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## Tridentine Marriage Ritual in Sixteenth- to Eighteenth-century Peru: From Global Procedures to American Idiosyncrasies

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## Abstract

Publicity rules for the marriage ceremony were one of the key issues addressed by the Fathers gathered at the Council of Trent. As from this watershed moment certain conditions had to be met before, during and after the wedding ceremony to guarantee this publicity. Some of these rules were also conditions *sine qua non* of the validity of the bond. This new Tridentine legislation was soon implemented in Spanish America. This paper deals with enforcement of this new marriage ritual in the archdioceses of Lima and Charcas before the *Pragmática Sanción* of 1776. The research is based mainly on an examination of the provisions laid down by local councils and synods, together with the pastoral instruments that were most widespread in the Andean region. This is rounded out by a check of some pastoral visitations and written wedding records kept by parish priests in their *Libros de matrimonios* (Marriage Registers). All this research together gives a good working idea of how Tridentine marriage rules were actually enforced in the area.

Keywords: Trent, marriage, celebration, banns, Peru



Pilar Latasa

# Tridentine Marriage Ritual in Sixteenth- to Eighteenth-century Peru: From Global Procedures to American Idiosyncrasies<sup>1</sup>

## 1 Introduction

The long drawn-out process of setting up a canonical form of the Catholic marriage ceremony, a centuries-long concern of the Church, was finally fleshed out in the Council of Trent.<sup>2</sup> Thereinafter, precise and explicit requirements, mere recommendations hitherto, were in place for publicising the marriage ceremony and ensuring the validity of the ensuing bond.<sup>3</sup> The *Tametsi* decree dictated that the marriage had to be celebrated in the presence of the church (*in facie ecclesiae*) and ipso facto with the attendance of a priest, before witnesses and after publication of banns during three consecutive High Masses and naturally on the condition that there were no impediments between groom and bride.<sup>4</sup> This objective standardisation of the marriage stressed the importance of the sacrament and boosted its role of social cohesion.<sup>5</sup> Precisely, the social impact of the Tridentine legislation – in a specific regional context, and within a global context – is the framework of this

work, which tries to analyse the application of this new marriage ritual in the archdioceses of Lima and Charcas.<sup>6</sup>

The Tridentine rules were soon implemented in Spain and also in its American territories. The Council of Trent decrees were solemnly published in Lima on 28 October 1565.<sup>7</sup> Although the First Council of Lima had already been held, four more Councils were called afterwards. As is well known, the Second and Third Lima Councils were South America's most important post-Tridentine councils: both enjoyed papal backing and exerted a strong impact on the whole region.

Furthermore, pursuant to Tridentine rules and the practice brought in by Archbishop Toribio de Mogrovejo,<sup>8</sup> a large number of synods were held in colonial centuries, contrasting sharply with the situation in New Spain.<sup>9</sup> Insofar as Trent empowered these assemblies to run the dioceses, the bishops of Spanish South America levered them to bring in Catholic reform at local level, tailoring it to the idiosyncrasies of each place.<sup>10</sup>

1 The present paper is part of the following research projects: *Ecclesiastical Justice and the Formation of Society in Colonial Spanish America* (HAR2012-35197), sponsored by the Ministry of Economy and Competitiveness (Spain) and *The Council of Trent in the Spanish World. Individual, Social and Cultural Renewal*, PIUNA 2018–2020. I started work on this paper during a stay as a guest researcher at the Max Planck Institute for European Legal History (2012). Some of the materials used were collected earlier, during a three-month scholarship at the John Carter Brown Library (2007). This work is offered to the English-speaking academy. A more extensive version of it has already been published in Spanish: LATASA (2016). Also, the epigraphs referring to the *informaciones*, the banns and the necessary presence of the parish priest and witnesses have

been published in a more developed way within an article on clandestine and secret marriages: LATASA (2019). I want to thank the anonymous reviewers of this work for their proposals to improve the text.

2 ZARRI (1996) 437–483.

3 GAUDEMET (1993) 257–267, 323–326; LOMBARDI (1996) 215–222; ZARRI (1996) 437–438.

4 ZABALLA BEASCOECHEA (2018) 10.

5 LOMBARDI (2001) 109–118, stands out the relevant place of the ceremony as a way to give significance to the sacrament and to contribute to the social order.

6 As Albani has demonstrated, the Roman Congregation of the Council, played an important role in the »globalization« of Trento, also in Spanish America: ALBANI (2009) 63–73.

7 LABARGA (2014) 545–546; TINEO (1990) 151–155.

8 From 1582 he called for synods every year until the fifth when, following the new calendar settled by Gregorio XIII for the Spanish Indies, these assemblies became biannual. He gathered a sum of 13 synods in the diocese of Lima. ARANCIBIA/DELLAFERRERA (1978) 18.

9 GARCÍA Y GARCÍA (1992) 182, explains this absence of synods in New Spain due to the easy distribution of the Mexican provincial councils in the territory of a Viceroyalty that had much better communications than the Peruvian one.

10 LOMBARDI (1996) 225, has stressed the importance of the Italian synods of the sixteenth and the seventeenth centuries in the local application of the Council of Trent's dispositions. For Spanish America see AZNAR GIL (1985) 10–15.

Much the same went for pastoral instruments, likewise trimmed to local winds. A considerable number of treaties developing Trent doctrine, adapting it to the idiosyncrasy of the New World, were written and published in the colonial period. There was a very close relationship between the councils, synods and these texts: the councils laid down recommendations for how these pastoral instruments were to be dealt with and even promoted their production and printing.<sup>11</sup> These pastoral instruments or parish manuals of varied type (catechisms, rituals, confessionals and books of sermons, mainly) were widely delivered and thus helped to spread these new marriage rules further afield.<sup>12</sup>

The most distributed pastoral instruments in Spain also circulated throughout the American territories: the *Manual Hispalense* of the second half of the fourteenth century and, above all, the thirteenth-century *Manual Toledano*, which was re-published several times until in 1583 it was finally adapted to Tridentine normative: it was precisely at this moment that it acquired a national character and began to be used generally in Spain and in Spanish America. This post-Tridentine *Toledado* was richer in rites, content and expressiveness than the *Rituale Romanum* of 1614, written with a one-size-fits-all outlook.<sup>13</sup>

The Spanish manuals were readily taken up by the Spanish community in the New World. As regards the natives, priests soon came to feel the need for briefer texts adapted to their needs and

even translated into their languages. Prime among these texts featured the so-called *Manual mexicano pequeño* (Small Mexican Manual),<sup>14</sup> drawn up from the new Roman Missal (*Missale Romanum*), and simplifying and abbreviating the main ceremonies. This manual spread throughout the whole Spanish American territory and was also preferred by the Spaniards.<sup>15</sup> Drawing from the aforementioned sources and other Spanish and European rituals, the Franciscan Luis Jerónimo de Oré wrote an important polyglot Peruvian ritual in Castilian Spanish, Quechua, Aymara, Puquina and Guaraní, which was printed in Naples in 1607. Its overall remit was to try to solve »the dearth in Peruvian provinces of some necessary translations for administering the holy sacraments to natives in the general languages of that land [...]«. <sup>16</sup> After publication in 1614 of the *Rituale Romanum*, with the *Toledano* annexed thereto, Juan Pérez Bocanegra also wrote a version in Spanish and Quechua.<sup>17</sup>

These texts plus the provisions laid down in Andean councils and synods enable us to track the current marriage ritual in the vast regions depending on the two archdioceses of the Viceroyalty: Lima and La Plata.<sup>18</sup> It is precisely on this point that the marriage-oriented Tridentine constitutions were most innovative. Indeed, the Council of Trent itself, even while it did lay down specific rules, also stressed the importance of maintaining local customs.<sup>19</sup>

This paper analyses the aforementioned sources, paying special attention to the moments when the

11 In the Spanish context, the catechetical literature, strongly related with these assemblies, increased considerably with the American evangelization. DUVE (2010) 134–135.

