

Sexual Violence in the Politics and Policies of Conquest

Amerindian Women and the Spanish Conquest of Alta California

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In the morning, six or seven soldiers would set out together . . . and go to the distant rancherías [villages] even many leagues away. When both men and women at the sight of them would take off running . . . the soldiers, adept as they are at lassoing cows and mules, would lasso Indian women—who then became prey for their unbridled lust. Several Indian men who tried to defend the women were shot to death.

JUNIPERO SERRA, 1773

In words reminiscent of sixteenth-century chroniclers Bernal Díaz del Castillo and Bartolomé de las Casas, the father president of the California missions, Junipero Serra, described the depredations of the soldiers against Indian women in his reports and letters to Viceroy Antonio María Bucareli and the father guardian of the College of San Fernando, Rafael Verger. Sexual assaults against native women began shortly after the founding of the presidio and mission at Monterey in June 1770, wrote Serra, and continued throughout the length of California. The founding of each new mission and presidio brought new reports of sexual violence.

The despicable actions of the soldiers, Serra told Bucareli in 1773, were severely retarding the spiritual and material conquest of California. The native people were resisting missionization. Some were becoming warlike and hostile because of the soldiers' repeated outrages against the women. The assaults resulted in Amerindian attacks, which the soldiers countered with unauthorized reprisals, thereby further straining the capacity of the small military force to staff the presidios and guard the missions. Instead of pacification and order, the soldiers provoked greater conflict and thus jeopardized the position of the church in this region.¹

Serra was particularly alarmed about occurrences at Mission San Gabriel. "Since the district is the most promising of all the missions," he wrote to Father Verger, "this mission gives me the greatest cause for anxiety; the secular arm

down there was guilty of the most heinous crimes, killing the men to take their wives."² Father Serra related that on October 10, 1771, within a month of its having been founded, a large group of Indians suddenly attacked two soldiers who were on horseback and tried to kill the one who had outraged a woman. The soldiers retaliated. "A few days later," Serra continued, "as he went out to gather the herd of cattle . . . and [it] seems more likely to get himself a woman, a soldier, along with some others, killed the principal Chief of the gentiles; they cut off his head and brought it in triumph back to the mission."³

The incident prompted the Amerindians of the coast and the sierra, mortal enemies until that time, to convene a council to make peace with each other and join forces to eliminate the Spaniards. The council planned to attack the mission on October 16 but changed the plan after a new contingent of troops arrived at the mission.⁴ Despite this narrowly averted disaster, the soldiers assigned to Mission San Gabriel continued their outrages.

The soldiers' behavior not only generated violence on the part of the native people as well as resistance to missionization, argued Serra; it also took its toll on the missionaries, some of whom refused to remain at their mission sites. In his 1773 memorial to Bucareli, Serra lamented the loss of one of the missionaries, who could not cope with the soldiers' disorders at San Gabriel. The priest was sick at heart, Serra stated: "He took to his bed, when he saw with his own eyes a soldier actually committing deeds of shame with an Indian who had come to the mission, and even the children who came to the mission were not safe from their baseness."⁵

Conditions at other missions were no better. Mission San Luis Obispo also lost a priest because of the assaults on Indian women. After spending two years as the sole missionary at San Luis, Father Domingo Juncosa asked for and received permission to return to Mexico because he was "shocked at the scandalous conduct of the soldiers" and could not work under such abominable conditions.⁶ Even before San Luis Obispo was founded in the early fall of 1772, Tichos women had cause to fear. The most notorious molesters of non-Christian women were among the thirteen soldiers sent on a bear hunt to this area during the previous winter of starvation at Monterey.⁷

The establishment of new missions subjected the women of each new area to sexual assaults. Referring to the founding of the mission at San Juan Capistrano, Serra wrote that "it seems all the sad experiences that we went through at the beginning have come to life again. The soldiers, without any restraint or shame, have behaved like brutes toward the Indian women."⁸ From this mission also, the priests reported to Serra that the soldier-guards went at night to the nearby villages to assault the women and that hiding the women did not restrain the brutes, who beat the men to force them to reveal where the women were hidden. Non-Christian Indians in the vicinity of the missions were simply not safe. They were at the mercy of soldiers with horses and guns.⁹

In 1773, a case of rape was reported at San Luis Rey, one at San Diego, and

two cases at Monterey the following year.¹⁰ Serra expressed his fears and concern to Governor Felipe de Neve, who was considering establishing a new presidio in the channel of Santa Barbara. Serra told Neve that he took it for granted that the insulting and scandalous conduct of the soldiers "would be the same as we had experienced in other places which were connected with presidios. Perhaps this one would be worse."¹¹

Native women and their communities were profoundly affected by the sexual attacks and attendant violence. California Amerindians were peaceable, non-aggressive people who highly valued harmonious relationships. Physical violence and the infliction of bodily harm on one another were virtually unknown. Women did not fear men. Rape rarely, if ever, occurred. If someone stole from another or caused another's death, societal norms required that the offending party make reparations to the individual and/or the family. Appropriate channels to rectify a wrong without resorting to violence existed.¹²

Animosity, when it did surface, was often worked out ritualistically—for example, through verbal battles in the form of war songs, or song fights that lasted eight days, or encounters in which the adversaries threw stones across a river at each other with no intent actually to hit or physically injure the other party. Even among farming groups such as the Colorado River people, who practiced warfare and took women and children captive, female captives were never sexually molested. The Yumas believed that intimate contact with enemy women caused sickness.¹³

Thus, neither the women nor their people were prepared for the onslaught of aggression and violence the soldiers unleashed against them. They were horrified and terrified. One source reported that women of the San Gabriel and other southern missions raped by the soldiers were considered contaminated and obliged to undergo an extensive purification, which included a long course of sweating, the drinking of herbs, and other forms of purging. This practice was consistent with the people's belief that sickness was caused by enemies. "But their disgust and abhorrence," states the same source, "never left them till many years after."¹⁴ Moreover, any child born as a result of these rapes, and apparently every child with white blood born among them for a very long time, was strangled and buried.¹⁵

Father Pedro Font, traveling overland from Tubac to Monterey with the Anza expedition between September 1775 and May 1776, recorded the impact of the violence on the native people he encountered. Font's diary verifies the terror in which native Californians, especially the women, now lived. Everybody scattered and fled at the sight of Spaniards. The women hid. They no longer moved about with freedom and ease. The people were suspicious and hostile. The priests were no longer welcome in the living quarters.

