

“THE PURITY OF MY BLOOD
CANNOT PUT FOOD ON MY TABLE”:
CHANGING ATTITUDES TOWARDS INTERRACIAL
MARRIAGE IN NINETEENTH-CENTURY
BUENOS AIRES*¹

Lorenzo Barbosa had a big problem with his daughter Josefa. In June 1821, in Buenos Aires, young Josefa Barbosa was in love with Pascual Cruz. What bothered Lorenzo was that Pascual was a mulatto, while the Barbosa family was white. When the couple asked his permission to marry, Lorenzo vehemently opposed the union and withheld his consent. He was acting within his rights, since minor children (men and women younger than 25 and 23 respectively) were required by law to obtain parental permission to marry. To bolster his case, Lorenzo invoked the power of a colonial law issued in 1778, known as the Royal Pragmatic on marriage, which gave parents the right to block their children’s marriages to “unequal partners.”² Even though Buenos Aires had broken away from Spain in 1810, most colonial laws regarding family life, including the pragmatic, continued in force into the national period. But just as in colonial times, children retained the right to challenge parental opposition in court. If they chose to do so, the resulting case was known as a *disenso*.

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1. The title comes from a statement made in 1832 by María Rodríguez in a civil suit against her father who had refused to give her permission to marry because her suitor was of African descent. More of her story appears below. Archivo Histórico de la Provincia de Buenos Aires, “Ricardo Levene” (hereafter cited as AHPBA) 7.5.17.54. María Rodríguez y Andrés Lorea, 1832.

2. The crown first issued the pragmatic in Spain in 1776 and extended it to the New World in 1778. An additional pragmatic on marriage, issued in 1803, provided a sliding age scale for orphans and others. For a look at the pragmatics, see Richard Konezke, *Colección de documentos para la historia de la formación social de Hispanoamérica* (Madrid: Consejo Superior de investigaciones científicas, 1962), vol. 3, pp. 406-413, 794-796.

And that is exactly what Josefa and Pascual decided to do. During the course of a *disenso* case, a civil judge would listen to the parents' and the couple's arguments, then make a decision in favor of one or the other. As the case proceeded, Pascual wrote a letter to the court claiming that Lorenzo's argument of racial inequality was "irrational" (the term used for unfounded parental opposition) and should be dismissed by the judge. Later, three witnesses appeared before the judge. After swearing to tell the truth, each witness stated that Pascual's father was a mulatto and that his mother was a Spaniard, thus confirming Lorenzo's assertion that the young suitor was of African descent. The judge, however, was also very interested in hearing about Pascual's character and behavior, and the witnesses praised Pascual on all of these counts. Next, the judge asked Josefa how she felt about the matter. She was eager to wed. The judge then overruled Lorenzo's opposition and granted the couple permission to marry.³

Lorenzo's prejudice was not uncommon in Buenos Aires in the late eighteenth and early nineteenth centuries. The idea of *limpieza de sangre*—purity of blood—had a long history in Buenos Aires and Hispanic America in general, and was especially prevalent in the middle and upper classes. In *disenso* cases from the late colonial period, racial inequality was the most frequent reason used by parents to oppose their children's marriages, and the parental success rate in these cases reached 50 percent.⁴

Colonial attitudes about interracial marriage, however, did not continue unabated after the May Revolution of 1810. A comparison of *disenso* cases like Pascual and Josefa's from the late colonial and early national periods reveals that, after independence in 1810, interracial couples had a *greater measure* of freedom to marry than did their late-colonial counterparts.⁵ While

3. AHPBA 7.5.17.18. Pascual Cruz y Josefa Barbosa. 1821.

4. Between 1779 and 1810, for example, 16 out of 51 *disenso* cases, or 32 percent, were based on racial "inequality." In 50 percent of the cases based on race, judges ruled in favor of the dissenting parents. See the appendix in Nelly Porro's "Los juicios de *disenso* en el Río de la Plata. Nuevos aportes sobre la aplicación de la Pragmática de hijos de familia," in *Separata del Anuario Histórico Jurídico Ecuatoriano*, vol. V. (Quito, Ecuador: Corporación de estudios y publicaciones, 1980). While the pragmatic was discriminatory, the colonial regimes did make limited efforts at social reform in race-related matters. New laws during the late-Bourbon period, for example, allowed free *pardos* to advance within the military. However, as David Bushnell points out, these measures "merely riddled the colonial Jim Crow laws with a few more exceptions" and should not be compared with "the virtual scrapping of those laws by the new governments" after 1810. See David Bushnell's *Reform and Reaction in the Platine Provinces* (Gainesville: University of Florida Press, 1983), p. 2.

5. While excellent scholars have examined these sources, many of the in-depth studies focus on the colonial and late colonial period. Nelly Porro and Susan Socolow have both looked at the *disensos* of the colonial period, but their studies have not extended into the national period. See Nelly Porro, "Los juicios de *disenso* en el Río de la Plata;" and Susan M. Socolow, "Acceptable Partners: Marriage Choice in Colonial Argentina, 1778-1810," in Asunción Lavrin, ed., *Sexuality and Marriage in Colonial Latin*

parents won in 50 percent of the cases in the late eighteenth century, their success rate dropped to 20 percent after independence when they used the race argument. In the early to mid nineteenth century, economic factors replaced race as the main concern for parents, while the state also placed a high premium on economic stability in determining the suitability of a marriage partner. This is not to say that racial discrimination disappeared in this or other areas of social relations. Many Argentine leaders and intellectuals shared the racist goal of “whitening” the country.⁶ Parents could still win a *disenso* case based on racial inequality well into the nineteenth century, though such victories were less prevalent. An examination of *disensos* sheds light on the social impact of independence in Argentina and how different post-independence governments handled family conflicts. In addition, these cases provide welcome source material to examine the role of Afro-Argentines in Buenos Aires, and how nineteenth-century Argentine leaders struggled to build a nation from a socially and racially heterogeneous population.⁷

A WORD ON SOURCES

Disenso cases are a rich source, though not without limitations. Parents used various arguments to justify their opposition. Racial inequality could be accompanied by other complaints about a prospective bride’s or groom’s behavior or social status. Sometimes the main argument was obvious, while other times multiple arguments held considerable weight. And in the end, the judge overseeing the case only rarely provided a full explanation for his judg-