12 For the concern of Andean synods to elaborate and distribute among indigenous parish priests these pastoral instruments in native languages was stated, for example, in the Synod of Arequipa (1638), lib. 2, tit. 10, cap. 5: »Priests must have sums of cases of conscience and the Indians have the primers, catechisms, confessionals and sermonaries on their own language.«

13 ZABALLA BEASCOECHEA (2018) 10–12; AZNAR GIL (1992) 213; GARCÍA ALONSO (1958) 351–450; GARCÍA ALONSO (1959) 323–399; BOROBIO GARCÍA (1993) 70–73.

14 The Third Council of Mexico (1585) ruled the elaboration of a ritual but it was never published and had, therefore, scarce influence. Since 1560, archbishop Montúfar had requested for a Mexican parish manual, which was finally published in Latin, in 1568. Years later, in 1583, the Franciscan friar Miguel de Zárate, taken it into account, wrote his own ritual that had several reprints along seventeenth- and eighteenth-centuries: ZÁRATE (1734). The latter is the so-called »Manual mexicano pequeño«, according to LUNDBERG (2011) 121–125.

15 According to PEÑA MONTENEGRO (1995), II, 29–30, whose work was first published in 1668.

16 ORÉ (1607).

17 PÉREZ BOCANEGRA (1631) 585–587.

18 The celebration of marriage, from sixteenth to the first decades of seventeenth-century, was studied in a previous paper: LATASA (2005) 237–256.

19 »If any provinces have in this matter other laudable customs and ceremonies in addition to the aforesaid, the Holy Council wishes earnestly that they be by all means retained.« Council of Trent, ses. 24, Decree concerning the reform of matrimony, chapter 1.

necessary presence of the parish priest tended to reinforce the new public character of marriage:<sup>20</sup> the *amonestaciones* (banns), *desposorios* (betrothals or espousals), *velaciones* (veiling ceremonies) or *bendiciones nupciales* (nuptial blessings) and the *registro parroquial* (parish register).<sup>21</sup> The study's timeframe runs up to the *Pragmática Sanción* of 1776–1778, which meant a turning point in the history of marriage in Spanish America.<sup>22</sup>

## 2 Previous Steps: *Informaciones* and Banns

The parish priest played a key role in the pre-marriage stage. He was responsible for guaranteeing that the would-be spouses met the necessary marrying conditions. Alonso de Molina pointed out in his *Confesionario mayor en la lengua mexicana y castellana* (1569) how checks had to be made on all the following: that the would-be spouses had been baptised and understood the marriage-sacrament doctrine, whether they were slaves or free-men, if they were single, whether or not they originally came from the place where they wanted to be married, if they were of marrying age, if there was any relationship impediment between them, if any of them had already made a marriage vow to anyone else and if they freely entered into this present marriage vow.<sup>23</sup> Thus, when a couple turned up before the parish priest to receive this sacrament, this kicked off a full-scale investigation that culminated in a pre-marriage document called *informaciones* being drawn up by the priest, addressing all the abovementioned eligibility factors. This was not a particular idiosyncrasy of the New

World; neither was it a new feature brought in by Trent. Nonetheless, the Council's insistence on publicity doubtless tended to stress the importance of these previous eligibility checks, which were then fleshed out by the following Andean synods and councils from the sixteenth to eighteenth centuries.<sup>24</sup>

The requirement of banns was originally brought in by the Fourth Lateran Council (1215) and stressed thereafter in subsequent ecclesiastical assemblies.<sup>25</sup> The late-middle-age Spanish councils and synods, mirroring the experience of France and England, applied, developed and progressively broadened the scope of their legislation on pre-marriage proclamations.<sup>26</sup> Finally, the *Tametsi* decree of the Council of Trent laid it down precisely that they would be performed three times, on successive public holidays, in the church and during the High Mass.<sup>27</sup> The aim here was not only to pre-empt clandestine marriages but also to guarantee the eligibility of the couple and allow members of the community to bring up any impediments.

The reading of the banns had already been dealt with by the pre-Trent South American councils and synods under the influence of the *Concilio Hispalense* (Provincial Council of Seville) of 1512.<sup>28</sup> Within the purview of the Peruvian Viceroyalty new stress was laid on the post-Trent Lima councils.<sup>29</sup> For example, a »Forma común de hacer las amonestaciones« (Common form of performing the banns) was printed in 1585 as part of the pastoral complements of the *Confesionario para curas de indios* (Confessional for priests of indigenous parishioners) of the Third Lima Council.<sup>30</sup>

20 ZARRI (1996) 457–459, remarks that the new roll given to the parish priest was due to pastoral needs together with the interest of the Council in the reinforcement of ecclesiastical authority in the formation of marriage. Nevertheless, following the consensual doctrine, Trent recalled that the *causa efficiens* of marriage was the mutual consent given by the spouses: SCHÖCH (1997) 639–672.

21 LOMBARDI (2001) 228–230, 240, has showed how, in the sixteenth century, marriage was still a process that covered different stages in its celebration.

22 Marriage regulation was in Spain result of the collaboration between the monarchy and the Catholic Church.

It was based on the *Siete Partidas*, which the modifications introduced by the *Leyes de Toro* and by the *Nueva Recopilación*, together with the rules of the Council of Trent. They all remained in force until the royal *Pragmática Sanción*, applied in Spain (1776) and in the American territories (1778). USUNÁRIZ (2016) 201–203, 221.

23 MOLINA (1565).

24 For example, the Synod of Arequipa (1638), lib. 2, tit. 8, cap. 2, remembered that these »*informaciones*« were in force for all social groups.

25 GAUDEMET (1993) 266.

26 AZNAR GIL (1999) 139–153, 159; USUNÁRIZ (2016) 203–204.

27 Council of Trent, ses. 24, Decree concerning the reform of matrimony, chapter 1. See also: AZNAR GIL (1992) 205; GAUDEMET (1993) 329–330.

28 AZNAR GIL (1992) 203; RÍPODAS ARDANAZ (1977) 75.

29 Council of Trent, ses. 24, Decree concerning the reform of matrimony, chapter 1; First Council of Lima (1551–1552), pte. 1, cons. 24 and pte. 2, cons. 63; Second Council of Lima (1567–1568), pte. 1, caps. 15, 18, 21, and pte. 2, caps. 64, 65, 70; Third Council of Lima (1582–1583), act. 2, cap. 34.

