differentiation of the Peasantry."
- 48 David McCreery, *Rural Guatemala, 1760-1940* (Stanford: Stanford University Press, 1994); Alan Knight, *The Mexican Revolution* 2 vols. (Cambridge: Cambridge University Press, 1986), vol. 1.
- 49 This discussion of changes to family law is based on Arrom, *Women of Mexico City*, 55-96; Silvia Marina Arrom, "Changes in Mexican Family Law in the Nineteenth Century: The Civil Codes of 1870 and 1884," *Journal of Family History* 10, no. 3 (fall 1985): 376-91; and Donna Guy, "Lower Class Families, Women, and the Law in Nineteenth Century Argentina," *Journal of Family History* 10, no. 3 (fall 1985): 318-31.
- 50 Arrom, *Women of Mexico City*, 93-96.
- 51 Arrom, "Changes in Mexican Family Law," 92.
- 52 Arrom, *Women of Mexico City*, 231.
- 53 Arrom, "Changes in Mexican Family Law," 96-97.
- 54 For Brazil, see Muriel Nazzari, "Widows as Obstacles to Business: British Objections to Brazilian Marriage and Inheritance Laws," *Comparative Studies in Society and History* 37, no. 4 (October 1995): 781-802. For the Southern Cone, see Asunción Lavrin, *Women, Feminism, and Social Change in Argentina, Chile, and Uruguay, 1890-1940* (Lincoln: University of Nebraska Press, 1995), chap. 6.
- 55 On dowries in Brazil, see Nazzari, *Disappearance of the Dowry* and "Widows as Obstacles"; also, Alida Metcalf, *Family and Frontier in Colonial Brazil* (Berkeley: University of California Press, 1992). For Mexico, see Asunción Lavrin and Edith Coururier, "Dowries and Wills: A View of Women's Socio-Economic Role in Colonial Guadalajara and Puebla, 1640-1790," *Hispanic American Historical Review* 59, no. 2 (1979): 280-304.
- 56 Arrom, "Changes in Mexican Family Law," 95.
- 57 Correspondence with Silvia Arrom, October 1996.
- 58 Florencia Mallon, "Exploring the Origins of Democratic Patriarchy in Mexico: Gender and Popular Resistance in the Puebla Highlands, 1850-1876," in *Creating Spaces, Shaping Transitions: Women of the Mexican Countryside, 1850-1996*, ed. Heather Fowler-Salamini and Mary Kay Vaughan (Tucson: University of Arizona Press, 1994), 3-26.
- 59 Deborah Kanter, "Native Female Land-Tenure and Its Decline in Mexico, 1750-1900," *Ethnohistory* 42, no. 2 (1995): 607-16.
- 60 See my chapter on Nicaragua in this volume. Also, Daniel Nugent and Ana María Alonso, "Multiple Selective Traditions in Agrarian Reform and Agrarian Struggle: Popular Culture and State Formation in the Ejido of Namiquipa, Chihuahua," in Joseph and Nugent, eds., *Everyday Forms of State Formation*, 209-46; Heather Fowler-Salamini, "Gender, Work, and Coffee in Cordoba, Veracruz, 1850-1910," and Francine R. Chassen-Lopez, "Cheaper Than Machines: Women and Agriculture in Porfirian Oaxaca, 1880-1911," both in Fowler-Salamini and Vaughan, eds., *Women of the Mexican Countryside*, 27-73.
- 61 This argument is to an extent consistent with, but not the same as, Frederick Engels, *The Origin of the Family, Private Property, and the State* (London: Lawrence and Wishart, 1973).
- 62 "One would expect people to remember the past and imagine the future. But in fact when discoursing or writing about history, they imagine it in terms of their own experience, and when trying to gauge the future, they cite supposed analogies."