The Quabajay people of the Santa Barbara Channel, Font wrote, "appear to us to be gentle and friendly, not war-like. But it will not be easy to reduce them for they are displeased with the Spaniards for what they have done to them, now

taking their fish and their food . . . now stealing their women and abusing them."¹⁶ Upon encountering several unarmed Indians on Friday, February 23, Font commented that "the women were very cautious and hardly one left their huts, because the soldiers of Monterey . . . had offended them with various excesses."¹⁷

At one village, Font noted, he was unable to see the women close at hand because as soon as the Indians saw his party, "they all hastily hid in their huts, especially the girls, the men remaining outside blocking the door and taking care that nobody should go inside."¹⁸ Font attempted to become acquainted with the people of another village on the channel. He went to the door, but "they shut the inner door on me . . . this is the result of the extortions and outrages which the soldiers have perpetrated when in their journeys they have passed along the Channel, especially at the beginning."¹⁹ Font echoed Serra's concern that the sexual assaults and other outrages had severely retarded missionization in California.

Serra and his co-religionists had great cause for concern, because the missions were not meeting their principal objective of converting Amerindians into loyal Catholic subjects who would repel invading European forces from these shores. By the end of 1773, in the fifth year of the occupation of Alta California, fewer than five hundred baptisms and only sixty-two marriages had been performed in the five missions then existing.²⁰ Since the marriages probably represented the total adult converts, that meant that the remaining four hundred converts were children. These dismal statistics fueled arguments for abandoning the California missions. While various reasons may be cited for the failure to attract adult converts, certainly the sexual attacks and the impact of that violence on women and their communities were primary among them.

Few historians have recognized that the sexual extortion and abuse of native women gravely affected the political, military, religious, and social developments on this frontier. In 1943, Sherburne F. Cook commented that "the entire problem of sexual relations between whites and the natives, although one which was regarded as very serious by the founders of the province, has apparently escaped detailed consideration by later historians."²¹ Cook tackled the issue in demographic terms and wrote about the catastrophic decline in the Indian population as a result of alien diseases, including venereal diseases, brought in by Europeans, as well as other maladies of the conquest.²²

Almost thirty years later, Edwin A. Beilharz wrote that "the major causes of friction between Spaniard and Indian were the abuse of Indian women and the forced labor of Indian men. . . . Of the two, the problem of restraining the soldiers from assaulting Indian women was the more serious."²³ In his study of the administration of Governor Felipe de Neve, Beilharz notes that Neve recognized the seriousness of the problem and tried to curb the abuses.

Since the 1970s, the decade that saw both the reprinting of Cook's work and the publication of the Beilharz study, the development of gender as a category of analysis has enabled us to reexamine Spanish expansion to Alta California with

new questions about sex and gender. Cook, Beilharz, and other scholars initiated but did not develop the discussion about the centrality of sex/gender issues to the politics and policies of conquest.

It is clear that the sexual exploitation of native women and related violence seriously threatened the political and military objectives of the colonial enterprise in California. Repeated attacks against women and summary reprisals against men who dared to interfere undermined the efforts of the priests to attract Amerindians to the missions and to Christianity. They also thwarted whatever attempts the military authorities might make to elicit political or military allegiance from the native peoples.²⁴

From the missionaries' point of view, the attacks had more immediate, deleterious consequences for the spiritual conquest of California, because such actions belied significant principles of the Catholic moral theology they were trying to inculcate. As the primary agents of Christianization/Hispanicization, the missionaries argued that they could not teach and Amerindians could not learn and obey the moral strictures against rape, abduction, fornication, adultery, and all forms of sexual impurity while the soldiers persisted in their licentiousness and immorality. Their actions repudiated the very morality the friars were to inculcate.²⁵

Early conflict between ecclesiastical and civil-military officials over deployment and discipline of the mission escort soon gave rise to constant bitter disputes centering on the question of authority and jurisdiction over the Indians in California. The conflict over control of the Indians revolved around the issue of their segregation from the non-Indian population. Rooted in the early conquest and consequent development of colonial Indian policy, the issue has been extensively discussed by other historians. The concern here is to examine it specifically from the point of view of sex/gender and to define a context for explaining why, despite strenuous efforts by church and state alike, there was little success in arresting the attacks on Indian women.²⁶

Serra, for his part, blamed the military commanders and, once appointed, the governor. They were, he said, lax in enforcing military discipline and unconcerned about the moral fiber of their troops. They failed to punish immoral soldiers who assaulted native women, were flagrantly incontinent, or took Amerindian women as concubines. In California, he stated, secular authorities not only condoned the soldiers' assaults on Indian women but interfered with the missionaries' efforts to counter the abuse, and thereby exceeded their authority with respect to Amerindians.²⁷

To argue his case against Lieutenant Pedro Fages, the military commander, and to muster political and economic support for the California establishments, Serra made the arduous trip to Mexico City for an audience with Viceroy Bucareli. He left California in September of 1772 and arrived in Mexico the following February. At the viceroy's request, Serra submitted a lengthy work entitled "Report on the General Conditions and Needs of the Missions and Thirty-Two Suggestions for Improving the Government of the Missions."²⁸ Serra

addressed sex/gender issues as part of several grievances against Fages's command. His recommendations for curtailing the sexual violence and general malfeasance of the soldiers were that Fages should be removed and that Spaniards who married Indian women should be rewarded.

Once the viceroy had removed the lieutenant, Serra continued, he should give strict orders to Fages's successor that, upon the request of any missionary, "he should remove the soldier or soldiers who give bad example, especially in the matter of incontinence . . . and send, in their place, another or others who are not known as immoral or scandalous."²⁹

Drawing on colonial tradition established much earlier in New Spain, wherein colonial officials encouraged intermarriage with Amerindian noblewomen in order to advance particular political, military, religious, or social interests, Serra suggested that men who married newly Christianized "daughters of the land" be rewarded.³⁰ In the second to last of his thirty-two suggestions, Serra asked Bucareli to "allow a bounty for those, be they soldiers or not, who enter into the state of marriage with girls of that faraway country, new Christian converts."³¹

Serra specified the three kinds of bounty to be given the individual: an animal for his own use immediately upon being married; two cows and a mule from the royal herd after he had worked the mission farms for a year or more; and, finally, allotment of a piece of land. Since soldiers were subject to being transferred from one mission or presidio to another, Serra further recommended that he who married a native woman should be allowed to remain permanently attached to his wife's mission.³²

