



# Meyibó

REVISTA DE INVESTIGACIONES HISTÓRICAS

AÑO 4, NÚM. 7, ENERO-JUNIO DE 2013



UNIVERSIDAD AUTÓNOMA DE BAJA CALIFORNIA  
Instituto de Investigaciones Históricas  
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*Meyibó. Revista de Investigaciones Históricas*, Año 4, Núm. 7, enero-junio de 2013, es una publicación semestral editada por la Universidad Autónoma de Baja California, a través del Instituto de Investigaciones Históricas. Calzada Universidad 14418. Parque Industrial Internacional. Tijuana, Baja California, México. C.P. 22390. Teléfono y fax: (664) 682-1696, [meyibo2010@gmail.com](mailto:meyibo2010@gmail.com), [www.iih/tij.uabc.mx/historicas/home.php](http://www.iih/tij.uabc.mx/historicas/home.php). Editor responsable: Jesús Méndez Reyes. Reserva de Derechos al Uso Exclusivo núm. 04-2014-031218020000-102, otorgado por el Instituto Nacional del Derecho de Autor; ISSN 0187-702X. Certificado de licitud de título y contenido en trámite. Impresa por Ideas Impresas, av. Juan Aldama 1405, col. Independencia, C.P. 21290, Mexicali, Baja California, tel. (686) 841-4022. Este número se terminó de imprimir en diciembre de 2014, con un tiraje de 300 ejemplares.

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Revista *Meyibó*  
[temporada de cosecha]

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# THE POWER OF THE MIDWIFE'S WORD: EXAMINING WOMEN'S WORK THROUGH STATUTORY RAPE AND INFANTICIDE TRIALS IN THE SONORAN STATE JUDICIARY, 1820-1880

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## ABSTRACT

**T**his study is based on the criminal cases of infanticide and statutory rape from the northern state of Sonora, Mexico, between 1820s and 1880s. Midwives were called to share their knowledge, and their proven word could be critical on trial, and had the power to influence the judge. The problem was in the definition of statutory rape for the law in that time, in accordance with its moral values, which applies only when the victim loses her virginity, and in result affects the family and victim's honor. The judges' trust in midwives represents the expertise they have of the female body, but when it came to medical inspection, they werenot always accurate. The lack of professional training caused an inefficient medical inspection and in ambiguous decisions from the judiciary, propelled by the strict legal definition of statutory rape. Midwives' paper in justice decisions was a complex issue, back in Sonora's judicial system. They recognized the power they had as agents of the families involved in the trials and the judiciary sector, and these roles can shed a light in gender studies. This social relevance lasted until the number of midwives declined when replaced with male medical doctors and the rise of urban centers in the 1860s.

Key words: Midwives, Statutory rape, Infanticide, Judicial System, Sonora,

Resumen: Palabras Clave: Mujeres, parteras, estupro, justicia, Sonora

## INTRODUCTION

When the parents of six-year-old Mariana Mera accused a family friend of committing statutory rape against their daughter in late May 1864, the presiding judge immediately arrested and jailed the accused, Don Francisco Fena, and began a systematic investigation of the crime.<sup>1</sup> After hearing an initial complaint from the child's father, the judge wrote with a tone of certainty in his opening brief that Fena was guilty, because Fena's own lover, Doña Mariana Camillo, leveled the first accusation against him. Mariana Mera and her younger sister were spending the night at Camillo's and Fena's house. Camillo claimed she woke up to find Fena in bed with Mariana that evening after everyone had gone to sleep. Upon her discovery, she tore Mariana from the bed and ran all the way to Mariana's home, along with the girl's younger sister, to report what had happened to their mother.

The judge's certainty soon faded after the testimony of two midwives, María Pacheco and Refugia Urias, indicated that they could find no evidence of damage to the girl's hymen. According to Pacheco and Urias, regardless of what happened between Fena and the young Mariana Mera, the girl's virginity

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<sup>1</sup> The law defined statutory rape as having illicit sexual relations with a virgin that would result in the loss of virginity, as well as non consensual sex with an honorable woman, including a married woman or a widow. In practice, court officials in Sonora treated statutory rape as any violent sexual act that resulted in deflowering a young virgin. See Joaquín Escribe, *Diccionario razonado de legislación civil, penal, comercial y forense* México City, Instituto Nacional Autónoma, 1996, p. 244.



was preserved. The fact that the judge called two midwives when the courts only required one, and the repeated assurances in the testimonies from Pacheco and Urias that indeed, they were scrupulous in their medical inspection of the child, suggest a degree of incredulity on the part of Judge Telles. After the testimonies of Pacheco and Urias, Telles's line of questioning changed, particularly toward the initial accuser, Mariana Camillo. Telles pressed Camillo to explain exactly what she saw on the evening she found Fena in bed with the young girl, and Camillo admitted that while she did not see her lover actually having sex with Mera, she was certain that his intentions had been "malicious".<sup>2</sup> In the end, Telles found Francisco Fena innocent and set him free, based largely on the midwives' testimonies that they found no evidence of physical damage to Mariana Mera's hymen. Judge Telles admitted in his final statement that he shared Mariana Camillo's suspicions of Fena's intentions with the child, but he did not have enough evidence to charge him with the crime of statutory rape.