30 DURÁN (1982) 492.

Subsequent Andean synods then echoed the importance of the banns. The 1613 Lima Council, for instance, which pooled and updated the canons of the previous diocesan synods, recorded the need of publicising the marriage and laid down penalties for any priests who skipped this step.<sup>31</sup>

Publication of the aforementioned *Rituale Romanum* of 1614 represented a step forward in definitive regulation of the banns: as well as including a standardised text for carrying them out, it also established precisely that the future spouses had to be admonished by their own parish priest, in both parishes if they came from different places, on three successive public holidays, in their own language – *lingua vulgar* – and in the church, during celebration of High Mass. These requirements were in fact incorporated to later Andean synods, such as Arequipa and La Paz of 1638, and La Paz of 1738; also in manuals for priests such as Pérez Bocanegra's in 1631 and the 1665 moral treatise of Juan de Alloza.<sup>32</sup>

As in Spain itself, Andean synods paid special attention to the timing and venue of the banns. Especially detailed in banns aspects was the 1684 Arequipa Synod, which specified an eight-day period between the first bann and last: the aim here was to prevent the banns being given on three days running that also happened to be public holidays, thereby preventing the news from spreading properly around the whole parish. The 1738 La Paz Synod laid it down that the giving of banns on three days running, for public holidays lasting this long such as Easter, should be limited to persons »whose ostensible honour and Christianity give rise to no reasonable qualm about any impediment between them«. It also recommended, however, that the eight-day interval between the first and third bann should be respected; it also stipulated

that the marriage would not be held within the twenty four hours following the last bann, a deadline that had already been proposed a century earlier by Pérez de Bocanegra's manual,<sup>33</sup> and reproved the fact that some priests published the banns outside the parish church in other masses and vespers without waiting for public holidays.<sup>34</sup>

Bann timing was necessarily slower when the marrying couple came from different areas, whereby the banns would have to be published in both parishes. An attempt to forestall inordinate delays was made in the diocesan assembly of Arequipa in 1684<sup>35</sup> and subsequent assemblies such as the 1700 Córdoba Synod, the 1738 La Paz Synod and the 1763 Santiago de Chile Synod.<sup>36</sup>

Finally, drawing once more on the provisions laid down in the *Rituale Romanum* of 1614, both Pérez Bocanegra's manual and the 1684 Arequipa Synod laid down a two-month deadline for banns; if the marriage was not performed within this time, new banns would then have to be published.<sup>37</sup>

Another constant feature of the synods' banns regulations was the different treatment to be given to indigenous peoples. At first, due to the difficulties found in introducing the Christian marriage among the native population, it was stipulated that special, additional banns would be performed to quiz the natives directly, starting with the *caciques* (local chieftains), about the existence of any possible impediments between the would-be spouses. Thus, the Second Council of Lima, the 1570 Quito Synod and the 1597 Tucumán Synod all laid down penalties for anyone who hushed up the existence of any family relationship between the couple.<sup>38</sup> Also, exclusive to the treatment of natives was the initial simplification of the banns procedure to avoid the marriage process dragging

31 Synod of Lima (1613), lib. 4, tit. 1, cap. 3.

32 *Rituale Romanum Pauli V. Pont. Max.* (1623) 304–305; PÉREZ BOCANEGRA (1631) 497–498; Synod of La Paz (1638), lib. 4, tit. 1, cap. 1; Synod of Arequipa (1638), lib. 2, tit. 8, cap. 1; Synod of La Paz (1738), cap. 3, ses. 7, cons. 4 and 12.

33 Synod of La Paz (1738), cap. 3, ses. 7, const. 10; PÉREZ BOCANEGRA (1631) 592–599 and 624–630.

34 Synod of La Paz (1738), cap. 3, ses. 7, const. 21.

35 Synod of Arequipa (1684), lib. 1, tit. 10, cap. 6; Synod of La Paz (1738), cap. 3, ses. 7, cons. 11; Synod of Santiago de Chile (1763), tit. 8, cons. 7 and 11.

36 RÍPODAS ARDANAZ (1977) 75–76, remarked this tendency to shorten the duration of the three banns' announcement.

37 *Rituale Romanum Pauli V. Pont. Max.* (1623) 305; PÉREZ BOCANEGRA (1631) 586; Synod of Arequipa (1684), tit. 10, caps. 3 and 7. The deadline of the *Rituale Romanum* was

established generally, as evidenced by the fact that this same term was recalled by the Synod of Florence (1619): see LOMBARDI (2001) 235–236.

38 Second Council of Lima (1566–1567), pte. 2, const. 65–66; Synod of Quito (1570), pte. 4, cons. 43; Synod of Tucumán (1597), pte. 2, cons. 4–5; AZNAR GIL (1992) 205–206.

on in time:<sup>39</sup> the Council of Trent's *Tametsi* decree had already allowed for the possibility of reducing the number of banns when they balked the performance of the marriage.<sup>40</sup> Analysis of the Peruvian synods shows that the church opted in such cases not so much to trim the number but rather to simplify solemnisation thereof. For example the Synods of Cuzco in 1591, Quito in 1594 and Arequipa in 1638, allowed banns between natives to be performed, one on a public holiday and the two remaining ones when they had been brought together for the catechesis, on the grounds that there was then a »meeting of the people« as required by Trent. Authors such as Alloza and Pérez Bocanegra also introduced this possibility.<sup>41</sup> Nonetheless, there was another current of thought against making distinctions of this type: thus both the Trujillo Synod of 1623 and Arequipa of 1684 recommended that banns should be performed on public holidays under Indian lore.<sup>42</sup> The absence of any specific provisions in this sense in following Andean synods suggests this second strand of thought won out and publication on public holidays ended up as common practice for all social groups.<sup>43</sup>

Although one of the objectives of the banns was to confirm the free will of the would-be spouses, synods had to tackle some abuses whereby the publication of banns became a means of coercion for one or both parties. Thus, the Lima Synod of 1613 prohibited thenceforth the practice of placing native couples on the steps of the altar to receive the banns, »for the untoward circumstances that

have occurred, some withdrawing to avoid this shame«. <sup>44</sup> But the most reiterated stipulation, without any doubt, was the prohibition of publishing the banns at the behest of a single party. Pérez Bocanegra recommended that the parish priest should not perform the banns without having first ensured the free will of both contracting parties.<sup>45</sup> Successive seventeenth- and eighteenth-century Andean synods likewise stipulated that the parish priest had to have a written record, even with notary attestation in the case of any absent parties, of the free will of the couple, especially the woman.<sup>46</sup>

Another concern of the ecclesiastical assemblies was to avoid waiving of the banns without sufficient grounds, thereby flouting the stipulations of Trent. The waiving of banns was dealt with in Peru by the Third Lima Council, then being taken up by the Andean synods; in the mid seventeenth century the Peruvian Jesuit Juan de Alloza specified grounds for suppressing the banns.<sup>47</sup> Nonetheless, at the beginning of the seventeenth century, the Cuzco Synod of 1601 had already criticised the practice introduced between pastoral visitors, vicars and priests of waiving banns without due grounds, reminding the faithful that these dispensations were the remit only of the bishop or his judicial vicar.<sup>48</sup> Subsequent Andean synods insisting that such waiving was the responsibility only of the diocesan bishop, who could enforce them only on due grounds.<sup>49</sup> The *Rituale Romanum* of Paul V introduced a variable that was probably an attempt to forestall abusive recourse to the waiving of

39 The Synod of Tucumán (1597), pte. 2, cons. 5, even allowed the parish priest – if there were no impediments – to avoid the banns in case he presumed the couple was going to live together before marrying. RÍPODAS ARDANAZ (1977) 75–76.

40 For indigenous marriage, this was already ruled by the Second Council of Lima (1567–1568), pte. 2, caps. 65–66.

41 Synod of Quito (1594), cap. 17; Synod of Cuzco (1591), cap. 22; Synod of Arequipa (1638), lib. 2, tit. 8, cap. 3; ALLOZA (1665) 592–599, 624–630.