With this recommendation, which he discussed in more detail in a subsequent letter to the viceroy, Serra hoped to solve several related problems.³³ He sought to curb the sexual attacks on Indian women as well as to induce soldiers to remain and become permanent settlers in Alta California. Theoretically, soldiers would thereby remain on the frontier, and formal and permanent unions with Indian women would allay the natives' mistrust and help to forge a bond between them and the soldiers. These marriages would thus help to ease Indian-military tensions while also cementing Catholic family life in the region.³⁴

It was equally important to remove temptation and opportunity for licentious behavior. Thus, in a second memorial to the viceroy, written in April of 1773, a little over a month after his report, Serra forcefully argued against the proposal that the annual supply ships from San Blas be replaced with mule trains coming overland. In addition to the greater expense of an overland supply line, he reasoned, the presence of one hundred guards and muleteers crossing the country would add to "the plague of immorality" running rampant in California.³⁵

The document that resulted from the official review of Serra's memorial, the *Reglamento Provisional*—generally known as the *Echeveste Regulations*—was the first regulatory code drawn up for California. The *Echeveste Regulations* acted favorably on twenty-one of Serra's thirty-two original recommendations, including the removal of Fages as military commander.³⁶

Implementation of the new regulations, however, did not stop the abuse of women or the immorality of the soldiers. Serra continued to blame the civil-military authorities. He charged Captain Fernando de Rivera y Moncada, who replaced Fages, with currying the soldiers' favor; and he subsequently accused the newly appointed governor, Felipe de Neve, of antireligiosity and anticlericalism. Thus, in the summary of Franciscan complaints against Neve, which Francisco Panagua, guardian of the College of San Fernando, sent Viceroy Mayorga in 1781, Father Panagua wrote that "another consequence . . . of the aversion which the said Governor [Neve] has for the religious, is that the subordinates . . . live very libidiously in unrestrained and scandalous incontinence as they use at will Indian women of every class and strata."³⁷ Serra further charged that Neve allowed fornication among the soldiers, "because, so I have heard him say, . . . it is winked at in Rome and tolerated in Madrid."³⁸

Serra's charges against Fages, Rivera, and Neve were not well founded. As head of the California establishments, each was fully cognizant that the soldiers' excesses not only undermined military discipline, and thus their own command, but also seriously jeopardized the survival of the missions and the presidios. Fundamentally, the assaults against women were unwarranted, unprovoked, hostile acts that established conditions of war on this frontier. Although the native peoples by and large did not practice warfare, they were neither docile nor passive in the face of repeated assaults. The people of the South were especially aggressive. The country between San Diego and San Gabriel remained under Indian control for a long time.³⁹ It was in this region that the Indians marshaled their strongest forces and retaliated against the Spaniards. Some of the engagements, such as the one at San Gabriel in 1771, were minor skirmishes. Others were full-fledged attacks. In 1775 at Mission San Diego, for example, a force of eight hundred razed the mission, killed one priest and two artisans, and seriously wounded two soldiers. Women participated and sometimes even planned and/or led the attacks. In October 1785, Amerindians from eight *rancherías* united under the leadership of one woman and three men and launched an attack on Mission San Gabriel for the purpose of killing all the Spaniards. Toyipurina, the twenty-four-year-old medicine woman of the Japchivit *ranchería*, used her considerable influence as a medicine woman to persuade six of the eight villages to join the rebellion. The attack was thwarted. Toyipurina was captured and punished along with the other three leaders.⁴⁰

Throughout their terms, Fages, Rivera, and Neve were keenly aware that Amerindians greatly outnumbered Spain's military force in the fledgling settlement and that, ultimately, the soldiers could not have staved off a prolonged Indian attack. Neve's greatest fear, expressed in his request to Bucareli for more commissioned officers, was that "if an affair of this kind [disorders caused by soldiers] ever results in a defeat of our troops, it will be irreparable if they [the Indians] come to know their power. We must prevent this with vigor."⁴¹

Therefore, during their respective administrations, the military authorities

enforced Spain's legal codes, as well as imperial policy regarding segregation of Amerindians from non-Indians as a protective measure for the former. They prosecuted soldiers for major and minor crimes, and they issued their own edicts to curb the soldiers' abuse of Amerindians in general and women in particular. Their authority, however, was circumscribed by Spain's highly centralized form of government.⁴²

While the governor of the Californias was authorized to try major criminal cases such as those involving homicide and rape, judgment and sentence were decided at the viceregal level in Mexico City. With the separation of the Interior Provinces from the kingdom of New Spain in 1776, the commandant-general, who combined in his office civil, judicial, and military powers, became the final arbiter.⁴³

A 1773 case illustrates the complexity of legal procedures. This case—in which a corporal, Mateo de Soto, and two soldiers, Francisco Avila and Sebastian Alvitre, were accused of raping two young Amerindian girls and killing one of them near the mission of San Diego—dragged on for five years. Fages, Rivera, and Neve all dealt with the case, which occurred while Fages was military commander. Fages received the official complaint from Mariano Carrillo, sergeant at the San Diego presidio, who had interviewed the young survivor at that presidio in the presence of four soldiers acting as witnesses. The girl was accompanied to the presidio by two mission priests and an interpreter, who was also present at the interview.⁴⁴

Fages forwarded the documents to Viceroy Bucareli in Mexico City and, on Bucareli's order, subsequently sent a copy to Felipe Barri, then governor of the Californias, at Loreto. When Rivera replaced Fages, he complied with the viceroy's order to bind the men for trial and to send them to Loreto, the capital of the Californias, in Baja California. By 1775, when Rivera sent Avila and Alvitre to Loreto (Soto had deserted and was never apprehended), Neve had replaced Barri as governor of the Californias. It fell to Neve to hear testimony and conduct the trial, which he opened on October 19, 1775.