America (Lincoln: University of Nebraska Press, 1989). For work on similar cases in colonial Mexico, see Patricia Seed, *To Love, Honor, and Obey in Colonial Mexico: Conflicts over Marriage Choice, 1574-1821* (Stanford: Stanford University Press, 1988). Two notable exceptions include Mark D. Szuchman’s, “A Challenge to the Patriarchs: Love Among the Youth in Nineteenth-Century Argentina,” in Mark D. Szuchman, ed., *The Middle Period in Latin America: Values and Attitudes in the 17th-19th Centuries* (Boulder: Lynne Rienner Publishers, 1989), and Carlos Mayo’s *Un loco amor. Romances juveniles perseguidos (para una historia del amor en la sociedad rioplatense) (1770-1830) Investigaciones y Ensayos* 49 (1999). Ricardo Cicerchia has also used civil and criminal cases to examine the continuities in the family between the late colonial and national periods. See Hector Ricardo Cicerchia’s, “*La vida maridable: Ordinary Families in Buenos Aires, Argentina, 1778-1850*” (Ph.D. diss., Columbia University, 1995); “Vida Familiar y prácticas conyugales. Clases populares en una ciudad colonial, Buenos Aires, 1800-1810” *Boletín del Instituto de Historia Argentina y Americana “Dr. E. Ravignani* serie 3, semestre 1 (1990); “Familia: la historia de una idea. Los desordenes domésticos de la plebe urbana porteña, Buenos Aires, 1776-1850,” in *Vivir en familia*, ed. Catalina Wainerman (Buenos Aires: Editorial Losada, 1994).

6. For the persistence of racist views, as seen in the thought of future Argentine president Domingo F. Sarmiento, see Elizabeth Garrel’s “Sobre Indios, Afroamericanos, y los racismos de Sarmiento” *Revista Iberoamericana* vol. LXIII, nums. 178-179 (January-June 1997).

7. For more on Afro-Argentines, see Marta B. Goldberg, “La población negra y mulata de la ciudad de Buenos Aires, 1810-1840,” *Desarrollo Económico* 16:61 (April-June 1976), and George Reid Andrews, *The Afro-Argentines of Buenos Aires* (Madison: University of Wisconsin Press, 1980).

ment, leaving one to wonder what factors swayed his decision. An additional issue is how representative these cases are, since most couples did not take their parents to court in order to marry their mate of choice. Questions can also be raised about who is "speaking" in these cases. Do the cases really express the views of the parents and children, or do they portray the lawyers' ideas?

Despite shortcomings in the sources, they are still very useful to the historian because they provide valuable information from diverse groups on societal attitudes regarding marriage, family, and society, including attitudes about race and interracial marriage. This article looks at all instances in which race was used to oppose a marriage, which amounts to 57 cases—16 from the late colonial period and 41 from the national period. While this is not an overwhelming number of cases, when combined with other material from the political record they do represent a substantial source base for looking at the history of Afro-Argentines in Buenos Aires, an area chronically lacking in sources. As for how representative these experiences are, struggles between parents and children over love have always existed, and many couples undoubtedly went through similar conflicts without going to court. These "out of court" settlements most likely contained ideas and arguments similar to those taken before the tribunals. One cannot assume, just because a couple never went to court, that parents must have prevailed in these intra-familial disputes. Children had their own strategies of getting their way when it came to love. For example, one mother lamented to a judge that although she disapproved of her daughter's suitor, the young couple had run off together. Fearing that her daughter's honor was already compromised, the mother decided not to pursue her opposition, since allowing the couple to marry was the only way to restore the family's honor.⁸ Regarding the issue of who is speaking in the cases, *disensos* frequently contain personal letters from the various litigants. While they also contain transcriptions of verbal testimony, at other times it is clear that lawyers gave legal form and structure to the ideas behind the conflicts and arguments. The "voices" in the cases, then, are a type of hybrid, but a very useful one, because parents, children, and their representatives presumably presented the best cases they could, employing principles and concepts that were acceptable to certain groups in porteño society. Acting for the state, the judges played the role of mediators and arbiters in these conflicts and added their voices through their rulings. Hence, while not without limitations, when used in conjunction with other sources, *disensos* reflect continuities and changes in societal attitudes and the power of patriarchy in marriage choice, and the struggle of children to marry the mates of their choice despite socio-racial inequalities.

8. AHPBA 7.5.14.29. Bárbara Benavente con Felipe Butes, 1827.

THE RACIAL QUESTION IN LATE-COLONIAL AND INDEPENDENCE-ERA
BUENOS AIRES

Buenos Aires was unique when compared to the other great metropolises of the Spanish empire in that its population, at least according to the censuses, was mainly divided into whites, blacks, and mixtures of the two. Marta Goldberg has estimated that the population in Buenos Aires in 1810 consisted of 70 percent whites, 30 percent blacks and mulattos, and about .5 percent Indians and mestizos.⁹ In the late colonial period, to prevent what it perceived as a threat to the social order, the Spanish crown issued the Royal Pragmatic on marriage in 1778, which strengthened parental control over the marriage of children if the latter chose an “unequal” partner. While the pragmatic did not specifically define “inequality,” racial difference was perhaps the major concern for the crown as well as for parents, along with other types of social and economic inequalities.¹⁰ The new law bolstered prejudice against blacks, mulattos, and the poorer classes. As Susan Socolow has noted, the pragmatic resonated with many local concerns and “legitimized already existing prejudices and biases.”¹¹

With independence, liberal ideas of the Enlightenment inspired political and social platforms laden with the ideals of natural rights and equality. José Carlos Chiamonte has pointed out how Enlightenment thought, both from Spain and the rest of Europe, had been present in Buenos Aires since the late eighteenth century. One future revolutionary leader, Manuel Belgrano, wrote of his reaction as he observed the French Revolution during an extended stay in Spain. “The ideas of liberty, equality, security, and property consumed me,” he declared, and he saw that only tyrants opposed giving mankind “the rights that God and nature have given them.”¹² Belgrano returned to Buenos Aires, where he helped foment the break from Spain in May of 1810. The increase in newspaper activity after the May Revolution provided fertile ground for Belgrano and others to spread such ideas. For example, Bernardo de Monteagudo in 1812 urged his readers to shed all ves-

9. As cited in Goldberg, “La población negra y mulata,” p. 79.

10. The difference between Indians and blacks is also evident in the regulations on marriage. Although the pragmatic is not clear on this point, it appears that the “inequality” in the decree meant specifically African blood. The presence of Indian blood, however, did not justify opposition to a marriage. Juan Tomás Touvé of Paraguay, for example, claimed that his fiancé’s father, Anastasio Sosa, opposed his daughter’s marriage to Juan “without other reasons except that I am of Indian origin.” Even “supposing that I was really an Indian, this is not an impediment, nor a rational opposition.” The court agreed with his line of reasoning and approved his marriage. AHPBA 7.5.14.42. Juan Tomás Touvé con María Isabel Sosa. 1826.