42 Synod of Trujillo (1623), act. 4, cap. 2; Synod of Arequipa (1684), lib. 1, tit. 10, cap. 5.

43 Palafox y Mendoza, as bishop of Puebla, also recommended in his

manual – first published in 1642 – to follow the same pattern: PALAFOX Y MENDOZA (1864) 134–135.

44 Synod of Lima (1613), lib. 4, tit. 1, cap. 3; AZNAR GIL (1992) 207.

45 PÉREZ BOCANEGRA (1631) 586.

46 Synod of Trujillo (1623), act. 4, cap. 2; Synod of Arequipa (1638), lib. 2, tit. 8, cap. 1; Synod of Arequipa, 1684, lib. 1, tit. 10, cap. 4; Synod of La Paz (1738), cap. 3, ses. 7, cons. 20; AZNAR GIL (1992) 207.

47 RÍPODAS ARDANAZ (1977) 79–81; TINEO (1990) 424; Third Council of Lima (1582–1583), act. 2, cap. 34; ALLOZA (1665) 498–499; in regard to these dispensations in seventeenth-century Lima see: LATASA (2008) 53–67.

48 Synod of Cuzco (1601), cap. 21.

49 Synod of Trujillo (1623), act. 4, cap. 2; Synod of La Plata (1628), *De officio vicarii*; Synod of Lima (1636), cap. 2, 27–28; Synod of Arequipa (1638), lib. 2, tit. 8, cap. 3; Synod of Arequipa (1684), tit. 10, cap. 5; Synod of Santiago de Chile (1688), cap. 4, cons. 10; Synod of Concepción (1744), cap. 5, cons. 10, 26; and Synod of Santiago de Chile (1763), tit. 8, cons. 15. Also, other synods within the territory of the archdiocese of La Plata legislated in the same way: Synods of Tucumán (1597), Asunción (1603), La Plata (1620) and La Paz (1638), DELLA-FERRERA/MARTINI (2002) 128.

banns: if the parish priest had reasons to believe that there might be people who would attempt to impede the marriage upon publication of the banns, he could reduce them to one or even omit them, celebrate the marriage and then publish the pending banns before consummation thereof. This arrangement was meant to circumvent any pressure without abolishing the banns. Authors like Mentrída, Pérez Bocanegra and Alloza echoed this solution in their manuals.<sup>50</sup> Nonetheless, the very reiteration of banns-waiving regulations in the eighteenth century bears out the ease with which they were occasionally circumvented. For example, the synod fathers meeting in La Paz in 1738 acknowledged the widespread abuse of waiving banns on no other grounds than the will of the marrying couple, to the extent that a bannless wedding seemed socially less important.<sup>51</sup> Also, the Concepción Synod of 1744 lamented the established custom among the »gente principal« (gentry) of marrying without banns and, in general, the ease with which said dispensations were granted. An eloquent fact here is that the assembly itself recalled the prohibition of celebrating bannless marriages with dance and music, thereby flouting the ostensible desire of avoiding publicity.<sup>52</sup>

### 3 Celebration of the Marriage

Since the late middle ages the Christian marriage had comprised two clearly differentiated parts.<sup>53</sup> The first was the *desposorio* (betrothal or espousal strictly speaking, i.e., the celebration of the marriage by means of the exchange of verbal consent between the marrying couple). The second was the liturgical ceremony of *velaciones* (veiling ceremony) or nuptial blessings, held during the

mass. Trent enshrined these two moments and stipulated that the first, the exchange of matrimonial consent, would be performed *in facie ecclesiae* (by present words – *palabras de presente*) between the marrying couple in the presence of their parish priest and two or three witnesses. The Council represented a watershed moment in the celebration of marriage: these requirements were meant to bring weddings into the public domain, wrest control of the ceremony from the bride and groom and their families and foster a standardised liturgy, spread further afield in the *Rituale Romanum* of 1614.<sup>54</sup>

#### 3.1 The Presence of the Parish Priest

As already pointed out, the parish priest became a central figure in the wedding stages: it was he who was to confirm their free will, gauge the degree of their spiritual preparation and check compliance with the requirements of free marital status and age, 14 for the man and 12 for the woman.<sup>55</sup> He also had to be present as witness in the exchange of consent to ensure publicity thereof and, finally, bestow the nuptial blessing.<sup>56</sup> This key role was gradually taken on and reinforced by the *Rituale Romanum* of 1614.

Trent's insistence on the marital sacrament being given by the parish priest of the marriage venue was a constant feature in all Andean councils and synods. Their constitutions rule that a priest from elsewhere could take part only under an express licence from the incumbent priest or diocesan bishop;<sup>57</sup> this prohibition also took in pastoral visitors and vicars.<sup>58</sup> Also, Juan Pérez Bocanegra, in his *Ritual formulario* (1631), reiterated the necessary presence of the home parish priest in the celebration of the marriage, doing so in compara-

50 *Rituale Romanum* Pauli V. Pont. Max. (1623) 305; MENTRIDA (1630) 81–82; PÉREZ BOCANEGRA (1631) 586; ALLOZA (1665) 497–498.

51 Synod of La Paz (1738), cap. 3, ses. 7, cons. 11.

52 Synod of Concepción (1744), cap. 15, cons. 5.

53 DONAHUE (2007) 16–18.

54 CRISTELLON/SEIDEL MENCHI (2011) 283. On the various forms of celebration in the Middle Ages and the unifying efforts of the Catholic Church, see: BRUNDAGE (2011) 21–41 and GAUDEMET (1993) 330–333.

55 LOMBARDI (2001) 114–118, 235; PALAFOX Y MENDOZA (1864) 128.

56 CRISTELLON (2009) 10–30 shows how the definition of who was the own parish priest raised in Italy many discussions that made necessary the mediation of the Roman Congregation of the Council in order to clarify some questions.

57 Synod of Cuzco (1591), cons. 41; Synod of Quito (1594), cap. 19; Synod of Trujillo (1623), act. 4, cap. 2; Synod of Arequipa (1638), tit. 1, cap. 3; Synod of Lima (1636), cap. 9, 25–26; Synod of Arequipa (1684),

lib. 1, tit. 10, caps. 1–2; Synod of La Paz (1738), cap. 3, ses. 7, cons. 3 and 8. The Synod of Córdoba (1700), recalled the prohibition that the regulars administered sacraments, and specifically marriage, to their relatives and servants: ARANCIBIA/DELLA-FERRERA (1978) 120.