The trial, including testimony from six soldiers and comments from the accused after Carrillo's charges were read to them, produced voluminous documents. Neve concluded the trial on November 22 and sent a copy of the entire proceedings to the viceroy for final disposition, along with a statement noting certain discrepancies from proscribed judicial procedure. Upon receipt of the proceedings, Bucareli turned the file over to Teodoro de Croix, recently appointed commandant-general of the Interior Provinces, which included the Californias.⁴⁵

Almost three years elapsed before Croix called in the case.⁴⁶ On August 26, 1778, his legal adviser, Pedro Galindo Navarro, submitted his opinion to Croix. In Navarro's opinion, the accusation of rape and homicide was not proven. The dead child's body, he argued, was not examined or even seen; the identification of the soldiers accused was unsatisfactory, since it appeared to have been

prompted by the interpreter; the entire charge rested on the testimony of a child, "poorly explained by an interpreter." Finally, the accused denied the charge.⁴⁷

Navarro recommended that the penalty for Avila and Alvitre, who had been detained during the five years of the trial, be commuted to time served and that they should be sentenced to remain and become citizens of California. Croix accepted these recommendations. He issued the order, and the two discharged soldiers were enrolled in the list of settlers at the new pueblo of San José de Guadalupe.⁴⁸

Whether local officials would have convicted the soldiers of rape and homicide must remain a matter of conjecture. In any event, despite laws and prosecutions, the sexual exploitation of Indian women did not cease. The missionaries continuously reported that soldiers "go by night to nearby villages for the purpose of raping Indian women."⁴⁹ And while some cases were recorded, many more must surely have gone unreported. Nevertheless, it is clear that the commandants and the governors did prosecute and take disciplinary action when charges were filed against individual soldiers. Contrary to Serra's charges of laxity and complicity, Fages, Rivera, and Neve did exert the full measure of their authority in this and other reported cases of sexual violence or abuse. Abundant evidence details the dual policy of prevention and punishment implemented by the three seasoned frontier administrators in their ongoing effort to check the soldiers' excesses.⁵⁰

Ever concerned that Amerindians would discover the real weakness of the Spanish position in California, Neve sought to prevent the sexual attacks, and thereby to defuse the military and political conflicts they gave rise to, by forbidding all troops, including sergeants and corporals, from entering Indian villages. Only soldiers escorting the priests on sick calls were exempt from this order, and then the soldier was not to leave the missionary's side. Escort guards were strictly admonished against misconduct and were severely punished if they disobeyed.⁵¹

In the same vein, he prohibited soldiers of the mission guard from spending the night away from the mission—even if the priests demanded it. Neve emphatically repeated this same order in the instructions he left to Pedro Fages, who succeeded him as governor in September of 1782. "It is advisable," Neve further instructed Fages, "that we muzzle ourselves and not exasperate the numerous heathendom which surround us, conducting ourselves with politeness and respect. . . . It is highly useful to the service of the King and the public welfare that the heathen of these establishments do not learn to kill soldiers."⁵²

Governor Fages was equally emphatic when he issued the following order in 1785: "Observing that the officers and men of these presidios are comporting and behaving themselves in the missions with a vicious license which is very prejudicial because of the scandalous disorders which they incite among the gentle and Christian women, I command you, in order to prevent the continuation of such abuses, that you circulate a prohibitory edict imposing severe penalties upon those who commit them."⁵³

A decade later, Viceroy Branciforte followed up Neve's earlier order with his

own decree prohibiting troops from remaining overnight away from the presidios, because among other reasons this practice was "prejudicial to good discipline and Christian morals."⁵⁴ Governor Diego de Borica, who succeeded Fages in 1794, issued a similar order the following year. These edicts had little effect.

Soldiers and civilian settlers alike disregarded the civil laws against rape as well as military orders against contact with Amerindian women outside of narrowly proscribed channels. The records verify that sexual attacks continued in areas adjacent to missions, presidios, and pueblos throughout the colonial period. Amerindian women were never free from the threat of rapacious assaults.

Why, despite strenuous efforts by officials of both church and state, did the sexual attacks persist unabated? Why, despite the obviously serious political and military conflicts the assaults ignited, did they continue? In view of extensive legislation, royal decrees, and moral prohibitions against sexual and other violence, what, in the experience of the men who came here, permitted them to objectify and dehumanize Indian women to the degree that chasing and lassoing them from mounted horses and then raping them reveals?

Until recently, scholars attributed sexual violence and other concurrent social disorders in early California to the race and culture of the mixed-blood soldier-settler population recruited or banished to this frontier. Institutional historians concluded, with Bancroft, that the "original settlers, most of them half-breeds of the least energetic classes . . . , were of a worthless character."⁵⁵ Institutional studies generally concurred with Serra's view that the soldiers were recruited from the scum of the society. Serra had repeatedly beseeched Bucareli to send "sturdy, industrious Spanish families" and asked him to advise the governor of the Californias "not to use exile to these missions as punishment for the soldier whom he may detest as insolent or perverse."⁵⁶

In the last two decades, the conditions that shaped institutional development on this frontier have been reexamined. In addition, studies of the social history of the people recruited to Alta California have been undertaken. As a result, the earlier interpretations have been rejected. Scholars now conclude that the slow development of colonial institutions in California was attributable to limited resources, lack of uniform military codes, and other structural problems—and not to the racial or social-class origins of the soldier-settler population.⁵⁷

Instead, the mixed-blood recruits—who themselves derived from other frontier settlements—were admirably able to survive the harsh privations and onerous conditions. In so doing, they established lasting foundations of Spanish civilization in California and the Southwest. Although the *cuera* (leather-jacket) soldiers were indeed unruly and undisciplined, their behavior reflected a particular informality and a "peculiar attitude of both officers and men."⁵⁸ According to revisionist studies, the isolation and distance from the central government, a shared life of hardship and risk, and the fact that blood and marriage ties existed among officers and common soldiers—all contributed to this attitude of informality and independence. Oakah Jones, Jr., makes essentially the same argument for contentious

frontier settlers and extends the analysis. In his view, the racially mixed settlers responded to the often brutal conditions on the far northern and Pacific frontiers by creating a distinct frontier culture, characterized by self-reliance, individualism, regionalism, village orientation, resistance to outside control, innovativeness, family cohesiveness, and the preservation of Roman Catholicism as a unifying force.⁵⁹

But these revisionists do not address sex/gender issues. The informality of disciplinary codes does not explain the origins or the continuation of sexual violence against native women. Moreover, as the documents for Alta California clearly reveal, Spanish officials enforced colonial criminal statutes and punished sexual crimes to the extent of their authority. However, neither the highly regulatory Laws of the Indies (the extensive legislation enacted to protect the rights of Amerindians), which mandated nonexploitive relations with Amerindians, nor punishment for breaking the laws arrested the violence.⁶⁰

To begin to understand the soldier-settler violence toward native women, we must examine the stratified, patriarchal colonial society that conditioned relationships between the sexes and races in New Spain; the contemporary ideologies of sex/gender and race; and the relations and structures of conquest imposed on this frontier. While rape and other acts of sexual brutality did not represent official policy on this or any other Spanish frontier, these acts were nevertheless firmly fixed in the history and politics of expansion, war, and conquest. In the history of Western civilization writ large, rape is an act of domination, an act of power.⁶¹ As such, it is a violent political act committed through sexual aggression against women.