11. Socolow, “Acceptable Partners,” p. 236.

12. José Carlos Chiamonte, *Ciudades, provincias, Estados: Orígenes de la Nación Argentina (1800-1846)* (Buenos Aires: Ariel Historia, 1997), p. 38.

tiges of colonial oppression that had bound them: "Only the holy dogma of equality can protect mankind from the distinctions, many times damaging, that nature, fortune, or anti-social traditions have placed among them. . . . Oh liberty, when will I see your throne rise above the ruins of tyranny?"¹³

These ideas did not remain confined to the symbolic sphere as the governing juntas enacted progressive reforms dealing with socio-racial relations. In 1812, a government decree officially abolished the slave trade (although this ban was subverted). The 1813 Law of Free Birth assured that the children of slaves would be born free, thus sounding the eventual death knell of slavery. Manumission also became easier and more common.¹⁴ One of the most liberal reforms was the 1821 law that declared universal male suffrage, which significantly increased voting rights in Buenos Aires and other cities, much to the chagrin of conservative critics.¹⁵ In the military, black officers were recognized as equal to white officers, and in general the military provided a mechanism for social mobility for Afro-Argentines, who flocked to the army as way to achieve freedom from slavery or to boost their social position.¹⁶ As Lyman Johnson has also pointed out, soldiers' wages during the wars of independence and the civil wars that followed served to redistribute the wealth to a greater degree in Buenos Aires, a process that benefited the many Afro-Argentine servicemen.¹⁷ In the 1830s and 1840s, during his reign as governor of Buenos Aires province, Juan Manuel de Rosas made special efforts to recruit the support of Afro-Argentines. His wife maintained contact with leaders of different Afro-Argentine groups, and his daughter Manuelita was even known to participate in Afro-Argentine dances. The organ of the Rosas government, *La Gaceta Mercantil*, defended Afro-Argentines as "valiant defenders of liberty who have won fame and glory in a hundred battles," adding that "General Rosas so appreciates the mulattos and morenos that he has no objection to seating them at his table and eating with them."¹⁸

13. Bernardo de Monteagudo, "Observaciones didácticas," as found in Chiaramonte, *Ciudades, provincias, Estados*, pp. 362, 366.

14. Bushnell, *Reform and Reaction*, pp. 8-14. Nevertheless, the slave trade continued under different guises until much later, at least until 1840. See Miguel Angel Rosal, "Negros y pardos en Buenos Aires, 1811-1860" *Anuario de Estudios Americanos* LI:1 (1994).

15. Chiaramonte, *Ciudades, provincias, Estados*, p. 186.

16. See George Reid Andrews, "The Afro-Argentine Officers of Buenos Aires Province, 1800-1860" *Journal of Negro History* 61:2 (Spring 1979).

17. Lyman L. Johnson, "The Frontier as an Arena of Social and Economic Change: Wealth Distribution in Nineteenth-Century Buenos Aires Province," in Donna J. Guy and Thomas E. Sheridan, eds., *Contested Ground: Comparative Frontiers on the Northern and Southern Edges of the Spanish Empire* (Tucson: University of Arizona Press, 1998), p. 181.

18. These activities caused no small stir among the Unitarian exiles, who now had even more evidence to show that Rosas was a barbarian and a tyrant. See Andrews, *The Afro-Argentines of Buenos Aires*, p. 97.

While this embracing of the darker segments of the population surely had practical political motivations, the trend toward greater freedom for interracial couples to marry that grew with independence (to be discussed further below) continued during the Rosas regime.

In other respects, however, traditional racism provided continuity with the colonial past. Exiled Unitarians were quick to criticize Rosas' courtship of blacks and other lower classes. For Esteban Echeverría, one of the main mouthpieces of the group of exiled intellectuals known as the Generation of '37, the Afro-Argentine support of Rosas was a sign of the dictator's inferiority. In his short story *El Matadero*, for example, Echeverría paints unfavorable images of *negras* and *mulatas*, awash in a sea of mud and blood as they fight over the innards of animals at the slaughterhouse, all of which characterized the barbaric and bloody nature of the Rosista government and its popularity among the masses.¹⁹ Discrimination persisted in other areas of society as well. For example, the military reforms that integrated Indian and white militias did so by removing the Indians from mixed regiments and putting them together with whites, thus keeping the Afro-Argentines segregated.²⁰ While it is not surprising that racial prejudices continued, the independence era nevertheless produced an increasingly powerful anti-slavery agenda, and Afro-Argentines benefited from increased freedom and economic status as they had more opportunity to serve in the army and militias and rise within their ranks.

The *disenso* cases also reflect continuity and change in racial attitudes and marriage. After independence, parents continued to use the royal pragmatic on marriage issued in the colonial period to rationalize race-based oppositions, as seen in the following two stories. In 1828, José Calleja hoped to marry Marina García. However, her parents opposed the union because José had African ancestry. In a letter to the court, Marina's father wanted to be sure that the witnesses testified that José was the son of Juliana Bennett, a *parda* and former slave. Before things proceeded much further, José decided not to pursue his relationship with Marina. According to José, his decision came after "wise persons" had convinced him that "duty" required that he desist in his attempt to marry Marina.²¹ For José, although some legal and social reforms may have given him and his fellow compatriots of mixed racial backgrounds new social status, his cultural "duty" was still mired, at least in this case, in traditional ideas of race relations.

19. See Esteban Echeverría, *La cautiva, El matadero, Ojeada retrospectiva* (Buenos Aires: Centro Editor de América Latina, 1979), pp. 77-78.