58 Synod of La Plata (1628), *De officio vicarii*.



ble terms to those of the Jesuit Juan de Alloza in his moral treatise of 1655.<sup>59</sup>

In Spanish America these provisions should be construed in light of actual pastoral experience, which confirmed the frequency with which natives facing any impediment to marriage would go to another parish to contract marriage there unhindered.<sup>60</sup> Hence the repeated prohibition of marrying *vagantes* (Indians who had no permanent residence and went to one place to the other) without first checking for any impediments in their places of origin.<sup>61</sup>

### 3.2 *The Necessary Witnesses*

Marriage publicity was further ensured by the presence of two or three witnesses during the wedding. Sixteenth- and seventeenth-century Andean councils and synods restricted themselves in general to echoing Trent provisions on necessary witnesses.<sup>62</sup> Juan Machado de Chaves, a Creole of Quito and archdeacon of Trujillo, author of the *Perfecto confesor* (1641), explained in his manual of confessors that Trent had introduced the witness required to avoid »the deceit and wrongdoing erstwhile committed when marriages were held only with the consent of the parties«; for this reason they had to be present actively at the moment of exchanging consent, understanding and noting all proceedings so as to be able to declare thereon as need be afterwards. This author also concluded, after culling the opinions of several authorities on the matter, that witnesses who had been coerced to attend a marriage were valid if they had listened to the consent, since the intention of the Council of Trent on this score was »for the marriage to be recorded by the Church«. Finally, this author pondered whether the witnesses should be »mayores de toda excepción«, i. e., the most accredited, once more inclining to the ruling opin-

ion that they needed only to be in their right minds.<sup>63</sup> Some years later Alonso de Peña Montenegro fine-tuned some of these matters in his *Itinerario para párrocos de indios*, published in 1668: marriage witnesses had to be in their right minds and understand the ceremony whereby the couple became husband and wife. This ruled out the eligibility for this purpose of children or drunkards; nonetheless, they did not necessarily have to understand the wedding language, for the act of consent could be understood by means of some sign.<sup>64</sup>

The La Paz Synod of 1738 devoted a constitution to this matter, setting out the need of working with »true and identified« witnesses, with due recording of their name and address. It specified, for example, that it was not valid to cite the presence of a whole neighbourhood: witnesses had to be specific people that had overheard and understood the marriage vows. Neither was it correct to assume that the witnesses of the *informaciones* were sufficient to validate the marriage. The constitution even laid it down that any marriage without annotation of the witnesses in the parish register would be null and void. Any such omission would also be grounds for punishing the responsible priest.<sup>65</sup>

### 3.3 *The Betrothal*

The marriage ceremony began with the *desposorio*, betrothals or *palabras de presente* words between the as-yet unconsummated spouses.<sup>66</sup> The *Tametsi* decree reinforced the idea that mutual consent was the basis of the marriage, which could thereafter be formalised by means of diverse rituals.<sup>67</sup> This was explicitly recognised by the Second Council of Lima. Sermon XV of the appendix to the *Doctrina cristiana* of 1585 explained this as follows to the indigenous peoples:<sup>68</sup>

59 PÉREZ BOCANEGRA (1631) 584–585; ALLOZA (1665) 496–501.

60 Council of La Plata (1629) 103; PALAFOX Y MENDOZA (1964) 133, 154–155, recommended – for this reason – special prudence in marrying natives from other parishes.

61 Synod of Arequipa (1638), lib. 2, tit. 8, cap. 1 and tit. 10, cap. 5.

62 Council of Trent, ses. 24, Decree concerning the reform of matrimony, chapter 1.

63 MACHADO DE CHAVES (1646) I, 601–602.

64 PEÑA MONTENEGRO (1995) II, 250–253.

65 Also, it established the punishment for the priest: he should pay the cost of the inquiry in order to find out if there had been witnesses, and face four months in prison. Synod of La Paz (1738), cap. 3, ses. 7, cons. 7.

66 AZNAR GIL (1992) 209; GAUDEMET (1993) 409.

67 AZNAR GIL (1992) 217–218.

68 Second Council of Lima (1567–1568), pte. 1, cap. 16, in: AZNAR GIL (1992) 209–210.

This sacrament is celebrated when your father and priest takes your hand at the door of the church or your home, the man saying to the woman that they wish to become man and wife. Then and there this sacrament is performed, not before or after and all the rest is performed, the veiling of the bride, symbolic betrothal money, candles and mass and all are ceremonies and blessings of the Holy Church so that your marriage is well construed in the service of god. When the man and woman, in the presence of witnesses are joined in hands by the priest then the marriage is performed and this is the sacrament of Jesus Christ, wherein you are given the grace of heaven for to work in the service of god and you are well married and bear well the charges of marriage and are saved in the eyes of God.<sup>69</sup>

Betrothals could be celebrated in private houses or at the church door. The Tridentine recommendation to move all weddings from the private to the public domain was assumed in the Peruvian Viceroyalty in the First and Third Lima Councils;<sup>70</sup> for New Spain it was recorded by authors like Mentrída and Venegas and for Peru by Pérez Bocanegra;<sup>71</sup> in fact it ended up as the commonest procedure though some weddings did continue to be held in private homes.<sup>72</sup> In both cases the parish priest had to attend duly attired in surplice and white stole, in the company of another clergyman or minister carrying the holy water stoup and sprinkler.<sup>73</sup> Bride and groom, for their part, had to turn up preferably accompanied by parents and relatives.<sup>74</sup>

The American idiosyncrasy lay not so much in the ritual itself but rather in the introduction of

aboriginal languages in the case of marriages between natives. For example Oré, in his *Ritual peruano* (Peruvian Ritual) recommended addressing the natives in their own languages about impediments.<sup>75</sup>

After this preamble the ceremony moved on to the central part of the whole ritual: the exchange of consent. As recorded by Pérez Bocanegra, it was necessary for this consent to be expressed at least in visible external signs;<sup>76</sup> the Arequipa Synod of 1684, however, stipulated that it be expressed in clear words and not merely non-verbal signals.<sup>77</sup> The use of diverse verbal forms was in fact the habitual practice, varying according to the rituals established in the different parts of the Viceroyalty.

The *Brevis forma administrandi de Zárate* (1583), which, as already pointed out, was widely distributed about Spanish South America with many re- editions, stipulated that the priest should first address the woman and then the man, asking about their free will to get married.<sup>78</sup> Oré's *Rituale seu manuale peruanorum* of 1607 laid down the three questions and answers for the spouses-to-be, in very similar terms, translated also into Quechua, Aymara, Puquina and Guaraní.<sup>79</sup> For the rest of the seventeenth century most of the rituals abided by the changes brought in by the *Rituale Romanum* of 1614, in which the man was asked first and the exchange of consent was whittled down to a single question: a model of adaptation to the Americas was Pérez Bocanegra's *Ritual formulario* of 1631. Despite this, Spanish custom, both at home and abroad, stuck to the three questions.<sup>80</sup>

Once both had expressed their will, bride and groom joined their right hands<sup>81</sup> and the priest authorised the sacrament by means of a formula that was fairly variable, making the sign of the

69 Doctrina cristiana (1585) 83v–88v.

70 Both assemblies understood that, this way, the natives would better understand »the greatness of the sacrament«: First Council of Lima (1551–1552), pte. 1, cons. 20; Third Council of Lima, 1582–1583, act. 2, cap. 37.

71 MENTRIDA (1630) 590–592.

72 The two possible places are mentioned by ZÁRATE (1734) 38–39v and VENEGAS (1731) 114.

73 MENTRIDA (1630) 92–93; VENEGAS (1731) 114; PÉREZ BOCANEGRA (1631) 590–592.

74 PÉREZ BOCANEGRA (1631) 592–599; VENEGAS (1731) 114.

75 ORÉ (1607) 210; for the local application of the Tridentine ritual in Mexico, see ALBANI (2008–2009) 174–178.

76 PÉREZ BOCANEGRA (1631) 590–592.

77 Synod of Arequipa (1684), tit. 10, cap. 10.

78 ZÁRATE (1734) 39–39v.

79 ORÉ (1607) 210–215.

80 VENEGAS (1731) 114–116.

81 Other authors placed this sign before the exchange of consents: MOLINA (1565) 57–58 and ORÉ (1607)

210–215; MENTRIDA (1630) 92–93; PÉREZ BOCANEGRA (1631) 590–592, 624–630.

cross above the newly married and sprinkling them with holy water.<sup>82</sup>

### 3.4 *The Velaciones*

The *velaciones* or nuptial blessing was the last stage of this Tridentine celebration. Indeed, until this moment, reception of the sacrament was not considered to have been culminated, whereby there could not yet be any carnal contact between the recently married bride and groom.<sup>83</sup> In Spain the Church tried to impede cohabitation prior to the blessing, for which due punishment was laid down in the synodal constitutions;<sup>84</sup> there was even more reason to insist on this in the American territory, due to pre-Columbian baggage still carried by indigenous societies, the moral lassitude with which many Spanish settlers tended to live in their new home and the sheer extent of the territory, which favoured moral »slackening«.