"The practice of raping the women of a conquered group," writes historian Gerda Lerner, "has remained a feature of war and conquest from the second millennium to the present."⁶² Under conditions of war or conquest, rape is a form of national terrorism, subjugation, and humiliation, wherein the sexual violation of women represents both the physical domination of women and the symbolic castration of the men of the conquered group. These concepts and symbolic meanings of rape, as discussed by Lerner, Susan Brownmiller, Anne Edwards, and others, are rooted in patriarchal Western society—in the ideology that devalues women in relation to men while it privatizes and reifies women as the symbolic capital (property) of men.⁶³ In this ideology, rape has historically been defined as a crime against property and thus against "territory." Therefore, in the context of war and conquest, rape has been considered a legitimate form of aggression against the opposing army—a legitimate expression of superiority that carries with it no civil penalty. In nonmilitary situations, punishment for rape and other crimes of sexual violence against women in Western civilization has, until very recently, generally been determined by the social condition or status of the women violated and by the status of the violator.⁶⁴

In eighteenth-century California, the status of Amerindian women—as members of non-Christian, indigenous groups under military conquest on Spain's

northernmost outpost of empire—made them twice subject to assault with impunity: they were the spoils of conquest, and they were Indian. In the mentality of the age, these two conditions firmly established the inferiority of the Amerindian woman and became the basis for devaluing her person beyond the devaluation based on sex that accrued to all women irrespective of their sociopolitical (race, class) status. The ferocity and longevity of the sexual assaults against the Amerindian woman are rooted in the devaluation of her person conditioned by the weaving together of the strands of the same ideological thread that demeaned her on interrelated counts: her sociopolitical status, her sex, and her gender.

From their earliest contact with Amerindian peoples, Europeans established categories of opposition, or otherness, within which they defined themselves as superior and Amerindians as inferior.⁶⁵ These categories were derived from the Aristotelian theory that some beings are inferior by nature, and therefore should be dominated by their superiors for their own welfare, and from the medieval Spanish concept of “purity of blood,” which was based on religion and which informed the sense of national unity forged during the reconquest.⁶⁶ These ideas—which were fundamentally political concepts that separated human beings into opposing, hierarchical subject-object categories—prevailed during the era of first contact with Amerindians and the early conquests of the Americas.

By the late eighteenth century, a different political concept—racial origin—defined place and social value in the stratified social order of colonial New Spain. Race was inextricably linked to social origin and had long been a symbol for significant cleavages in society; it was one primary basis for valuation—and devaluation—of human beings.⁶⁷ In the contemporary ideology and society, Amerindian women were thus devalued on the basis of their social and racial origins, which placed them at the bottom of the social scale, and as members of a conquered group.

Two aspects of the devaluation of Amerindian women are especially noteworthy. First and foremost, it is a political devaluation. That is, it is rooted in and driven by political considerations and acts: by war, conquest, and the imposition of alien sociopolitical and economic structures of one group over another. Second, the devaluation rationalized by conquest cuts across sex. At this level, women and men of the conquered group are equally devalued and objectified by the conquering group. Amerindian women and men were both regarded as inferior social beings, whose inferiority justified the original conquest and continued to make them justifiably exploitable and expendable in the eyes of the conqueror. The obverse, of course, also holds in this equation: women and men of the conquering group share the characterization and privileges of their group. In this instance, the primary opposition is defined by sociopolitical status, not sex.

Although the ideological symbols of sociopolitical devaluation changed over time—from religion to socioracial origins to social class—the changing symbols

intersected with a sex/gender ideology that has remained remarkably constant from the fifteenth to the twentieth century.⁶⁸ As the term implies, the sex/gender ideology defines two categories of opposition—sex and gender—within which women are characterized as superior or inferior in relation to others.

With respect to sex stratification, women are placed in opposition and in an inferior position to men, on the assumption that in the divine order of nature the male sex of the species is superior to the female. In this conception, the ascribed inferiority of females to males is biologically constructed.

The opposition centering on gender revolves around sexual morality and sexual conduct. This opposition creates a level of superior-inferior or good-bad stratification based on social and political value-centered concepts of women's sexuality. This dichotomization provides a very specific, socially constructed, “sexual morality” category for valuing or devaluing women.

Rooted in the corollary patriarchal concepts of woman as the possession of man and of woman's productive capacity as the most important source of her value, this ideology makes woman a pivotal element in the property structure and institutionalizes her importance to the society in the provisions of partible and bilateral inheritance. It also places woman's value, also termed her “honor,” in her sexual accessibility—in her virginity while single and, once wed, in the fidelity of her sexual services to the husband to ensure a legitimate heir.⁶⁹

Within this construct, women are placed in opposition to one another at two extremes of a social and moral spectrum defined by sexuality and accessibility. The good woman embodies all the sexual virtues or attributes essential to the maintenance of the patriarchal social structure: sexual purity, virginity, chastity, and fidelity. Historically, the norms of sexual morality and sexual conduct that patriarchal society established for women of the ruling class have been the norms against which all other women have been judged. These norms are fundamentally rooted in questions of the acquisition and transference of economic and political power, and of women's relationship to that power base.

Since the linchpins of these ideological constructs are property, legitimacy, and inheritance, a woman excluded from this property/inheritance structure for sociopolitical reasons (religion, conquest, slavery, race, class), or for reasons based on sexual immorality (any form of sexual misconduct), is consequently excluded from the corresponding concepts and structures of social legitimacy. A woman so excluded cannot produce legitimate heirs because she is not a legitimate social or sexual being.

The woman who is defined out of social legitimacy because of the abrogation of her primary value to patriarchal society, that of producing heirs, is therefore without value, without honor. She becomes the other, the bad woman, the embodiment of a corrupted, inferior, unusable sex: immoral, without virtue, loose. She is common property, sexually available to any man that comes along.

A woman (women) thus devalued may not lay claim to the rights and protec-

tions the society affords to the woman who does have sociopolitical and sexual value.⁷⁰ In colonial New Spain, as in most Western societies until the very recent period, the woman so demeaned, so objectified, could be raped, beaten, worked like a beast of burden, or otherwise abused with impunity.

The soldiers, priests, and settlers who effected the conquest and colonization of Alta California in the last third of the eighteenth century perceived and acted toward Amerindians in a manner consistent with the ideology and history of conquest—regarding them as inferior, devalued, disposable beings against whom violence was not only permissible but often necessary. For, despite the Laws of the Indies, the contradictions in the ideology and corresponding historical relations of conquest were great from the very beginning. These contradictions were generally exacerbated, rather than resolved, across time, space, and expansion to new frontiers.