20. Bushnell, *Reform and Reaction*, p. 14.

21. AHPBA 7.5.14.7. José María del Corazón de Jesús Calleja con Pablo García, 1828.

The story of Juan Lamas and Justa Arnold reveals more about societal attitude toward race and class in marriage conflicts. The setting for this story is the town of San Miguel del Monte in the early 1830s. Located to the southeast of Buenos Aires amidst the vastness of the pampa, Monte, as it was called, was also the birthplace and stronghold of Governor Juan Manuel de Rosas. During the year 1833, Juan Lamas was working, probably as a ranch hand, for the son of Magdalena Arnold. As a result of his employment, Lamas spent a lot of time at the Arnold home. Over time, Juan developed an intimate relationship with Justa Arnold, Magdalena’s daughter. In Juan’s words, their relationship started out proper enough, but “eventually degenerated into carnal relations.” Justa ended up pregnant. The couple hoped to marry, not only to symbolize their love, but also to legitimize their union and its pending offspring. But Justa’s mother, Magdalena, vehemently opposed the marriage because her family was white and Juan was a mulatto. With Justa’s due date drawing near, and without hope of dissuading Magdalena from her intransigence, Juan and Justa decided to take desperate measures. On the night of July 24, 1833, under the cover of cold and damp darkness, Juan saddled his horse, and the two rode out of town. Over the horizon, they hoped, awaited a better life—a life together. But even as the horizon of the vast Argentine pampa seems endless and unreachable, so it was for the young couple’s hopes when authorities in the next town detained them and sent Justa back to Monte.²²

Failing in their escape, Lamas pinned his hopes on the more mundane legal process. In court, he tried to focus on the welfare of his lover and unborn child, whose futures were now in jeopardy. According to Juan, Magdalena had prohibited her daughter from ever seeing him again. As soon as the baby was born, she planned to send it immediately to the *casa de niños expósitos*, a house for abandoned children. Juan and others probably understood that sending the child to the *casa* would be a virtual death sentence. Child mortality rates in nineteenth-century Buenos Aires orphanages, where many abandoned children ended up, usually hovered around 50 percent and rose as high as 70 percent during some years.²³ Faced with the prospect of losing his companion and their unborn child, Juan persevered in his appeals: “Is the power of a capricious mother enough to block a union that the laws, religion, and the honor and happiness of two unfortunate souls clamor for?”²⁴

22. AHPBA 7.5.16.32. Juan Lamas y Justa Arnold, 1834.

23. According to César García Belsunce and his team, child mortality in Buenos Aires orphanages was terrible. In 1822, 69 out of 147 children who entered died (46.9%); in 1823, 78 of 124 (62.9%); 1824, 72 of 114 (63.1%); and in 1825, 83 of 119 (69.7%). See César A. García Belsunce et al, *Buenos Aires, 1800-1830, tomo III: Educación y asistencia social* (Buenos Aires: Ediciones del Banco Internacional y Banco Unido de Inversión, 1976), p. 371.

24. AHPBA 7.5.16.32. Juan Lamas y Justa Arnold, 1834.

After the baby was born, Justa tried to insert her self-described “feeble voice” into the fray in a letter to the judge, in which she promised to deliver a version of the story much different from her mother’s. “My firm and spontaneous will is to marry Lamas,” a desire strengthened, she argued, “by the consideration that I have given birth to Lamas’ *hijo natural*,” or natural child. Justa was referring to the hierarchy of illegitimacy which dated back to the medieval Spanish law code of the *Siete Partidas*.²⁵ “Natural children,” who could become legitimate if their parents married, did not carry the same social stigma as children that came from an adulterous or incestuous couple, or from a union with someone from a religious order.²⁶ Justa’s predicament made marriage to Lamas absolutely necessary, for she saw it as the only avenue to “restore my honor and give me the opportunity to marry, which would be difficult for me to accomplish otherwise.”²⁷ Marriage to Lamas was her best opportunity to establish any semblance of a normal life. Otherwise, her honor, and that of her family would be forever tainted.

But Justa’s mother, Magdalena, remained unwavering in her opposition. For her, Juan Lamas was a lazy mulatto, completely “unworthy of all social consideration” and unfit to marry her daughter. “How does he dare think to marry a young woman of pure lineage from a family known for its impeccable conduct?” she asked. Lamas, she argued, was trying to make his crime pay: “What benefit could possibly be derived by the legitimization of a little child by a lazy man who is destitute of any possession, and who is also a mulatto? This would heap disgrace upon disgrace.” As far as Magdalena was concerned, the damage was done, and the only option left was to salvage what remained of the future. By not marrying Juan, Justa would be “less unfortunate” than if she married him.²⁸

The judge ordered both parties to present witnesses. Lamas tried to provide evidence of his white racial background and good conduct. For reasons that became clear later in the case, Juan focused on his paternal lineage and neglected his maternal line. His father, Lamas asserted, had served in a frontier regiment that excluded black members, and this fact proved that his father was not of African descent. Lamas presented numerous witnesses who attested to his family’s honor and who confirmed that the regiment his father belonged to did not admit colored people. In essence, Juan Lamas attempted to identify himself on the basis of his father’s lineage, without reference to

25. See *Partida IV*, título 15, ley 1 (hereafter cited as *Partida 4.15.1*).

26. See Ann Twinam, “Honor, Sexuality, and Illegitimacy in Colonial Spanish America,” in Lavrin, *Sexuality and Marriage*, p. 119.

27. AHBPA 7.5.16.32. Juan Lamas y Justa Arnold, 1834.

28. AHBPA 7.5.16.32. Juan Lamas y Justa Arnold, 1834.

his mother's line. This illustrates the *possibility* of flexibility in racial classification, which could allow offspring of mixed marriages to be racially categorized according to either their father or mother's racial identity. In certain contexts, Lamas probably could pass for being white, and he hoped that this occasion was one of them.

But the possibility of flexibility depended on who was doing the categorizing and, in this case, Magdalena Arnold proved inflexible in her assessment of Juan Lamas' lineage. Magdalena immediately targeted Juan's maternal line. Her most important witness, 83 year-old Vicente Gonzáles, testified that he had "always heard from the residents of these parts that the Lamas family were mulattos. . . . Besides their color, which is a strong indicator, there was also a woman named 'auntie Chabela,' [who] was more black than *parda*, and she was the mother of the wife of Antonio Lamas, hence, the grandmother of Juan Lamas." In addition to exposing the full nature of Lamas' racial background, Gonzáles tried to contrast the hard-working and reputable Arnold family with Lamas' degeneracy. Magdalena Arnold was very generous and frequently welcomed the "traveler, the poor, and downtrodden" into her home. However, the witness continued, that generosity could also attract malicious visitors who, in a pointed reference to Lamas, "do not respect the laws and duties of society." Wrapping up his testimony, Gonzáles concluded that it would be a crime to pollute this honorable family with the likes of Juan Lamas. After hearing all the testimony, the judge sided with the mother and ruled against Juan and Justa.²⁹

This case provides a panoramic view of important social and racial attitudes of the time. The ill-fated relationship began when a social inferior violated the ideal seclusion of Justa. For Juan and Justa, marriage was a viable solution to their illegitimate predicament, as it was for many couples in the same position. However, as 83 year-old Vicente Gonzales pointed out in his testimony, Juan Lamas was a racial and social inferior of the Arnold family. It is also significant that Lamas attempted to hide, or at least ignore, his African background. He and his family may very well have fallen into a racially ambiguous zone, where they could have passed for either whites or mulattos, depending on the criteria of the observer. Was Juan Lamas attempting to "pass" for a white? If Lamas was trying to reclassify himself, had he bought into the ideology of racial hierarchy of the white elites? Was he ashamed of his African heritage? Or was this a purely strategic move that he hoped would allow him to marry his beloved Justa? These are important but difficult questions to answer. Whatever the case, racial reclassification was

29. AHPBA 7.5.16.32. Juan Lamas y Justa Arnold, 1834.

a common phenomenon throughout the region, and in Latin America in general, as many persons of mixed blood, both of African and Indian descent, attempted to “move up” in the racial categorization that privileged white over black and brown.