Why did the testimony of two midwives hold such authority over the word of an actual witness to an attempted rape? The answer is rooted partly in the legal definition of what constituted statutory rape. Only the loss of virginity, and the resulting damage it implied to a family's honor was a crime—not the physical act of sexual assault or abuse. As abhorrent as the judge may have found Fena's likely molestation of a young child, the accused committed no criminal offense unless the midwives could present physical evidence that Mera actually lost her virginity during the assault. This case, along with other statutory rape trials available in Sonora's criminal courts, demonstrate the weight of a midwife's testimony during the nineteenth century. These testimonies mark a rare moment when

<sup>2</sup> Archivo General de Poder Judicial (AGPJ), Fondo Juzgado Penal (FJP), Exp. "Contra Don Francisco D. Fena por delito de estupro inmaturo en una niña de cinco o seis años de edad," 1864, Hermosillo.

the authority of the law compelled men in positions of formal power to show deference to a group of women who were often poor and illiterate and usually unable to sign their own name on court documents.

Statutory rape and infanticide suits also shed light on a commonly overlooked aspect of midwives' work. In addition to delivering babies and caring for mothers and newborns, midwives served as agents of the state court system in its responsibility to enforce the law in cases of statutory rape, violation, and infanticide. This glimpse into their work lives is a brief one, and the midwives reveal little about themselves beyond their occupation, their civil status, their age, and their education, but taken as a whole, these cases suggest some larger patterns about the identity of midwives and their status in their communities and in the courts. Collectively, they demonstrate how judges accorded respect to midwives and the expertise they possessed about the female body. They also reveal that over time, male doctors gradually came to play a larger role in these cases, at least in Sonora's urban centers. We have yet to understand how and why this transition happened, and what it meant for the female plaintiffs who had to undergo the medical inspections, and for the male doctors and midwives who performed these exams and provided their testimonies to the judges.<sup>3</sup>

This study uses criminal cases of infanticide and statutory rape from the northern state of Sonora, Mexico, between the 1820s and the 1880s to explore the ambiguous role of midwives as both agents of the judiciary and as members of local communities who likely enjoyed close ties to the families involved in the trials. These trials demonstrate that midwives' examination of female bodies for evidence of lost virginity or clandestine childbirth made them powerful agents in determining the fate of people accused of statutory rape or infanticide. While more

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<sup>3</sup> This study is based on a review of 67 statutory rape cases and 12 infanticide cases located in AGPJ, FJP between 1820 and 1880.

research is needed, these cases also hint at a gradual decline in the presence of midwives in these cases as male medical doctors began to replace them by the 1860s, at least in Sonora's urban centers such as Hermosillo and Guaymas. During these years, Sonora transitioned from a remote collection of isolated settlements to a region on the vanguard of growing exchange between the United States and Mexico. Historians have begun to understand how these developments changed the lives of the state's male citizens, who subsisted largely on mining, ranching, and farming, yet we know little about the lives of local women who, in addition to their domestic duties to their families, worked as midwives, merchants, laundresses, servants, bakers, prostitutes, musicians, healers, and ranchers.

Judicial cases such as the one involving Mariana Mera and Francisco Fena require the consideration of the broader cultural and legal framework of the judicial process, including the power of judicial officials and the law to shape the direction of inquiry, and to legitimate the voices of some agents and silence others. As legal scholars have argued, the rules of the courts, law codes, and the particular roles and obligations of judges, police, notaries, and witnesses condition the process of the trial, create (or halt) lines of questioning, and influence the speech and actions of court officials and litigants.<sup>4</sup> These realities call for a methodical assessment of the agents involved in the case, their relative power within the courts, and the "scripts" these actors were supposed to observe. In cases of infanticide or statutory rape, midwives served the role of "expert witness" for the judiciary, and their accepted knowledge of female and infant bodies often determined the final rulings

<sup>4</sup> See Cynthia Herrup, *A House in Gross Disorder: Sex, Law, and the 2nd Earl of Castlehaven*, Oxford, Oxford University Press, 1999, pp. 7-8. Susan F. Hirsh, Mindie Lazarus-Black, "Introduction/Performance and Paradox: Exploring Law's Role in Hegemony and Resistance," in Mindie Lazarus-Black, Susan F. Hirsh (eds.) *Contested States: Law, Hegemony, and Resistance*, New York, Routledge, 1994, pp. 1-31.

of guilt or innocence for men accused of statutory rape and for women accused of infanticide.