From the very beginning, the papal bulls and scholarly (ideological) debates that affirmed the essential humanity of Amerindians and initiated the legislation to effect their conversion and protection sanctioned violence and exploitation under certain conditions. Loopholes in the royal statutes that were technically intended to protect Amerindians and guarantee their rights, but more specifically protected the crown's interest in Indian land and labor, had permitted virulent exploitation of Indians since the laws were first passed.⁷¹

More contemporary military and civil laws, such as those enacted by Neve, Fages, and Borica, carried severe penalties for illegal contact with or maltreatment of Indians; but these laws were especially contradictory because they were intended to curb certain kinds of violence by soldiers who were trained to kill Indians and who were sent to California to effect the temporal (military) conquest of this region.⁷² Thus, violence against Amerindians was permissible when it advanced the particular interests of the Spanish Conquest, but punishable when it did not. Since the sexual violence that occurred in this region was but the most contemporary manifestation of a national history that included the violation of enemy women as a legitimate expression of aggression during conquest, it would seem that sexual violence became a punishable offense only when it was the source of military or political problems.⁷³

Finally, perhaps the greatest contradictions were those of the greatest champion of Amerindian rights—the Catholic church. On the one hand, Catholic clergy sought to remove Amerindians from contact with Spaniards, in order to protect them from the exploitation and violence of conquistadores, soldiers, and colonists; on the other hand, Jesuits, Franciscans, and other religious orders relied heavily on corporal punishment in their programs to Christianize and Hispanicize native people. While proclaiming the humanity of Amerindians, missionaries on the frontier daily acted upon a fundamental belief in the inferiority of the Indian. Their actions belied their words.

Accordingly, in his lengthy memorial of June 19, 1801, refuting the charges of excessive cruelty to Amerindians leveled against the Franciscans by one of their

own, Father President Fermín Francisco de Lasuén disputed the use of extreme cruelty in the missions of the New California. Force was used only when absolutely necessary, stated Lasuén; and it was at times necessary because the native peoples of California were “untamed savages . . . people of vicious and ferocious habits who know no law but force, no superior but their own free will, and no reason but their own caprice.”⁷⁴ Of the use of force against neophyte women, Lasuén wrote that women in the mission were flogged, placed in the stocks, or shackled only because they deserved it. But, he quickly added, their right to privacy was always respected—they were flogged inside the women's dormitory, called the *monjero* (nunnery). Flogging the women in private, he further argued, was part of the civilizing process because it “instilled into them the modesty, delicacy, and virtue belonging to their sex.”⁷⁵

A key element in the missionaries' program of conversion to Christianity included the restructuring of relations between the sexes to reflect gender stratification and the corollary values and structures of the patriarchal family: subservience of women to men, monogamy, marriage without divorce, and a severely repressive code of sexual norms.

In view of the fact that the ideologies, structures, and institutions of conquest imposed here were rooted in two and a half centuries of colonial rule, the sexual and other violence toward Amerindian women in California can best be understood as ideologically justified violence institutionalized in the structures and relations of conquest initiated in the fifteenth century.⁷⁶ In California as elsewhere, sexual violence functioned as an institutionalized mechanism for ensuring subordination and compliance. It was one instrument of sociopolitical terrorism and control—first of women and then of the group under conquest.

NOTES

1. Fray Junipero Serra to Antonio María de Bucareli y Ursua, Mexico City, May 21, 1773, in *Writings of Junipero Serra*, ed. Antonine Tibesar, O.F.M., 4 vols. (Washington, D.C.: Academy of Franciscan History, 1955), 1:363.
2. Serra to Father Rafael Verger, Monterey, August 8, 1772, in *Writings*, 1:257.
3. Serra to Bucareli, Mexico City, May 21, 1773, in *Writings*, 1:361.
4. George Harwood Phillips, *Chiefs and Challengers: Indian Resistance and Cooperation in Southern California* (Berkeley: University of California Press, 1975), p. 22.
5. Serra to Bucareli, Mexico City, May 21, 1773, in *Writings*, 1:363.
6. Serra to Father Guardian [Francisco Pangua], Monterey, July 19, 1774, in *Writings*, 2:121.
7. Serra to Verger, Monterey, August 8, 1772, in *Writings*, 1:259, 261.
8. Serra to Father Francisco Pangua or his Successor, Monterey, June 6, 1777, in *Writings*, 3:159.
9. José Francisco Ortega, Diligencias Practicadas por Sargento Francisco de Aguiar, 1777, Julio 11, San Diego, *Archives of California*, 55:279, Bancroft Library, University of California, Berkeley.

10. Sherburne F. Cook, *Conflict between the California Indian and White Civilization* (Berkeley: University of California Press, 1976), p. 24. (Originally published 1943.)
11. Serra to Father Juan Figuer, Monterey, March 30, 1779, in *Writings*, 3:305.
12. Robert F. Heizer and Albert B. Elsasser, *The Natural World of the California Indians* (Berkeley: University of California Press, 1980), p. 25.
13. Hugo Reid, "Letters on the Los Angeles County Indians," in Susana Dakin, *A Scotch Paisano: Hugo Reid's Life in California, 1832-1852* (Berkeley: University of California Press, 1939), Appendix B, pp. 215-216, 240; Heizer and Elsasser, *Natural World of the California Indians*, pp. 52-53.
14. Reid, "Letters on the Los Angeles County Indians," p. 262.
15. *Ibid.*; see also Herbert Howe Bancroft, *History of California*, 7 vols. (San Francisco: A. L. Bancroft, 1984-1985), 1:180 and n. 29 (same page).
16. Herbert Eugene Bolton, trans. and ed., *Font's Complete Diary: A Chronicle of the Founding of San Francisco* (Berkeley: University of California Press, 1931), p. 256.
17. *Ibid.*, p. 247.
18. *Ibid.*
19. *Ibid.*, pp. 251-252.
20. Charles E. Chapman, *A History of California: The Spanish Period* (New York: Macmillan, 1930), pp. 246-247.
21. Cook, *Conflict*, p. 24.
22. *Ibid.*, pp. 25-30, 101-134.
23. Edwin A. Beilharz, *Felipe de Neve: First Governor of California* (San Francisco: California Historical Society, 1971), pp. 72-73.
24. This argument is based on my analysis of the documents.
25. Reverend Heribert Jone, *Moral Theology, Englished and Adapted to the Laws and Customs of the United States of America by Reverend Urban Adelman* (Westminster, Md.: Newman Press, 1960), pp. 145-161.
26. The conflict between church and state in California, which Irving Richman calls the conflict between State Secular and State Sacerdotal, is extensively discussed in general histories of Spanish California. See Bancroft, *History of California*, vol. 1; Irving Berdine Richman, *California under Spain and Mexico, 1535-1847* (Boston: Houghton Mifflin, 1911), pp. 142-158.
27. Serra to Father Fermín Francisco de Lasuén, Monterey, January 8, 1781, in *Writings*, 4:63; Beilharz, *Felipe de Neve*, p. 77; Richman, *California under Spain and Mexico*, pp. 116-337.
28. Serra to Bucareli, Mexico City, March 13, 1773, in *Writings*, 1:295-329; see also Bernard E. Bobb, *The Viceroyalty of Antonio María Bucareli in New Spain, 1771-1779* (Austin: University of Texas Press, 1962), p. 163.
29. Serra to Bucareli, Mexico City, March 13, 1773, in *Writings*, 1:299, 301, 305, 307; Serra to Teodoro de Croix, Santa Barbara, April 28, 1782, in *Writings*, 4:129.
30. Magnus Morner (*Race Mixture in the History of Latin America* [Boston: Little, Brown, 1967], pp. 35-37) discusses interracial marriage in the early colonial period as part of the early social experiments of the sixteenth century. I discuss the promotion of intermarriage more specifically as an instrument of conquest in chapter 5 of "Presidarias y Pobladoras: Spanish-Mexican Women in Frontier Monterey, California, 1770-1821," Ph.D. diss., Stanford University, 1990.
31. Serra to Bucareli, Mexico City, March 13, 1773, in *Writings*, 1:325.