In Peru, for example, Sarah Chambers found that many Peruvians of mixed racial heritage tried to get themselves classified as white and that “many who under legal examination might prove to be of mixed race were treated as Spanish in daily life.” Color was indeed “in the eye of the beholder.”³⁰ And when Magdalena Arnold beheld the countenance of Juan Lamas, she proved inflexible in her racial categorization of him as a mulato, even when it meant breaking her daughter’s heart.³¹ Even though Justa’s free will to marry was strengthened by the presence of an illegitimate child, the judge still sided with the opposing parent. As this and other cases show, racial discrimination in marriage choice persisted and arguing racial inequality in a marriage conflict could still be a successful move for parents trying to prevent their children from marrying an unwanted partner.

Nevertheless, a comparison of the *disensos* involving racial inequality from the late colonial period and the national period demonstrates an increased freedom for couples to pursue interracial marriages. In the colonial period, race was the most frequent argument in *disenso* cases, as well as the most successful. Indeed, parents won in at least 50 percent of the cases when they used the race argument. In the national period, on the other hand, racial opposition in marriage decreased in importance significantly as the success rate declined from 50 percent in the colonial period to 20 percent in the national period. It is important to note that these numbers do not reflect a visible break between the liberal period of 1810–1830, and the more conservative rule of Juan Manuel de Rosas, suggesting a continuity in this specific regard between these two periods.³² These numbers are also consistent with trends appearing in marriage records of the time that also reflect an increase in interracial marriages. In 1810, of a total of 1,055 couples sur-

30. Sarah Chambers, *From Subjects to Citizens: Honor, Gender, and Politics in Arequipa, Peru, 1780-1854* (University Park: The Pennsylvania State University Press, 1999), pp. 79, 90.

31. Chambers, *From Subjects to Citizens*, p. 87.

32. While there is no doubt about the effectiveness of Rosas’ *mazorca* henchmen, or his role in the execution of Camila O’Gorman and Ladislao Gutierrez, there is a clear need to evaluate Rosas from more than one angle. From these and other civil cases, there is continuity between the liberal Rivadavian era and the Rosas regime. While this topic deserves more attention, in recent years scholars have been revising the image of the Rosas regime, finding more continuities with previous governments. Jorge Meyer, for example, has shown how Rosas’ political discourse was essentially republican in nature. See Jorge Meyer, *Orden y Virtud: El discurso republicano en el régimen Rosista* (Buenos Aires: Universidad Nacional de Quilmes, 1995). Richard Slatta has also pointed to important continuities between Rivadavia and Rosas in his *Gauchos and the Vanishing Frontier* (Lincoln: University of Nebraska Press, 1992).

veyed, almost 87 percent of the spouses were of the same race. In 1827, that percentage had declined to 73 percent.³³ In all, the evidence suggests that racial inequality was less a barrier after independence than it was during the colonial period and that interracial marriages increased.

The topic of interracial marriage is important in part because it touches on one of the riddles of Argentine history: the fate of the Afro-Argentine population. As late as 1838, Afro-Argentines made up 25 percent of the total population of Buenos Aires. By 1887, they accounted for less than two percent of the total. In his classic book, *The Afro-Argentines of Buenos Aires*, George Reid Andrews outlines four theories put forth by scholars to explain the decline: war, intermarriage, low birth rate, and the end of the slave trade. All these reasons are part of the answer, but Andrews also looks to other factors.³⁴ He argues that one of the main reasons for the decline of the black population was the use of the term *trigueño* (wheat-colored) in the census records, which allowed numerous blacks to be reclassified as white. For some, this served as an "escape" from being labeled as Afro-Argentine. In a larger sense, Andrews argues, the new terminology helped to "erase" blacks from the national identity in an effort to fulfill the dream of a "white" Argentina.³⁵ Indeed, many leading thinkers and politicians of nineteenth-century Argentina discussed racial mixing in their writings. Domingo Sarmiento argued that the mulatto had the "hot blood of the Africans," tempered by "the organization of his mind [which] links him to the European family." This mix, according to Sarmiento, allowed the mulatto to achieve progress unthinkable for a pure African.³⁶ Juan Bautista Alberdi also favored race mixture because he believed that white genes would dominate the inferior darker genes and bring about "the unlimited betterment of the human race."³⁷ Bartolomé Mitre likewise sustained the view that mulattos were superior to more pure Africans because they "have assimilated the physical

33. See Cicerchia's, *La vida maridable*, p. 211.

34. Andrews, *The Afro-Argentines of Buenos Aires*, pp. 4-5.

35. The question of how much of this was a conspiracy, and how willing people were to be reclassified, is an important question, one that speaks to the difficulty of understanding racial and ethnic identity not only in the nineteenth century, but in Latin America today. As Lowell Gudmondson has pointed out, in Buenos Aires, as in the rest of Latin America, people of color sought to "trade up" in their racial classification if they could. See Gudmondson, "De negro a blanco," p. 318, note 15. George Reid Andrews also found that many Afro-Argentines were eager to escape their racial label. Speaking of Brazil, Marió Bonatti, argues that centuries of slavery eroded the self-worth of Afro-Brazilians and weakened their identity, causing them to ascribe, to a certain degree, to the white man's racial and ethnic hierarchies. Today, many activists and scholars are disappointed by the apparent unwillingness of many Brazilians to recognize their African heritage and organize on behalf of Afro-Brazilians. See Bonatti's *Negra bela raiz: A presença negra na formação do Brasil* (SP: Editora Santuaria, 1991).

36. As cited in Garrels, "Sobre indios," p. 106.

37. As cited in Andrews, *The Afro-Argentines of Buenos Aires*, p. 106.

and moral qualities of the superior race.”³⁸ These ideas all send a similar message: race mixture led to a whiter and more civilized population.