## WOMEN, MIDWIVES AND PUBLIC HEALTH IN LATIN AMERICAN HISTORY

The study of midwives and childbirth in Latin American history is a nascent field, one related to the rapidly-growing area of research on the history of childhood, childbirth, and public health in Latin America.<sup>5</sup> Historians of the colonial era, such as Ruth Behar, Solange Alberro, and Martha Few have uncovered the work and daily lives of midwives in Inquisition records.<sup>6</sup> These women often appeared in the historical record incidentally in witchcraft cases. Scholars such as Michele Reid-Vázquez, Nara Milanich, Bianca Premo, Claudia Agostoni, and Nora Jaffary have examined the history of childhood, childbirth, infanticide, and public health in the urban centers of colonial and republican Cuba, Chile, Peru, and Mexico.<sup>7</sup> Their works

<sup>5</sup> For an analysis of this literature, see Nara Milanich, *Children of Fate: Class, and the State in Chile, 1850–1930*, Durham, Duke University Press, 2009.

<sup>6</sup> Solange Alberro, *Inquisición y sociedad en México, 1571-1700*, México City, Fondo de Cultura Económica, 1998. Ruth Behar, “Sex and Sin, Witchcraft and the Devil in Late-Colonial Mexico”, *American Ethnologist* vol. 14 no. 1, 1987, pp. 34-54. Martha Few, *Women Who Live Evil Lives: Gender, Religion, and the Politics of Power in Colonial Guatemala, 1650-1750*, Austin, University of Texas Press, 2002.

<sup>7</sup> Claudia Agostoni, “Médicos y parteras en la Ciudad de México durante el Porfiriato,” in G. Cano and G.J. Valenzuela (eds.), *Cuatro estudios de género en el México urbano del siglo XIX*, México, D.F., PUEG-Porrúa, 2001, pp. 71-95. Nora E. Jaffary, “Monstrous Births and Creole Patriotism in Late Colonial Mexico”, *The Americas*, vol. 68, no. 2, October 2011, pp. 179-207. Nora E. Jaffary, “Reconceiving Motherhood: Infanticide and Abortion in Colonial Mexico,” *Journal of Family History*, vol. 37, no. 1, 2012, pp. 3-22. Bianca Premo, *Children of the Father King: Youth, Authority, and Legal Minority in Colonial Lima*, Chapel Hill, University of North Carolina Press, 2009. Nara Milanich, *Children of Fate: Class, and the State in Chile, 1850–1930*, Durham, Duke

suggest a pattern of state-sponsored expansion of institutions such as orphanages and hospitals, and the medicalization of childbirth as colonial and republican governments consolidated power. Competition between male surgeons and traditional women healers also grew during these years. To date, there are no comparable studies of Mexico's northern peripheries.

Much of nineteenth-century Sonoran history has focused on these years as a period of political turmoil, beginning with the collapse of Spain's colonial regime in 1821. Prior to the 1820s, the Spanish government was engaged in a period of economic and military consolidation under the Bourbon Reforms, contributing to the growth of the region's Hispanic communities.<sup>8</sup> Yet the era of Spanish consolidation was cut short with the 1810-1821 War of Independence, resulting in the collapse of the presidio system and the decline of a delicate network of alliances and exchanges between Spanish settlements and their indigenous neighbors. In the northern borderlands, Mexico's victory over Spain marked a new wave of confrontations between Mexicans and autonomous indigenous communities, ushering in a period of prolonged and devastating violence between Mexicans and indigenous peoples, as well as political rivalries and regional battles within Hispanic communities over the locus of power in the state, and systems of governance.

Midwives—along with other women who worked in this frontier region—are largely absent from this conventional narrative of Sonoran history. We know little about how they viewed themselves and their work, nor what others thought about the women who covered difficult terrain at all hours of the day and night to carry out their duties. Among local census

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University Press, 2009. Michele Reid-Vazquez, "Tensions of Race, Gender and Midwifery in Colonial Cuba," in Sherwin Bryant, Rachel O'Toole, Ben Vinson III (eds.), *Africans to Colonial Spanish America*, Chicago, University of Illinois Press, 2012, pp. 186-205.

<sup>8</sup> Stuart F. Voss, *On the Periphery of Nineteenth-Century Mexico: Sonora and Sinaloa, 1810-1877*, Tucson, University of Arizona Press, 1982, pp. 20-24.

takers, midwifery was one of the few recognized professions for women during the nineteenth century, alongside baking, washing clothes, cleaning, tutoring, and prostitution.<sup>9</sup> To our knowledge, no midwife from this period kept a diary or wrote letters. Most midwives who appeared in Sonoran courts were illiterate, unable to sign their own name on documents when they appeared to testify in infanticide and statutory rape cases. Still, their opinion in these cases held considerable weight. The records demonstrate that midwives knew the most intimate details about their neighbors' lives, and were likely better informed about recent scandals than the local priest. Their understanding of community relationships and rivalries, women's dependence on their medical expertise, and the courts' need for the testimony of agents with specialized knowledge of the female body meant that they were widely respected by judges and notaries. Their knowledge left them in an ambiguous position as agents of the state who sometimes informed on other women in the community, yet they also served as defenders of and caregivers to the women and girls who were victims of statutory rape or accused of infanticide.