For this reason sixteenth- and seventeenth-century rituals recommended that at the end of the *matrimonio de presente* or betrothal, the priest should exhort the newly married couple not to live together until such time as they have received the Church's blessing.<sup>85</sup> The same precept is laid down, for example, in Andean synods such as those of Huamanga in 1629 and 1672, addressed at contracting parties coming from different social groups.<sup>86</sup> Nonetheless, it would seem that the Church was somewhat more lenient on this score with the native population. Some authors like Alonso de la Veracruz (1599) and Alonso de Men-

trida (1630) considered that, in the case of indigenous people, previous cohabitation did not represent a grave sin.<sup>87</sup>

As for timing, in the case of natives, the two ceremonies, liturgical calendar permitting, tended to be unified.<sup>88</sup> This system was widespread in the archdioceses of Lima and La Plata in the sixteenth and seventeenth centuries, as in other Spanish American territories.<sup>89</sup> Andean synods and councils hence recommended the holding of betrothals and *velaciones* on the same day whenever possible. A long period between the two stages was considered to foster previous pre-cohabitation and also later separation of the espoused couple on the understanding that they were not »really married«. Holding both ceremonies on the same day was understood to render both untoward outcomes less likely. Indications in this sense had already been promulgated in the First and Second Lima Councils<sup>90</sup> and seconded in synods as early as those of Quito in 1570 and Tucumán in 1597.<sup>91</sup> Treatise writers also upheld this practice: Mentrída urged priests to abide by the »holy and praiseworthy habit« of celebrating native marriages in the church, the newly married couple then receiving the nuptial blessing immediately afterwards.<sup>92</sup> Of a like mind here was Pérez Bocanegra, who nonetheless acknowledged that it was sometimes difficult to give the blessing quickly, either because the couple stayed away or the arrangements dragged out inordinately with the various preparations such as »buying candles, making beverages and other items for the wedding«. <sup>93</sup> There were some

82 In fact, the authors proposed different formulas: MOLINA (1565) 57–58, the brief one, »Quod Deus coniungit homo no separet«; ORÉ (1607) 210–215, a longer one, »Et ego ex Patre Dei omnipotente et beatorum apostolorum Petri et Pauli et Sanctae Romanae Ecclesiae vos matrimonio coniungo et istum sacramentum inter vos firmo. In nómine Patris ... Amen«; ZÁRATE (1734) 39–39v, included both. Similar formulas appear also in MENTRIDA (1630) 92–93 and PÉREZ BOCANEGRA (1631) 590–592, 624–630.

83 Council of Trent, sesión 24, *De reformatione circa matrimonium*, cap. 1; AZNAR GIL (1992) 209.

84 For the Synod of Pamplona (1591), see: USUNÁRIZ (2004) 303.

85 ZÁRATE (1734) 39–39v; MENTRIDA (1630) 82; PÉREZ BOCANEGRA (1631) 587.

86 Synod of Huamanga (1629), tit. 3, cons. 5; Synod of Huamanga (1672), cap. 17.

87 VERACRUZ (2009) 237; MENTRIDA (1630) 82.

88 Nuptial blessings could not be celebrated from Advent to Epiphany and from Lent to the Easter Octave. Pope Pius IV had allowed – for 25 years – to give these blessings at any time to the Indians, nevertheless this privilege ended in 1587. ZÁRATE (1734) 40–43v. For the timing, see also: AZNAR GIL (1992) 212–213.

89 AZNAR GIL (1992) 210, mentions a similar legislation in the Third Council of Mexico (1585).

90 First Council of Lima (1551–1552), pte. 1, cons. 20; Second Council of Lima (1567–1568), pte. 1, cap. 16, and pte. 2, cap. 68.

91 Synod of Quito (1570), pte. 4, cons. 48; Synod of Tucumán (1597), pte. 2, cons. 5.

92 MENTRIDA (1630) 82.

93 PÉREZ BOCANEGRA (1631) 592–599, 624–630.

who exploited this situation to repudiate their lawful wife or refuse to live with her on the grounds they were not married.<sup>94</sup> Together with these drawbacks it would also seem that these pastoral decisions were heavily influenced by money concerns: indeed the Arequipa Synod of 1684 recommended the blending of betrothals and *velaciones* to cut costs;<sup>95</sup> for this same reason the synods of Lima in 1613, Trujillo in 1623 and Huamanga in 1629 and 1672 urged the joining of ceremonies when dealing with blacks or »poor people«.<sup>96</sup> In later diocesan assemblies the ceremony-blending trend spread to all social groups, following the recommendations of Andean authors like Peña Montenegro.<sup>97</sup> This shortening of the marriage formalisation time also chimed in with the trend in some parts of Europe.<sup>98</sup>

The deadline laid down by the Church in Spanish America between betrothals and *velaciones* varied from one territory to another, ranging from a few days to several months, according to Aznar Gil.<sup>99</sup> In the Peruvian Viceroyalty the time ranged from three to six months.<sup>100</sup>

The *velaciones* ceremony should be held during the daytime,<sup>101</sup> within the home parish. This same recommendation had been clearly made in the Lima councils.<sup>102</sup> From there it was taken up by the Lima and Charcas synods, which were repeatedly explicit on this score,<sup>103</sup> also forbidding the celebration of blessings in monasteries and nunneries, hermitages, hospitals and churches other

than the parish church and, of course, in private oratories of the various South American landholding or farming arrangements such as *estancias*, *chacras*, *obrajes* or *trapiches*.<sup>104</sup> For example, the synodal fathers meeting in Arequipa in 1684 denounced the frequent practice of celebrating marriages outside parish churches, an exceptional event that would call for a licence from the diocesan bishop. The fathers of La Paz in 1738 ruled agreed that no exceptions at all should be made on this score »however noble and privileged may be their owners« as long as the church was the rightful venue as the place of prayer and because due solemnity favoured devotion of the faithful and a better appreciation and valuation of the sacrament.<sup>105</sup> So much stress did the latter synod place on the liturgical solemnity of the blessing, that it also stipulated that priests blessing natives at »forbidden« liturgical times should do so in the church with the same dignity as worship on normal dates.<sup>106</sup> Authors like Alonso de la Veracruz, Alonso de Mentrída and Juan Pérez Bocanegra also referred to the necessary celebration of the blessing within the parish church.<sup>107</sup>

Liturgical solemnity, as we have seen, thus affected the two main wedding ceremonies. The church wrapped the nuptial blessings in a ritual in which the words and gestures underlined the importance of the sacrament. It would hence stand to reason that the various councils and synods should also insist on proper adornment of the

94 *IBID.*

95 Synod of Arequipa (1684), tit. 10, cap. 15.

96 Synod of Lima (1613), lib. 4, tit. 1, cap. 10; Synod of Trujillo (1623), act. 4, cap. 2; Synod of Huamanga (1629), tit. 3, const. 5; Synod of Huamanga (1672), cap. 17, cons. 14.