While interracial marriage played a major role in the re-categorization and “disappearance” of Afro-Argentines, George Reid Andrews maintains that this racial mixture and re-categorization is a point that “can only be argued” but “never be irrefutably proven, since the only conclusive proof, exhaustive family histories which would demonstrate racial change in porteño society over several generations, is unobtainable.”³⁹ The *disensos* help in part to answer this question because they provide evidence of the courts granting more freedoms to interracial couples throughout the nineteenth century.

The case of María Rodríguez and Andrés Lorea provides additional insight into the changes in attitudes toward interracial marriage. María’s life up till 1832 had been a difficult one. As she recounted to the judge, “I can truly say that I have been able to survive only by making a great sacrifice of my time, even of those moments normally set aside for rest.” Things began to look better for her when a man unexpectedly entered her life: “Under these circumstances, and after the flower of my youth has wilted, I have been fortunate enough to have Andrés Lorea, a free pardo, ask for my hand in marriage.” Through the whole process, María’s mother, Isidora Luna, disapproved of the proposed union because of Andrés’ African ancestry. But for María, pure blood had little meaning if it meant starving to death. “The purity of my blood cannot put food on my table,” she told the judge: “It is true that the purity of my blood is well known. But if my lineage is well known, so is the fact that I am destitute and lack the means to survive.” Moreover, her intended husband had other qualities that made him a worthy mate despite their racial inequalities. “My future groom, though pardo, is of proven character. And, as an employed wagon driver, he is in the position to provide for all of my wants and needs in a decent and comfortable manner.” Although María never revealed her age, she obviously felt she was past her marriage prime, and Andrés’ marriage proposal seemed to be her last chance to marry, and an unexpected one at that. “At my age,” she argued, “all of the natural inducements capable of persuading a man to marry me have disappeared. . . . I have a scant and humble education and my family has been mired in misery since the death of my father.” The judge found her arguments were persuasive and granted the couple the right to wed.⁴⁰

38. As cited in Andrews, *The Afro-Argentines of Buenos Aires*, p. 106.

39. Andrews, *The Afro-Argentines of Buenos Aires*, pp. 87-89.

40. AHPBA 7.6.17.54. María Rodríguez y Andrés Lorea, 1832. Until the coming of the railroad, wagons served as the major source of overland freight and transportation. As a wagon driver, Lorea would have had ample opportunity in the growing economy to transport wheat, flour, tanned leather,

One of the more significant elements here is the tension between two different discourses of societal order—one racial, the other economic. Traditionally, and especially in light of the colonial pragmatic, one discourse of order was racial order, or the maintaining of racially pure family lines to preserve social order. From this perspective, Andrés Lorea would have polluted María’s pure blood. In their defense, however, María used a discourse of order from an economic standpoint. In this instance, a poor white family barely able to make ends meet was being offered a boost from a more wealthy pardo. María’s mother, however, clung to her racial purity, something that, as George Reid Andrews has argued, many poor whites cherished as their “most precious and inalienable asset, an inheritance which entitled them to unquestioned legal superiority over non-whites.”⁴¹ In the end, María and Andrés presented a well developed argument of economic stability, order, and love that was convincing to the judge, who ruled in the couple’s favor.

This case also reflects the growing concern of parents and judges regarding the economic stability of a prospective suitor and his ability to support a family, and less regard for racial or social status. In the late 1820s and early 1830s, economic concerns began to replace race as the main reason for parental opposition. In one revealing *disenso*, a father had blocked his son’s wedding plans because he wanted him to accumulate more wealth before getting married. The judge sympathized with the father’s concerns, as seen in his commentary on the case:

Suppose my own young son of nineteen years of age, having no position, nor occupation, and without any means of income, asks for my permission to marry a young woman also nineteen years old, with no patrimony, no dowry, nor fortune, such that from the moment of marriage she must be maintained by her husband; [furthermore,] both have only a mediocre education. I can see that if they marry today, tomorrow they will not have enough to eat, to wear, or a home to live in, except by the uncertain and precarious way of favors that others might provide. I cannot help but fear that this marriage will turn miserable, that my son and his wife will become victims of poverty, or that—in the event of being unable to provide for life’s bare necessities—the marriage will dissolve, and that the couple will fall into the abyss of depravity. Would I grant him my permission? No, I would not grant it: I would attempt to moderate his passion in order to try to prevent such a thoughtless relationship and its sad consequences, which, if they occur, would dishonor my family, and would harm also the state.⁴²

timber, blankets, ponchos, as well as foodstuffs. See Jonathan Brown, *A Socioeconomic History of Buenos Aires: 1776-1860* (New York: Cambridge University Press, 1979), pp. 101-102.

41. Andrews, *The Afro-Argentines of Buenos Aires*, p. 18.

42. *El Lucero*, 19 July 1830, as cited in Szuchman, “Love in Nineteenth-Century Argentina,” p. 160.

While the judge could see things from the parents' view, he disagreed with the father's extreme position in this case. The judge explained that the father was excessive in expecting his son to reach a high level of financial well being before getting married. The young man could marry, the judge ruled, as long as he found a job that would enable him to provide "food and the bare necessities of life" for his family. Further along in his remarks, the judge added, "my intention was to have [the boy] take up any gainful employment in order to secure agreement to his petition of marriage and I hoped that his affection would give him the incentive to find it."⁴³ It is important that the judge's definition of providing for a family meant food and the *bare necessities of life*, while the father wanted a higher level of financial stability for his son. The judge's argument also reveals that, from the state's point of view, marriages should proceed as long as the suitor had the basic capacity to support his future family. If a man marrying without the ability to support family hurt the state, it also followed that a man capable of supporting his family with the basics of life would enter into a marriage that would benefit the state, even if parents disagreed.

Similar attitudes are clear in the case of José Peralta and his girlfriend Eugenia Burgos against her mother, Ana María. Ana María contended that José did not have any material wealth, and that she and her daughter already suffered in poverty. Although José argued that he was a "hard working man," the judge decided initially not to grant judicial license for the marriage until José established himself financially. Later, José returned to court, claiming that he had a benefactor who had already advanced him 300 pesos and would increase it to 800 if needed. "With this capital, and with my honor and work ethic, which Doña Ana María would not deny, for they are public knowledge," José claimed that he could now support a family. Given the new evidence in favor of José, the judge cleared the way for the couple to wed.⁴⁴

The case of Amond Amondson, a poor Lutheran from Denmark who wanted to marry Sofia Hartwig, further illustrates this idea. Besides the fact that his daughter was a Catholic, Sofia's father, Nelson Hartwig, questioned

43. This case was reviewed in *El Lucero*, July 17 and July 23, 1830. As cited in Szuchman, "Love in Nineteenth-Century Argentina," p. 159.