Beyond criminal courts, sources about midwives and birthing practices during the late colonial and early republican era are scarce. The writings of curious missionaries interested in indigenous customs provide some insights into childbirth practices during the colonial period at a time when missionaries understood childbirth and infant care as markers of "civilization" and assimilation into Hispanic culture. Introducing indigenous women to Spanish customs of child rearing was critical to the civilizing process. Good child rearing was a key symbol of civilized society, and the missionaries believed that mothers had a primary role to play as teachers of the next

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<sup>9</sup> For an example of such censuses, see Archivo Histórico del Gobierno del Estado de Sonora (AHGES), Fondo Ejecutivo (FE), Banámichi, Huepac, 1848, vol. 258.

generation. Missionaries such as the German Jesuit, Ignaz Pfefferkorn, looked to child-rearing practices as evidence of continued “savagery”.<sup>10</sup>

Perceived short-comings in child rearing is evident in Pfefferkorn’s 1756 account that “maternal care lasts only until the child has grown up enough to procure its own food... parents are not at all concerned with the habits of the children. They give them no useful instruction; they do not encourage them to goodness, and they do not correct their faults”.<sup>11</sup> Pfefferkorn found indigenous mothers’ “casual manner” in how they held their young infants during chores alarming, and he wondered why these children did not suffer from disfiguring injuries as a result.<sup>12</sup>

Pfefferkorn wondered at a similarly indifferent approach to pregnancy and childbirth:

The [indigenous] Sonoran women have not the least anxiety about their unborn. They avoid neither danger nor heavy exertions, yet very rarely does an unlucky birth occur. The birth of a dead or deformed child is extremely rare. When childbirth approaches, Sonora women look for an isolated place. This they do because of a kind of superstition, for they imagine that the proximity of child-bearing women will cause misfortune to their men and also harm to the sick and wounded. The birth is accomplished easily and happily without the help of anyone.<sup>13</sup>

It is difficult to infer from his accounts if indigenous women were truly alone or if Pfefferkorn is instead revealing his lack of access to Sonoran women during an important rite of

<sup>10</sup> See Ignaz Pfefferkorn, *Sonora: A Description of the Province*, Tucson, University of Arizona Press, 1989. Ignacio Zúñiga, *Rápida ojeda al estado de Sonora*, Hermosillo, Gobierno del Estado de Sonora, 1985.

<sup>11</sup> *Ibid.*, 169; 188-89.

<sup>12</sup> *Ibid.*, 164

<sup>13</sup> *Ibid.*, 187

passage, one which men were strictly forbidden to attend. No indigenous records from this period corroborate or contradict his conclusions

Oddly, a French traveler, Vicente Calvo, made similar observations about Hispanic Sonoran women during his visit to the state in the 1830s. He too wrote that women encountered few complications during childbirth and their recoveries were rapid.<sup>14</sup> He maintained that women in Sonora married young, as early as eleven or twelve years of age, and bore several children. According to ecclesiastical records, Calvo was correct that Sonoran women married young, although not as young as eleven and twelve. More research is needed, but an initial review of parish documents indicates that Sonoran women tended to marry in their late teens.<sup>15</sup> Given the inconsistencies and exaggerations in both Pfefferkorn's and Calvo's accounts, it is clear that historians need to exercise caution with sources from foreign contemporaries, who likely had limited access to mothers who recently gave birth, and were perhaps tempted to represent the dramatic and the extreme for their European reading audience.

It is also possible that Sonoran women, like the women of eighteenth-century Hallowell, Maine, enjoyed access to competent midwives such as Martha Ballard.<sup>16</sup> Perhaps their "easy and happy" births happened with the assistance of women who somehow evaded the gaze of men such as Ignaz Pfefferkorn and

<sup>14</sup> Vicente Calvo, *Descripción política, física, moral y comercial del Departamento de Sonora*, Hermosillo, 1843, p. 155.

<sup>15</sup> For example, see Archivo Parroquial de Hermosillo, *Información Matrimonial, 1847-1851*, ff. 131-171.

<sup>16</sup> Laurel Thatcher Ulrich found that Martha Ballard, an eighteenth-century midwife from Hallowell, Maine, had lower maternal mortality and stillbirth rates than doctors from London, Dublin, and the United States between the eighteenth and twentieth century. See Laurel Thatcher Ulrich, *A Midwife's Tale: The Life of Martha Ballard, Based on Her Diary, 1785-1812*, New York, Vintage Books, 1990, pp. 173-175.