97 Synod of La Paz (1738), cap. 3, ses. 7, const. 17; Synod of Arequipa (1684), tit. 10, cap. 15; Synod of Santiago de Chile (1688), cap. 4, cons. 11; Synod of Santiago de Chile (1763), tit. 8, cons. 12; PEÑA MONTENEGRO (1995) II, 197.

98 For Florence, see: LOMBARDI (1996) 240–241.

99 AZNAR GIL (1992) 210–211.

100 Three months was the deadline established in these Synods: Cuzco (1601), cap. 29; Arequipa (1638), lib. 2, tit. 8, cap. 8; Concepción (1744), cap. 5,

cons. 12. Six months was the deadline approved in the Synod of Trujillo (1623), act. 4, cap. 2; Synod of Huamanga, 1629, tit. 3, cons. 5 and the Synod of Huamanga (1672), cap. 17, cons. 14.

101 Synod of Lima (1613), lib. 4, tit. 1, cap. 11; Synod of Huamanga (1629), tit. 3, cons. 5; Synod of Huamanga (1672), cap. 17, n. 15; Synod of Arequipa (1684), tit. 10, cap. 15.

102 First Council of Lima (1551–1552), pte. 2, cons. 69. The same disposition reappeared in: Second Council of Lima (1567–1568), pte. 1, cap. 16 and Third Council of Lima (1582–1583), act. 2, cap. 34.

103 Synod of Lima (1613), lib. 4, tit. 1, cap. 11; Synod of Huamanga (1629), tit. 3, cons. 5; Synod of Huamanga (1672), cap. 17, n. 15; Synod of Arequipa (1684), tit. 10, cap. 15.

104 Synod of Cuzco (1601), cap. 29; Synod of Arequipa (1638), lib. 2, tit. 8, cap. 8; Synod of Lima (1636), *Titulo de officio rectoris*, cap. 11, 25–26.

105 Synod of Arequipa (1684), tit. 10, cap. 15; Synod of La Paz (1738), cap. 3, ses. 7, cons. 9 and 21.

106 Synod of La Paz (1738), cap. 3, ses. 7, cons. 15.

107 MENTRIDA (1630) 82; VERACRUZ (2009) 217–225; PÉREZ BOCANEGRA (1631) 588–589.

church and the decorum with which the marrying couple should dress, attending the blessing bearing candles and offerings.<sup>108</sup>

As regards the *velaciones* ritual, the Archdeacon of Trujillo, Juan Machado de Chaves, stressed the venerability of the ceremony in his *Perfecto confesor*, pointing out the many references thereto made by fathers of the church and innumerable councils.<sup>109</sup> The *modus operandi* for this second marriage stage also took its Spanish American cue in the end from the *Rituale Romanum*, albeit coexisting for some time with other pre-Tridentine rituals. Witness the fact the La Plata Council of 1629 sanctioned the use of the *Toledano* and *Mexicano* rituals in default of the *Romanum*.<sup>110</sup>

The first part of this ceremony was held in the church door, where the priest awaited bride and groom fully attired for the ceremony.<sup>111</sup> There the rings and symbolic coins (*arras*) were blessed: three gold coins and one silver. Next came the exchange of rings and handing over of the *arras* by the husband to wife, using the established formulas.<sup>112</sup> The priest then said the prayers laid down in the ritual and, taking the spouses by the right hands, led them into the church chanting Psalm 127. The couple then knelt in front of the altar steps, whereupon the priest then intoned the prayers indicated by the *Ritual* for this moment.<sup>113</sup> The parish priest then donned white ornaments to begin the Mass *Pro sponso et sponsa* from the Roman Missal (*Missale Romanum*), as established by the Trent decree.<sup>114</sup> Bride and groom and their

godfathers, after the *Sanctus*, lighted the candles they bore. The moment of the blessing came after the *Pater noster*, when the parish priest stood on the gospel side of the church and intoned the prescribed prayers while the marrying couple knelt before the altar.<sup>115</sup>

The Spanish custom, laid down in the *Manual Toledano*, stipulated that, before saying these prayers, the priest would cover the husband's back and wife's head with a red and white silk veil, colours symbolising purity and procreation; it was also the custom to place a *yugal* (wedding cord) or chain over the shoulders of both.<sup>116</sup> From all the Spanish American manuals checked, only the rituals of Palafox and Venegas, which presumably circulated only in New Spain, incorporated this latter rite.<sup>117</sup> Everything would seem to suggest that it was not introduced in South America.

Lastly, after the *Ite missa est* and before giving the final blessing, the priest turned to the couple and blessed them with a specific prayer.<sup>118</sup> He would then remove the veil and *yugal*, if any. Lastly, he would urge them to live as a married couple in a Christian way. Turning back to the altar, he gave them another blessing and read the foreword to the Gospel according to St. John. He then invited them to kiss his stole and the bride and groom and godfathers then offered the candles they bore, which remained alight.<sup>119</sup>

Both Oré and Pérez Bocanegra recorded the custom whereby, finally, the priest would ask the couple to join their right hands and deliver the

108 AZNAR GIL (1992) 213–214; MOLINA (1565) 57–58.

109 MACHADO DE CHAVES (1646) II, 574.

110 Council of La Plata (1629) 104.

111 GARCÍA ALONSO (1959) 360–365; PALAFOX Y MENDOZA (1964) 140–148; VENEGAS (1731) 117.

112 MENTRIDA (1630) 93–96.

113 ZÁRATE (1734) 40–43v; ORÉ (1607) 216–219; Bocanegra mentioned a single ring – if possible a silver one – despite the poverty of the indigenous parishes: PÉREZ BOCANEGRA (1631) 592–599, 624–630; PALAFOX Y MENDOZA (1864) 140–148; VENEGAS (1731) 117; MENTRIDA (1630) 93–98.

114 Nevertheless, if the blessings were celebrated on Sunday or Holyday, the Mass of the day prevailed: PALAFOX Y MENDOZA (1864) 151–154.

115 MENTRIDA (1630) 98–101; PÉREZ BOCANEGRA (1631) 592–599, 624–

630; VENEGAS (1731) 117, 121–122; ZÁRATE (1734) 40–43v; ORÉ (1607) 219–222; PALAFOX Y MENDOZA (1864) 140–148.

116 GARCÍA ALONSO (1958), 404–414 and GARCÍA ALONSO (1959) 360–365. Palafox in his *Manual* speaks of »yugal« or chain, a definition more in keeping with Covarrubias's: »yugo is often taking to mean yoke, subjection or obedience«; for Covarrubias »velo« is »el que lleva la novia cuando se casa, de donde se llamó aquel acto velambres, y ella y él velado y velada«. COVARRUBIAS HOROZCO (2006). Rings, veil and a strip of cloth that symbolized the union of the bride and the groom, were already introduced in the European marriage ritual by the Decree of Gratian: CRISTELLON/SEIDEL MENCHI (2011) 279–280.

117 MOLINA (1565) 57–58; PALAFOX Y MENDOZA (1864) 140–148; VENEGAS (1731) 121–122.

118 »Deus Abram, Deus Isaac, & Deus Iacob sit vobiscum et ipse adimpleat benedictionem suam in vobis, ut videatis filios filiorum vestrorum ...«, MENTRIDA (1630) 101.