44. AHPBA 7.5.14.105. José Peralta. Sobre disenso, 1825. The relative definition of "supporting" a family was also evident in the case of Julio Rosquellas and Benita Barreda. Benita's father objected to their marriage because Julio did not have the financial resources to sustain a wife and family. He made this charge even though Julio had ten to twelve thousand pesos between him and his mother, and another eight thousand pesos which his father had promised him for his marriage. While a few hundred pesos was enough for some other suitors to please their perspective in-laws, several thousand was not enough for this perspective father in-law to approve of Julio. AHPBA 7.5.14.26. Julián Rosquellas con Benita Barreda, 1828.

Amondson’s financial resources and ability to support a family. When the judge asked Amondson to prove his economic viability, he did not try to hide the fact that he was a poor man, but he did demonstrate that he was a hard worker and could provide for a family. That was enough for the judge, who granted the couple permission to wed, adding the following statement: “As Don Nelson Hartwig surely knows himself, the honorable poor frequently make of themselves rich men.”⁴⁵

Like parents, judges were concerned about the economic stability of couples and, over time, the power of racial opposition declined as economic factors took center stage. It may be plausible to argue here that many parents may have used “class” arguments as a metaphor for “racial” arguments. While it is difficult to prove that parents used such strategy, even if they did, judges most often disagreed with parents’ money-based arguments and ruled overwhelmingly in favor of the couples, as long as the basic necessities of life were taken care of.

Judges played an even greater role in decisions where only the law—not any family members—stood in the way of a couple trying to marry. Antonio de Avendaño, a white, found himself in this position when he tried to marry Martina Alsña de Quevedo, a *parda*. He discovered that he needed permission from the court to carry out a marriage between racial unequals, even if no family member objected to the union. After making sure that no family lived in the area, the court gave him permission to marry.⁴⁶ A similar case involved Juan Martínez de Sosa, also white, and his intended bride, María de los Santos Ogorman, a *parda*. When Juan proceeded with his intentions to marry María, he learned that because of their racial differences, they needed “judicial license” to marry. After the court made sure that Juan had no family in the city who might want to oppose the marriage, and that he had no outstanding debts in the city, the judge granted him permission to marry.⁴⁷ With no family opposition, as far as the judges were concerned, these unions of racial unequals were valid, and in the eyes of the state, even beneficial.

45. AHPBA 7.5.16.33. Amond Amondson y Sofia Hartwig, 1844.

46. AHPBA 7.5.14.112. Juan Antonio de Avendaño solicitando el permiso para esponsales, 1824. In a similar case, Carlos José Lara wanted to marry Josefa Agustina, a *parda* and a slave, but their different racial backgrounds prevented it. Being from Paraguay, Carlos had no family in the area that might oppose or approve the marriage. After hearing witnesses who attested to Carlos’ good character and that he had no family in the city, the judge issued them a license to carry out their matrimonial desires. AHPBA, 7.5.14.13. José Carlos de Lara con Josefa Agustina, 1825.

47. AHPBA, 7.5.14.23. Juan Martínez de Sosa con María de los Santos Ogorman, 1825. AHPBA 7.5.14.22. Joaquín Moreira, 1825.

IDEOLOGICAL INFLUENCES AND PRACTICAL CONCERNS

The reasons for the increase in freedom for interracial couples are not self-evident and are most likely the result of a combination of ideological influences and pragmatic concerns. One factor was the revolutionary ideals of freedom and equality that inspired anti-slavery and other socially progressive legislation, such as the abolition of social titles, after 1810.⁴⁸ The increased mobilization of the masses after independence made the common folk more aware of these ideas. For example, one contributor to *La Prensa Argentina* complained about the audacity of the lower classes, who felt that the new egalitarianism allowed them to transgress traditional social boundaries meant to keep them in their place. One observer noted that even the “most eminent citizens” of the city could not travel in the capital without “being splashed with mud by a cart-driver or jostled by a horseman,” who thought that it “was one of the rights supposedly derived from equality.”⁴⁹ Father Castañeda, a conservative critic of many aspects of revolutionary Buenos Aires, lamented that “a general spirit of rebellion” had gripped the society.⁵⁰ Popular literature, such as the emerging genre of *gauchesque* poetry, also glorified non-whites in the struggle for independence.⁵¹

Given these diverse currents of thought, it is plausible that the concept of the traditional racial hierarchy, as supported by colonial attitudes and laws, did not remain fully intact, at least for certain segments of the population. In his 1812 discourse on citizenship, for instance, Bernardo de Monteagudo argued in favor of more racial equality. Whoever met the qualifications for citizenship should be a citizen of the nation, “with no distinction between a European, Asian, African, or indigenous American.”⁵² Another opponent of traditional discrimination was José Fortunato Silva, who in 1833 found himself embroiled in a marriage dispute. For him, the old concept of *limpieza de sangre* had lost its symbolic power and was just a vulgar attempt to categorize people.⁵³ In another case, Francisco Armero argued that the old colo-

48. See Bushnell, *Reform and Reaction*, p. 3.

49. As quoted in Tulio Halperín-Donghi, *Politics, Economics, and Society in Argentina in the Revolutionary Period*, trans. by Richard Southern (New York: Cambridge University Press, 1975), p. 167. For a useful listing of the reforms of the revolutionary juntas, see Bushnell, *Reform and Reaction*, pp. 123-126.

50. Victor Tau Anzoátegui, *Las ideas jurídicas argentinas (siglos XIX-XX)* (Buenos Aires: Editorial Perrot, 1977), p. 46.

51. See for example the use of the image of the Indian in Bartolomé Hidalgo's, *Antología de la poesía gauchesca*, pp. 77-79, 83-85, as quoted in Nicolas Shumway, *The Invention of Argentina* (Los Angeles: University of California Press, 1991), p. 73.

52. Bernardo de Monteagudo, “Clasificación de ciudadanos,” as found in Chiaramonte, *Ciudades, provincias, Estados*, p. 357.

53. AHPBA 7.5.15.7. José Fortunato Silva, 1833.

nial pragmatic should be done away with in the new republic because it interfered with a man’s freedom to choose his way of life.⁵⁴ As Francisco’s argument suggests, many of the youth in Buenos Aires were exposed to Enlightenment thought that would aid them in their challenge to traditional ideas of social hierarchy and parental authority.