32. *Ibid.*
33. Serra to Bucareli, Monterey, August 24, 1775, in *Writings*, 2:149, 151, 153.
34. This is my interpretation of the documents.
35. Serra to Bucareli, Mexico City, April 22, 1773, in *Writings*, 1:341.
36. Bancroft, *History of California*, 1:206-219; Bobb, *Viceroyalty of Bucareli*, pp. 162-163; Chapman, *History of California: The Spanish Period*, pp. 289-291.
37. As quoted in Beilharz, *Felipe de Neve*, p. 77.
38. Serra to Lasuén, Monterey, January 8, 1781, in *Writings*, 4:63.
39. Bancroft, *History of California*, 1:546-549; Phillips, *Chiefs and Challengers*, p. 23.
40. Fages al Comandante General, 7 de noviembre de 1785, Monterey; 30 de diciembre de 1785, San Gabriel; 5 de enero de 1786, San Gabriel—all in *Archives of California*, 22:348-349. For the interrogation of Toypurina and her coleaders of the rebellion at Mission San Gabriel, see Diligencias que del orden del Gobernador practicó el Sargento Joseph Francisco Olivera . . . , *Archivos general de la nación: Provincias Internas*, vol. 120, microfilm, Bancroft Library, University of California, Berkeley. For a popular account of Toypurina's leadership role in the rebellion, see Thomas Workman Temple II, "Toypurina the Witch and the Indian Uprising at San Gabriel," *Masterkey* 32 (September-October 1958): 136-152. For a discussion of Amerindian rebellions in California, see Bancroft, *History of California*, 1:249-256; Cook, *Conflict*, pp. 65-90; Phillips, *Chiefs and Challengers*.
41. As quoted in Beilharz, *Felipe de Neve*, p. 83.
42. Bobb, *Viceroyalty of Bucareli*; Alfred Barnaby Thomas, *Teodoro de Croix and the Northern Frontier of New Spain, 1776-1783* (Norman: University of Oklahoma Press, 1941).
43. Thomas, *Teodoro de Croix*, pp. 16-57, 230-246; Max L. Moorhead, *The Presidio: Bastion of the Spanish Borderlands* (Norman: University of Oklahoma Press, 1975), pp. 27-160; Sidney B. Brinckerhoff and Odie B. Faulk, *Lancers for the King: A Study of the Frontier Military System of Northern New Spain, with a Translation of the Royal Regulations of 1772* (Phoenix: Arizona Historical Foundation, 1965), p. 7.
44. Representación de Don Pedro Fages sobre el estupro violento que cometerían los tres soldados que espresa, ano de 1774, Californias, *Archivos general de la nación: Californias*, vol. 2, Part 1, microfilm. The five-year chronology of this case is from Beilharz, *Felipe de Neve*, pp. 27-30.
45. Beilharz, *Felipe de Neve*, p. 29.
46. Bobb, *Viceroyalty of Bucareli*, pp. 128-171; Thomas, *Teodoro de Croix*, pp. 17-57, 230-246; Beilharz, *Felipe de Neve*, p. 29.
47. Beilharz, *Felipe de Neve*, pp. 29-30.
48. *Ibid.*
49. Ortega, Diligencias, 1777, Julio 11, San Diego, *Archives of California*, 55:258-279; Cook, *Conflict*, pp. 106-107.
50. Beilharz, *Felipe de Neve*, pp. 67-84, 160-162.
51. Pedro Fages to Diego Gonzales, Monterey, July 1, 1785, *Archives of California*, 54:175; Cook, *Conflict*, p. 106.
52. As quoted in Beilharz, *Felipe de Neve*, p. 73; see also Neve's instructions to Fages, his successor, in *Appendices*, same source, pp. 161-162.
53. Fages to Gonzales, July 1, 1785, *Archives of California*, 54:175.
54. Branciforte al Gobernador de California, "Sobre escoltas a los religiosos . . . ," 5

de octubre de 1795, México, *Archives of California*, 7:256; Gobernador a Comandantes de Presidios, "Excesos de la tropa con las indias, su corrección . . .," 11 de abril de 1796, Monterey, *Archives of California*, 23:421-422.

55. Bancroft, *History of California*, 1:601.

56. Serra to Bucareli, Mexico City, June 11, 1773; Serra to Pangua, Monterey, June 6, 1777, in *Writings*, 1:383, 3:159.

57. Oakah L. Jones, Jr., *Los Paisanos: Spanish Settlers on the Northern Frontier of New Spain* (Norman: University of Oklahoma Press, 1979); Brinckerhoff and Faulk, *Lancers for the King*; Max L. Moorhead, "The Soldado de Cuera: Stalwart of the Spanish Borderlands," and Leon G. Campbell, "The First Californios: Presidial Society in Spanish California, 1760-1822," in *The Spanish Borderlands: A First Reader*, ed. Oakah L. Jones, Jr. (Los Angeles: Lorrin L. Morrison, 1974), pp. 87-105 and 106-118, respectively. Moorhead's essay was originally published in the *Journal of the West* in January 1969, and Campbell's first appeared in the *Journal of the West* in October 1972.