Vicente Calvo. Death records from the mid-nineteenth century, however, tell a grimmer story. Parish registers reveal high mortality rates among women of childbearing age, in contrast to Calvo's observations. Complications from pregnancy and childbirth resulted in deaths among many young women, and infant mortality was even higher. During Hermosillo's colonial period, death among children between the ages of birth and four years made up 53 percent of all deaths among non-indigenous populations, and the infant mortality rate was 217 per 1000 deaths. Historian Marcos Medina argues that Hermosillo was typical of other communities in New Spain during this period with respect to the proportion of deaths among infants and young children. In the northern town of Arizpe, deaths among children between the ages of birth and seven accounted for 33 percent to 60 percent of all deaths between 1848 and 1852.<sup>17</sup> Mothers did not leave records that reveal what significance they attached to these losses. The occasional mention of deceased children did appear in final wills and testaments among propertied Sonoran women, as when 84-year-old Ángela Maytorena de Espriu wrote that her first son, Francisco, died at a tender age.<sup>18</sup> References to deceased children were in part a formulaic establishment of who remained to inherit property,

<sup>17</sup> In his study of Hermosillo, Marcos Medina identified complications from pregnancy and childbirth as a major reason why women of child-bearing age experienced higher death rates. See José Marcos Medina Bustos, *Vida y muerte en el antiguo Hermosillo, 1773-1828*, Hermosillo, Gobierno del Estado de Sonora, 1997, pp. 186-189. In nearby Ures, death from childbirth accounted for approximately 15% of deaths among adult women between July and December, 1848. See AHGES, FE, "Estado que manifiesta el número de bautizados, casados y muertos," 1848, Ures, Tomo 258. In the mid-nineteenth century, authors of death records from some communities neglected to include death from complications in childbirth. See AHGES, FE, "Estado que manifiesta el número de nacidos, casados y muertos habidos en esta parroquia de Hermosillo," 1849, Hermosillo, Tomo 258. AHGES, FE, "Estado que manifiesta el número de nacidos, casados y muertos habidos en esta parroquia," 1847, Hermosillo, Tomo 258.

<sup>18</sup> Testament of Ángela Maytorena in *Testamentos de Sonora*, El Colegio de Sonora, [http://www.colson.edu.mx:8080/testamentos/Consultas\\_palabra.aspx](http://www.colson.edu.mx:8080/testamentos/Consultas_palabra.aspx)

but the authors of the wills occasionally discussed the passing of their young children with regret.

To date, no diaries or letters authored by midwives in Sonora have been located, so statutory rape and infanticide cases are among the few sources that offer some insight into the work and role of midwives in Sonora's nineteenth-century communities. Women such as María Ignacia Acosta from the mining city of Alamos, for example, testified in the brutal, 1844 rape of a seven-year-old girl, Loreta Yañes. Yañes had been running an errand for her mother at the time of her attack by a local shoe maker, Cesario Palacio. Acosta's testimony was critical to the final conviction of the girl's attacker to one year of public works in the local silver mines. Of greatest importance in the conviction was Acosta's confirmation that Palacio caused lasting damage to Yañes's genitalia. The midwife explained to the judge in detail the nature of the tears to the girl's labia, as well as evidence of internal injuries to her vagina and uterus given the abundant stains of blood on her clothing. Still, Acosta stopped short of claiming that the physical evidence meant that Yañes had lost her virginity.<sup>19</sup> The presiding judge of the case decided to call on a male doctor for an additional opinion. Dr. Don José María Ruíz confirmed that Yañes had indeed been "deflowered." It is unclear if he conducted a different kind of examination or if he was more willing to draw stronger conclusions than Acosta based on the evidence.

The line of questioning in Yañes's estupro trial reveals that court officials were most concerned with the girl's loss of virginity because deflowering would disgrace her entire family, and would eventually result in fewer prospects for marriage later in life. Gender historians have argued that judges did not understand statutory rape strictly as a violation against an individual woman's body or a physical attack, but rather, as an offense

<sup>19</sup> AGPJ, FJP, "Causa contra Cesario Palacio por estupro," 1844, Álamos.

against the victim's entire family.<sup>20</sup> Evidence of physical damage to the girl's body, not her testimony, was necessary for a guilty sentence, as seen in the case above involving Mariana Metra. Privileging physical "evidence" over the victim's claims made the midwife's word one of the most important voices of a trial. Testimonies of female victims and witnesses carried limited weight in the courtroom when officials emphasized physical damage to the victim's genitalia as evidence of penetration. This construction of guilt that linked physical injury to the loss of sexual purity and honor made the testimonies of midwives and doctors who examined the victims crucial to a final sentence in favor of the female children.