While ideological developments made an important impact on family disputes, practical concerns of the emerging Argentine state also came to bear on marriage conflicts. In *disenso* and other family-related cases, judges based their rulings on existing laws, but they interpreted and applied those laws for the good of the state. A *disenso* case from 1851 reflects those growing needs and how they affected marriage choice. The case presented a familiar conflict: a white girl, Robustina Belmonte, wanted to marry someone of African descent, Matías Almeida. Robustina was an orphan, and Juana Alvarado had cared for her since 1838. Juana opposed the unequal marriage and invoked the pragmatics in her defense. But the judge, apparently more interested in hearing about Matías’ character and current employment, ordered him to provide evidence that he could support a family. Matías complied satisfactorily. The judge then issued his ruling, stating that the boy’s evident “moral and industrial capacity” made him worthy to marry Robustina. The judge also added an illuminating commentary to the ruling: the court should “be in the business of propagating legitimate unions in the poorer classes. . . .”⁵⁵ The judge’s commentary points to the vital concern that confronted the leaders of an emerging Argentine nation which *helps* to explain the increase in freedom for interracial couples: the need to propagate marriages in order to populate the new nation with stable, legitimate families.

From the earliest days of the republic, leaders from Buenos Aires and many other provinces understood that they had a very large country but a very small population. To progress as a nation, they needed to increase their population. Juan Bautista Alberdi’s idea of *gobernar es poblar*—to govern is to populate—reflected that concern and inspired the large projects of attracting immigration to Argentina in the mid to late nineteenth century. However, these ideas did not emerge in a vacuum. Evidence from the early political record of the republic demonstrates that concerns about increasing the population were present soon after independence. In 1814, for example, an assembly of provincial delegates called on ecclesiastical and government officials to make special efforts to facilitate marriages “in light of the necessity to increase the population in the Americas.” The issue of marriage and

54. AHPBA 7.5.15.24. Francisco Armero, sobre *disenso*, 1818.

55. AHPBA 7.5.14.58. Matias Almeida con Robustina Belmonte, 1851.

population came up again during the Congress of 1817 when Bernabé Aráoz, the governor of Tucumán, in a reference to conflicts related to the royal pragmatic, asked whether priests could marry a couple against the will of their parents when the parents' dissent was based on inequality of lineage or economic status. For the governor, the issue was of utmost importance because "the fundamental base of a state is the propagation of the human race and the universal way of doing that is to promote marriages."⁵⁶ Governor Aráoz's concern about the validity of parental opposition and the need to facilitate marriages to increase the population challenged implicitly the colonial pragmatics on marriage and the attitudes that supported them which persisted after independence. Later governments also attempted to promote family formation and population growth. The various laws issued after independence that banned marriages between porteño women and Spanish men were done away with by 1821. In addition, important changes with regard to freedom of religion promoted inter-faith marriages during the 1820s and, by the 1830s, inter-faith unions were heavily supported by the government. This was an important step in fusing new protestant elements in the population with the Catholic porteños.⁵⁷

Serious discussion of marriage and family issues also occurred in the field of jurisprudence. In his courses on civil law at the University of Buenos Aires law school throughout the 1820s, Pedro Somellera taught his students that many fathers used the old laws such as the pragmatic as a mask to hide their tyrannical actions, and that those laws needed to be reformed.⁵⁸ As José Carlos Chiamonte has pointed out, it would be a mistake to underestimate the impact of Somellera's reformist ideas on the young lawyers and future politicians that passed through his salons.⁵⁹ Undoubtedly many of his students went on to careers in the courtrooms of Buenos Aires.

CONCLUSION

When the Argentine government finally got around to implementing a new civil code in 1871, parents still had the right to block the marriages of their minor children. However, the colonial pragmatic on marriage did not survive the new codification. The legitimate reasons for parental opposition

56. See Ricardo Levene, *Historia del derecho Argentino*, vol. 5 (Buenos Aires: Editorial Guillermo Kraft, 1945-1958), pp. 101-102; 288-89, 298.

57. For more on inter-faith marriages, see José M. Mariluz Urquijo, "Los matrimonios entre personas de diferente religión ante el derecho patrio Argentino," *Conferencias y comunicaciones, folleto XXII*, Instituto de Historia del Derecho, 1948.

58. Pedro Antonio Somellera, *Principios de derecho civil: curso dictado en la Universidad de Buenos Aires, 1824* (Buenos Aires, 1939), p. 81.

59. Chiamonte, *Ciudades, provincias, Estados*, p. 190.

were more clearly laid out in the new code. While the ambiguous “inequality” of the colonial pragmatic was understood by many parents to include racial inequality, the new civil code did not mention race or “inequality” of any sort. The legitimate reasons for opposition outlined by the new code included legal impediments, sickness, bad behavior, criminal record, and inability to support a family.⁶⁰ This last reason is not surprising, given the growing concern for financial stability in the *disenso* cases. As María Rodríguez pointed out, it became increasingly more important to put food on the table than to measure the purity of one’s blood. Although further study is needed to trace racial discrimination in marriage after 1871, the new code did not seem to provide the leeway that the colonial pragmatic did for parents wishing to oppose marriages on the basis of racial inequality.

While the Afro-Argentine population was in serious decline by the 1870s, perhaps making racial opposition obsolete, the process of intermarriage between whites and blacks that contributed to the decline of the Afro-Argentines was accelerated by a post-independence relaxation of the *application* of the colonial laws meant to prevent such intermarriage. Either way, the new civil code reflected changes that had been occurring in porteño society since 1810. Since that time, Argentine leaders had faced the difficult task of building a nation out of a heterogeneous population and, marriage and family played an integral part in that project. Equipped with strains of liberal thought and a healthy dose of pragmatism, post-independence governments passed new legislation that brought new status to Afro-Argentines. The story of Juan Lamas and the writings of Sarmiento and others remind us that porteño society was still cluttered by traditional prejudices that continued to privilege white over black. Nevertheless, liberal ideals, combined with the practical need to populate the country with legitimate and economically viable families, brought a *greater measure* of freedom for interracial couples to marry. As the judge in an 1846 *disenso* case put it, the nation had an interest in preventing “the grave repercussions against the state from impeding honest marriages, or of allowing marriages to take place without the proper liberty.”⁶¹ This judge’s decision, along with the decisions of many others, helped bridge the gap between important *aspects* of revolutionary ideology and the everyday lives of citizens on the ground in Buenos Aires.

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60. See título I, capítulo III, artículo 16 in Dalmacio Vélez Sarsfield, *Código Civil de la República Argentina* (Nueva York: Imprenta de Hallet y Breen, 1870), p. 51.

61. AHPBA, 7.5.17.31. Juan de Sousa Araujo con Manuel de Sousa Araujo. 1846.