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- gies from the past: till, by a double process of repetition, they imagine the past and remember the future." Lewis Narnier, *Conflicts: Studies in Contemporary History* (London: Macmillan, 1942), 4.
- 63 For the former, see Marta Lamas, "Scenes from a Mexican Battlefield," *NACLA: Report on the Americas* 31, no. 4 (January–February 1998): 17–22; for a critique of the latter view, see Deniz Kandiyoti, "End of Empire: Islam, Nationalism, and Women in Turkey," in *Women, Islam and the State*, ed. Deniz Kandiyoti (London: Macmillan, 1991), 22–47.
- 64 Lyndal Roper makes a similar argument for the effects of the Reformation in Western Europe; see *Oedipus and the Devil: Witchcraft, Sexuality, and Religion in Early Modern Europe* (London: Routledge, 1994).
- 65 Dore, "The Holy Family," 108–11.
- 66 Martinez-Alier, *Marriage, Class, and Colour*.
- 67 Arrom, "Changes in Mexican Family Law," 94; Dore, "The Holy Family," 111; Guy, "Lower Class Families," 318–31.
- 68 Silvia Arrom makes the same argument in "Changes in Mexican Family Law," 305–17.
- 69 Lavrin, *Women, Feminism, and Social Change*, chaps. 4, 5, 6.
- 70 For the case of Mexico, see Arrom, "Changes in Mexican Family Law," 91.
- 71 The modernization of patriarchy in Brazil is analyzed by Susan K. Besse, *Restructuring Patriarchy: The Modernization of Gender Inequality in Brazil, 1914–1940* (Chapel Hill: University of North Carolina Press, 1996).
- 72 Lavrin, *Women, Feminism, and Social Change*, chap. 7; Arrom, "Changes in Mexican Family Law."
- 73 Mary K. Vaughan, "Women, Class, and Education in Mexico, 1880–1928," *Latin American Perspectives* 4, nos. 1–2 (winter–spring 1977): 135–52.
- 74 The first women's organizations were founded in Brazil and Argentina. Lavrin, introduction to *Women, Feminism, and Social Change*; K. Lynn Stoner, *From the House to the Street: The Cuban Woman's Movement for Legal Reform, 1898–1940* (Durham, N.C., and London: Duke University Press, 1991); Besse, *Restructuring Patriarchy*; and June E. Hahner, "The Nineteenth Century Feminist Press and Women's Rights in Brazil," in *Latin American Women: Historical Perspectives*, ed. Asunción Lavrin (Westport, Conn., and London: Greenwood, 1978), 254–85.
- 75 This interpretation is shared by Arrom, "Mexican Women: Historical Perspectives," lecture delivered at Brandeis University, 23 October 1991; and Lavrin, *Women, Feminism, and Social Change*, chap. 6.

Recent feminist historiography has begun to document changes in women's social and legal position over the course of the twentieth century in Latin America.¹ It has emphasized the contribution of women's movements to this process, uncovering what had indeed been a hidden history of female activism. If this activism helped to propel such momentous changes in gender relations, it was more often than not directed at states; women's movements lobbied their governments for change, sometimes opposing policies and sometimes entering into opposition to military rule. Governments varied in their responses and in their policies with respect to gender relations, but gender issues became an integral part of their policies and programs.

The turn to democracy in the mid-1980s in Latin America brought the state under scrutiny as a focus of feminist politics and policy. At the same time, scholars began to investigate the role that states have played and continue to play in the ordering of social life, whether directly through legislation or indirectly through social and economic policy. Yet the state, as an object of theory and empirical investigation, was not a major theoretical concern within Latin American feminism, as it was in Europe and the United States. Different historical circumstances produced distinct analytic concerns. In the latter, feminist political theorists were interrogating the history of Western liberalism and critiquing the shortcomings of liberal democracy; in Latin America, much of which was in the grip of military dictatorships, social movements constituted the main political dynamic and the locus of scholarly attention.²

The extensive scholarship on the state in twentieth-century Latin America did not deploy gender as a category of analysis.³ This neglect was in part