Nineteenth-century statutory rape cases in Sonora also suggest a subtle change in the status of local midwives as witnesses. In the earliest available statutory rape cases, midwives appeared as witnesses almost exclusively. Perhaps it was a question of convention that the Alamos judge in the Yañes case called on the midwife María Acosta before he consulted with Dr. Ruíz. It is certainly possible that the plaintiff and her mother preferred an examination by Acosta instead of Dr. Ruíz, although such preferences were never explicitly articulated in the court records. By the 1850s, male doctors began to make more frequent appearances as expert witnesses in Sonora's nascent urban centers such as Hermosillo and Alamos. Dr. Ruíz's presence in the court to provide expert testimony reflects a gradual replacement of midwives in the judicial system, at least in urban settlements, where doctors began to practice in increasing numbers. More research is needed, however, to understand what this transition meant for the status of midwives and for the female victims who would now come under the scrutiny of a male medical authority.

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<sup>20</sup> See, for example, Christine Hunefeldt, *Liberalism in the Bedroom: Quarreling Spouses in Nineteenth-Century Lima*, Pittsburgh, Pennsylvania State University Press, 2000, pp. 181.

The 1862 statutory rape case involving a twelve-year-old Yaqui girl, María del Carmen Martínez, who was raped by two men, suggests that the midwives did more than serve as witnesses in these cases, they also cared for the injured girls. The midwife, Petra Romero, had visited the bed-ridden Martínez in her home. In contrast to the reluctances of María Acosta discussed above, Romero was almost emphatic in her testimony about the grave damage Martínez suffered. More than most midwives, Romero condemned the brutality of the crime against Martínez in her testimony and she expressed hope in her ability to nurse the girl back to health.<sup>21</sup> Clearly, families called on midwives to provide medical treatment to their daughters in the aftermath of rape. We can only speculate on how many women sought out a midwife's help in such cases and avoided the judicial system entirely, whether for lack of resources or fear of humiliation.

Sonoran judges also called on midwives to testify in trials of infanticide. Similar to statutory rape suits, the midwife's testimony was critical to determining if an infant died due to complications from birth or if someone killed the child. These cases provide some insight into the knowledge that midwives possessed about their neighbors' sexual relationships. Infanticide trials were rare, and usually involved young adult servants, known as *criadas*, who were either kidnapped or informally adopted into Sonoran households.<sup>22</sup>

<sup>21</sup> AGPJ, FJP, "Causa contra Fernando Serna y Refugio Arvizu por estupro," 1862, Hermosillo.

<sup>22</sup> For a more extensive discussion of *criadas* in northern Mexico and of the broader concept of child circulation, see Ann Blum, *Domestic Economies: Family, Work, and Welfare in Mexico City, 1884-1943*, Lincoln, University of Nebraska Press, 2009, pp. 3-40. James Brooks, *Captives & Cousins: Slavery, Kinship, and Community in the Southwest Borderlands*, Chapel Hill, University of North Carolina Press, 2002. Nara Milanich, "The Children of Fate: Families, Class, and the State in Chile, 1857-1930", Ph.D. Dissertation, Yale University, New Haven, CT, 2002, pp. 197-206. Cynthia Radding, *Wandering Peoples, Colonialism, Ethnic Spaces, and Ecological Frontiers in Northwestern*

The 1863 case involving Refugio Castillo, a young *criada* from the northern ranching community of Altar, demonstrates the importance of a midwife's testimony in the trial's final ruling, and how knowledge of secret pregnancies circulated among servants, neighbors, and midwives in rural communities. Early one morning, Castillo's employer/guardian (*amo*), Felix Rodríguez, came across a small grave in his interior courtyard, and discovered the corpse of a newborn baby. When he reported his discovery to the local judge, he did not know the identity of the mother, but he suspected one of "his *criadas*" was the mother.<sup>23</sup> Neither Felix Rodríguez, Refugio Castillo, the midwife, nor other witnesses ever mentioned the identity of the father. In fact, no infanticide case discovered so far identifies the father. It is reasonable to assume that some female servants had consensual lovers, but sexual exploitation on the part of their *amos* was also likely in some cases. Eventually the judge identified Castillo as the mother of the dead infant based on questioning of the other servants in the household and on a physical examination carried out by a midwife, Ignacia Contreras.

Ignacia Contreras's testimony largely determined Castillo's eventual pardon and suggests that she played a major role in the investigation and identification of Castillo as the mother. In her examination of the infant's body, Contreras concluded that the baby was most likely stillborn, and possessed severe birth defects on its head and chest. She also learned that Castillo

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*Mexico: 1700-1850*, Durham, Duke University Press, 1997, pp. 126-127. For studies of kidnapping and "adoption" in other peripheral regions of Latin America, see José Mateo, "Bastardos y concubinas: La ilegitimidad conyugal y filial en la frontera pampeana bonaerense (Lobos 1810-1869)", *Boletín del Instituto de Historia Argentina y Americana* vol. 13, no. 3, 1996, pp. 7-34. Susan Socolow, "Spanish Captives in Indian Societies: Cultural Contact Along the Argentine Frontier, 1600-1835", *Hispanic American Historical Review*, no. 72, vol. 1, 1992, pp. 73-99.