58. Moorhead, "The Soldado de Cuera," p. 91.

59. Jones, *Los Paisanos*, pp. 252-253.

60. Juan de Solórzano y Pereyra, *Política indiana*, 5 vols. (Buenos Aires: Compañía Ibero-Americana de Publicaciones, 1972); José María Ots y Capdequi, *Instituciones* (Barcelona: Salvat Editores, S.A., 1959), and *Historia del derecho español en América y del derecho indiano* (Madrid: Ediciones S.A. de Aguilar, 1967).

61. The discussion about rape and other forms of sexual violence against women is based on the following sources: Gerda Lerner, *The Creation of Patriarchy* (New York: Oxford University Press, 1986); Susan Brownmiller, *Against Our Will: Men, Women and Rape* (New York: Bantam Books, 1976); Christine Ward Gailey, "Evolutionary Perspectives on Gender Hierarchy," in *Analyzing Gender: A Handbook of Social Science Research*, ed. Beth B. Hess and Myra Marx Ferree (Newbury Park, Calif.: Sage, 1987), pp. 32-67; Carole J. Sheffield, "Sexual Terrorism: The Social Control of Women," in *Analyzing Gender*, pp. 171-189; Jalna Hanmer and Mary Maynard, "Introduction: Violence and Gender Stratification," in *Women, Violence and Social Control*, ed. Jalna Hanmer and Mary Maynard (Atlantic Highlands, N.J.: Humanities Press International, 1987), pp. 1-12; Anne Edwards, "Male Violence in Feminist Theory: An Analysis of the Changing Conceptions of Sex/Gender Violence and Male Dominance," and David H. J. Morgan, "Masculinity and Violence," in *Women, Violence and Social Control*, pp. 13-29 and 180-192, respectively.

62. Lerner, *Patriarchy*, p. 80.

63. Lerner, *Patriarchy*, p. 80; Brownmiller, *Against Our Will*, pp. 23-24; Edwards, "Male Violence in Feminist Theory," p. 19; Ramón Arturo Gutiérrez, "Marriage, Sex, and the Family: Social Change in Colonial New Mexico, 1690-1846," Ph.D. diss., University of Wisconsin-Madison, 1980, p. 15.

64. Lerner, *Patriarchy*, p. 96; Brownmiller, *Against Our Will*, pp. 18-20; Sheffield, "Sexual Terrorism," pp. 173-174.

65. Tzvetan Todorov, *The Conquest of America: The Question of the Other*, trans. Richard Howard (New York: Harper and Row, 1982).

66. Lewis Hanke, *The Spanish Struggle for Justice in the Conquest of America* (Philadelphia: University of Pennsylvania Press, 1949), pp. 111-132; Verena Martínez-Alier, *Marriage, Class, and Color in Nineteenth-Century Cuba: A Study of Racial Attitudes and Sexual Values in a Slave Society* (Cambridge, England: Cambridge University Press, 1974), p. 76; Morner, *Race*

Mixture, pp. 3-5, 36; Health Dillard, "Women in Reconquest Castile: The Fueros of Sepulveda and Cuenca," in *Women in Medieval Society*, ed. Susan Mosher Stuard (Philadelphia: University of Pennsylvania Press, 1976), p. 86.

67. Martínez-Alier, *Marriage, Class, and Color in Nineteenth-Century Cuba*, p. 76.

68. Edwards, "Male Violence in Feminist Theory," p. 28, n. 4. Although some feminist scholars prefer not to make an analytical distinction between sex (biological) and gender (sociocultural) categories, I believe that the distinction is important because of the distinct oppositions within which each category places women. The biological distinction of sex places women in opposition and in a subordinate position relative to men; the sociocultural distinction of gender places women in opposition and in an inferior position to other women. This sociocultural distinction is based on concepts of sexual morality and conduct that are informed by political and economic values. With few exceptions, however, the sociocultural construction of gender has not accounted for the political and economic dimensions that historically related (if not defined) a woman's sexual morality and gender value to her sociopolitical (religion, race, class) status—and vice versa.

69. Lerner, *Patriarchy*, pp. 80-88; Sylvia Marina Arrom, *The Women of Mexico City, 1790-1850* (Stanford, Calif.: Stanford University Press, 1985), p. 71; Health Dillard, *Daughters of the Reconquest: Women in Castilian Town Society, 1100-1300* (Cambridge, England: Cambridge University Press, 1984), pp. 12-35, see especially pp. 30-32, and "Women in Reconquest Castile," pp. 86, 91.

70. For a discussion of the concept of women's honor and dishonor drawn from codes of sexual conduct and used as a basis for devaluation of women in medieval Spain, see Dillard, *Daughters of the Reconquest*, pp. 168-212; for a discussion of the concept of family honor and the political issues inherent in the devaluation of women on the basis of class and race, see Martínez-Alier, *Marriage, Class, and Color in Nineteenth-Century Cuba*, pp. 11-41, 71-81; for a discussion of these issues in the northern frontier of colonial New Spain, see Ramón A. Gutiérrez, "From Honor to Love: Transformations of the Meaning of Sexuality in Colonial New Mexico," in *Kinship Ideology and Practice in Latin America*, ed. Raymond T. Smith (Chapel Hill: University of North Carolina Press, 1984), pp. 237-263; see also Gutiérrez, "Marriage, Sex, and the Family."

71. Hanke, *The Spanish Struggle for Justice*, pp. 133-146.

72. Moorhead, "The Soldado de Cuera," p. 102.

73. For discussions of sexual violence in the national history of Spain, first during the reconquest and then during the conquest of Mexico, see Dillard, *Daughters of the Reconquest*, pp. 206-207, and "Women in Reconquest Castile," pp. 85-89; Todorov, *Conquest of America*, pp. 48-49, 59, 139, 175.

74. Refutation of Charges, Mission of San Carlos of Monterey, June 19, 1801, in *Writings of Fermín Francisco de Lasuén*, 2 vols., trans. and ed. Finbar Kenneally, O.F.M. (Washington, D.C.: Academy of American Franciscan History, 1965), 2:194-234; quotes are from 2:220.

75. *Ibid.*, 2:217.

76. Sheffield, "Sexual Terrorism," pp. 171-189.