<sup>23</sup> AGPJ, FJP, vol. 701, "Criminal instruida a Refugio Castillo por delito de infanticidio," 1863, Altar.

had delivered the baby in secret, fearing her *amo*'s punishment should he have discovered her pregnancy. Contreras's detailed description of the infant caused the judge to doubt that Castillo had committed murder. In Contreras's physical examination of Castillo and through conversation, it also became clear that the young *criada* had delivered and breast-fed two other infants, both of whom died before reaching one year of age. Given high mortality rates among infants in nineteenth-century Sonora, the death of three infants did not necessarily suggest foul play, and no one involved in the case hinted at this possibility.

An examination of census data from Castillo's hometown, Altar, also suggests that her life under the alert supervision of her *amo* was not unusual. Nineteenth-century Sonoran households sometimes included adult children, servants, extended family members, and younger children of uncertain origin and status.<sup>24</sup> In court cases such as rape, infanticide, *raptó*, and custody battles, neighbors shared information about the sexual conduct of the people in households similar to that of Felix Rodríguez. Notions of kinship in Sonora during the nineteenth century were adaptable in light of persistent demographic, political, and economic upheaval. Migrations, warfare, and high mortality rates compelled Sonorans to recreate their households and families in new ways, but such measures resulted in some people occupying a servile status among neighbors, family, and even complete strangers.<sup>25</sup>

During most of the nineteenth century, the Mexican national government played a minimal role in the daily lives of these complex families. Northern communities were left to their own devices in their wars against the Apaches. After the U.S.-Mexico War ended in 1848, Sonorans negotiated the growing

<sup>24</sup> See AGHES, FE, "Censo Altar, Años 1834-1939", Tomo 1088.

<sup>25</sup> Cynthia Radding pioneered the study of these ambiguous arrangements in Sonora. See Cynthia Radding, *Wandering Peoples, Colonialism, Ethnic Spaces, and Ecological Frontiers in Northwestern Mexico: 1700-1850*, Durham, Duke University Press, 1997, pp. 125-127.

economic and political presence of the United States, largely independent of their central government. Finally, the Mexican state did very little to promote formalized medical training, especially in rural peripheries such as Sonora. With the centralization efforts of Dictator Porfirio Díaz, however, the neglect of Mexico's northern residents began to change. Taking control of the country in 1876, the era of Díaz's dictatorship, known as the Porfiriato, ushered in over twenty-five years of growing foreign investment, rapid modernization, economic liberalism, and a top-down centralization of political power. Mexico's northern border states, including Sonora, experienced the lion's share of foreign investment in the form of railroads, mining ventures, and irrigation projects.<sup>26</sup>

Less explored are Díaz's efforts to centralize a wide range of social institutions, including those of education, medicine, and public health. In the summer of 1880, Díaz ordered the Mexican Academy of Medicine to carry out a nation-wide census of all formally-trained medical professionals, including doctors, pharmacologists, veterinarians, dentists, and midwives. The explicit purpose of this campaign was to produce better-trained medical professionals and healthier citizens, but the Academy Secretary also registered a more nationalistic concern over a growing presence of foreign doctors, especially Americans, in all of Mexico's urban centers.<sup>27</sup> While the Díaz regime welcomed U.S. foreign investment, fear of Anglo-American dominance was not unfounded after the U.S.-Mexico War and several filibuster attempts between the 1850s and the 1870s.

<sup>26</sup> See Robert M. Buffington and William E. French, "The Culture of Modernity," in William H. Beezley and Michael C. Meyer (eds.) *The Oxford History of Mexico*, New York, Oxford University Press, 2000, pp. 397-432. Miguel Tinker Salas, *In the Shadow of the Eagles: Sonora and the Transformation of the Border during the Porfiriato*, Berkeley, University of California Press, 1997, pp. 101-48, pp. 178-79.

<sup>27</sup> AGES, FE, "Circular sobre la falta de médicos, farmacéuticos, dentistas, y parteras en el país," 1880, Tomo 83, Expediente 17.

The results of the census in Sonora likely confirmed the Secretary's fears about the shortage of doctors, and the census also revealed the substantial number of foreign health professionals practicing alongside their native peers. The port city of Guaymas, for example, reported only four medical doctors for the rapidly growing community of 4,000 to 9,000 habitants.<sup>28</sup> The tiny census for the Academy of Medicine included two Mexican doctors, one Mexican pharmacologist, and one physician from Madiera, Portugal. All the Mexican physicians received their training from schools in Mexico City, specifically, La Escuela de Medicina and El Consejo Superior de Medicina de México. By design, the census overlooked the traditional midwives who appeared in the statutory rape and infanticide cases discussed above. They likely learned their craft while accompanying a mother, an aunt, or a neighbor who delivered babies and tended the sick. Although midwives surely provided more basic care for their communities than the scarce and formerly trained doctors included in the Academy of Medicine census, their contributions were of little interest to the Mexican state under Porfirio Díaz. On the other hand, this neglect meant that most midwives could do their work with minimal interference from doctors, at least for a while.

Just three years after the Mexican Academy of Medicine issued its order that all districts carry out a census of trained doctors, dentists, pharmacists, and midwives, Sonorans suffered a series of terrible epidemics, primarily yellow fever. Thousands died while local officials pleaded for more medical expertise, and charlatans combed the countryside selling bogus treatments.<sup>29</sup> Meanwhile, the next generation of midwives

<sup>28</sup> Secretaría de Economía, "Estadísticas sociales del Porfiriato, 1877-1910", Mexico City, Talleres Gráficos de la Nación, 1956, p. 11.

<sup>29</sup> AGES, FE, "Fiebre amarilla en Sonora" 1883, Tomo 83, Expediente 20. See also Hiram Félix Rosas, *Cuando la muerte tuvo alas: La epidemia de fiebre amarilla en Hermosillo, 1883-1885*, Hermosillo, El Colegio de Sonora, 2010.



likely followed in the footsteps of Maria Pacheco, Refugia Urias, Ignacia Contreras, María Ignacia Acosta, and Petra Romero by caring for the sick anonymously and at great personal risk. The yellow fever epidemic caused a major public health crisis, one that certainly compelled professionalization campaigns across the medical field until the 1910 Mexican Revolution brought about the demise of the Díaz regime, delaying public health campaigns for another decade. As a result, many of the professionalization campaigns that occurred in parts of Europe and the United States during the nineteenth century only began to take root in Mexico in a radically different historical context, the tumultuous years of Mexico's Cultural Revolution in 1930s and 1940s. We have yet to understand what these changes meant for Mexico's midwives.

An interview with Teresita Díaz Terán, a former midwife from the Sierra Madres ranching village of Rayón, Sonora, suggests that the Mexican State did assert itself in the profession of midwifery by the middle of the twentieth century, but in ways very different from its involvement in the urban centers of the United States, Europe, and Latin America. Díaz Terán recounts how, during the late 1950s, a young doctor from the state capital of Hermosillo urged her, as a trusted member of her community, to take up midwifery because he knew that no doctor would move to Rayón and practice medicine in a remote village of the Sonoran Desert. It made far more sense for the Mexican government and the doctors who acted on the state's behalf to train respected local women in the art of delivering babies. At the time, Teresita was a young mother on the way to having nine children of her own. During her eleven-year career as a midwife, she delivered over 1,000 babies, crossing rugged, isolated terrain to reach her patients while her husband cared for their young children at home.<sup>30</sup>

<sup>30</sup> Interview to Teresita Díaz Terán by Laura Shelton, July 23<sup>rd</sup> 2010, Private Collection, Lancaster, PA.

Teresita Díaz's story reveals in a small way how the social and cultural history of a borderland region follows its own historical trajectory compared to the urban core. While competition between male doctors and midwives has been a common theme in the history of midwifery and childbirth, it hardly existed in Sonora's vast hinterlands.<sup>31</sup> Outside of the lowland and coastal urban centers of Hermosillo and Guaymas, Sonora faced a severe shortage of doctors well into the twentieth century. Far from discouraging midwives, doctors were actively engaged in recruiting local women such as Teresita Díaz as a pragmatic strategy to address a serious lack of qualified medical staff as late as the 1950s. Perhaps Teresita was never called before the courts to testify in a case of infanticide or rape, but she did enjoy the respect of the women for whom she cared. In fact, some sought her out even when young male doctors were available to deliver babies during their brief rotations in the Sonoran hinterlands.

## CONCLUSION

The presence of midwives as witnesses with expert knowledge in local criminal courts reveals a seldom-considered aspect of the work lives of rural women in Sonora's nineteenth century. Their role accorded them deference from male judges and gave them power to determine the guilt or innocence of men accused of statutory rape and of women accused of infanticide. A family's claim to honor and a girl's status of sexual purity rested on their testimony and more broadly on long-held legal and cultural constructions of virginity inscribed on the female body. These cases reveal a period when women's work intersected

<sup>31</sup> For example, see Judith Walzer Leavitt, *Brought to Bed: Childbearing in America, 1750-1950*, New York, Oxford University Press, 1988. Richard W. Wertz and Dorothy C. Wertz, *Lying-In: A History of Childbirth in America*, New Haven, Yale University Press, 1989.

with the law, medical knowledge, conceptions of sexual purity, and historically-specific understandings of female and infant bodies in ways that accorded midwives significant status and agency in the courts. More work remains to understand what it means that male doctors gradually replaced midwives as the witnesses with expert medical knowledge, and what implications this transition had for the midwives and the young women who found themselves under the watchful gaze of legal and medical authorities.

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