119 MENTRIDA (1630) 101; PALAFOX Y MENDOZA (1864) 140–148; VENEGAS (1731) 121–122; PÉREZ BOCANEGRA (1631) 592–599, 624–630, introduced an »Admonition to the married in romance [Castilian]«, translated also into Quechua.

woman unto the man, saying: »I give thee a wife and not a servant, love her as doth Christ his Church«. <sup>120</sup> According to Pérez Bocanegra, this custom was »so deeply engrained among the Indians« that they would feel something wrong in the marriage if it was missed out. <sup>121</sup>

It was in the *velaciones* where the *Toledano* ritual was most developed: neither the ring given by the husband to the wife, nor the *arras*, nor the imposition of the wedding cord was laid down in the *Romanum*. <sup>122</sup>

### 3.5 Charges, Alms and Parish Register

In the Spanish America there was a consensus among most councils and synods that indigenous people would not be charged for administration of the sacraments, in some cases with specific reference to the marriage ceremony. Only voluntary donations for the nuptial mass were countenanced. This dispensation was extended to mestizos, free blacks and slaves. <sup>123</sup> It was also established that Indian parishes should run a store of *arras* and rings for reuse in various celebrations and thus spare natives this outlay. <sup>124</sup>

Finally, for the precise publicity, the newly contracted marriage had to be recorded in writing. <sup>125</sup> With this purpose in mind, parish priests were to be held responsible for safe custody of the *Libros de matrimonios* (Marriage Registers) and for keeping them up to date. These recorded both betrothals and *velaciones*, indicating date and venue. Indeed, it was necessary to open a new register for each wedding stage if held on different days. Other information noted down included the names of the newly wed, taking into account their *naturaleza* (meaning nationality and ethnic origin), <sup>126</sup> together with the names of their parents, the priest,

witnesses and godfathers. The register also had to be signed by all of the above. It was stipulated that this information would be written down immediately, even if several weddings were held on the same day, to avoid oversights. When people from another parish were married, the information was passed on to the other parish priest for him to include it in his own ledger. <sup>127</sup>

## 4 Effective Implementation of the Tridentine Celebration?

The remit of this paper up to now has been to ascertain the Andean marriage ritual practiced at that time, specifically within the archbishoprics of Lima and Charcas, drawing on the main sources: on the one hand, local councils and synods and, on the other, rituals used elsewhere in the territory, some of which were even drawn up therein, on the basis of the pastoral experience of their authors or their kith and kin. Although both sources could be called into question from a theoretical point of view, this research aims to show that not only the councils and synods but also the parish priest manuals phased local knowledge and customs into their progressive application of Tridentine standards.

Even so, these sources quite obviously need to be crosschecked against others bearing a direct relation with the daily celebration of the Tridentine marriage in the Andean world. Space fails us here to do any more than sketch in some examples.

On their pastoral visitations, according to Trent protocols, bishops or their delegates would inspect the territory of the diocese. Upon arriving at each parish, the first concern was to look out for orthodoxy, ecclesiastical discipline, pastoral care

120 ORÉ (1607) 219–222; PÉREZ BOCANEGRA (1631) 592–599 and 624–630; VENEGAS (1731) 121–122.

121 PÉREZ BOCANEGRA (1631) 592–599, 624–630.

122 BOROPIO GARCÍA (1993) 70–73, 114.

123 Synod of Cuzco (1601), caps. 3 and 37; Synod of La Plata (1620), tit. 4, cap. 18; Synod of La Plata (1628), *In titulo de officio rectoris*, cap. 18; Synod of Huamanga (1629), tit. 3, cons. 4; Synod of Lima (1636), *Titulo de officio rectoris*, cap. 4, 21–22; Synod of Arequipa (1638), lib. 2,

tit. 8, cap. 8; Synod of Concepción (1744), cap. 5, cons. 14; MENTRIDA (1630) 98.

124 Synod of Lima (1613), tit. 3, cap. 7; Synod of Huamanga (1629), tit. 3, cons. 4; Synod of Arequipa (1638), lib. 2, tit. 8, cap. 8; AZNAR GIL (1992) 213–214.

125 GAUDEMET (1993) 347.

126 HERZOG (2003) 94–118.

127 Second Council of Lima (1567–1568), pte. 1, cap. 18; Synod of Tucumán (1597), pte. 2, cons. 18; Synod of Lima (1613), lib. 4, tit. 1,

cap. 8; Synod of La Plata (1620), tit. 4, cap. 10; Synod of Huamanga (1629), tit. 3, cons. 6; Synod of La Paz (1638), lib. 1, tit. 5, cap. 6; Synod of Arequipa (1638), lib. 2, tit. 8, cap. 1; Synod of Huamanga (1672), cap. 17, 22; Synod of Arequipa (1684), tit. 10, cap. 8 (includes a model); Synod of La Paz (1738), cap. 3, ses. 7, const. 1; Synod of Concepción (1744), cap. 5, cons. 19. Also, the pastoral instruments had instructions on the topic: MENTRIDA (1630) 102; VENEGAS (1731) 115–116.

and the dignity of worship. Confirmation being the exclusive prerogative of the archbishop, references to this sacrament tend to override all others, to the extent they are sometimes hardly mentioned in pastoral visitation records: hence the fact that references to marriage are pretty thin on the ground in these proceedings.<sup>128</sup> Nonetheless, an enquiry into the behaviour of the parish priest in his »lifestyle and customs« and in terms of the administration of the sacraments as part of pastoral care could throw up some collateral information on the application of the canonical form of marriage.<sup>129</sup>

All too often the witnesses interrogated by the visitor limited themselves to an affirmation that the parish priest had correctly administered the sacraments. This is exactly what happened in 1642 in the curacy of Pallac, in the diocese of Lima, where the four »main Indians« questioned all answered that the curate »had dealt with all such things as pertained to said office with diligence and promptness without failing in any«.<sup>130</sup> In other cases, however, the information is more precise. In the pastoral visitation made by Francisco Gutiérrez de Guevara in 1657 to the curacy of Ámbar, also in the Lima diocese, he obtained from the witnesses more explicit answers. Gaspar Rodríguez Pilco, a Ladino Indian and cacique of the village, declared that the curate Juan de Salazar Montesinos »has not married any Indian veiled before dawn or in forbidden time or without previous banns«. He went on: »to my knowledge said priest has not married any *forasteros* (Indians from elsewhere) without first having procured a licence from his own parish priest«. The governor and *alcalde ordinario* (lay judge) testified in a similar way.<sup>131</sup> These declarations mention the »forbidden times« for the wedding celebration, the need of banns, distinguish

between betrothals and *velaciones* and, implicitly, make it clear that the priest has put himself out to obtain previous *informaciones* from the parish priest of »foreigners« and obtain from him the necessary licence to marry them.

On occasions the actions of the visitor helped to clear up irregular situations. For example, in the 1675 visitation made by the Bishop of Cuzco, Manuel de Mollinedo y Angulo to the town of Capacmarca, he came across a man who had been living together with a woman in sin (*amancebamiento*) for many years »and to rescue him from his sinful life I waived the three banns of law and he thereby became married«.<sup>132</sup> In this case, therefore, the visitor called on his episcopal powers and waived the publicity requirements to accelerate the wedding and obviate any public scandal.

Finally, a recurring feature in all the examining canonical visitations is an examination of the *Libros de matrimonios* or marriage registers, usually kept under key in the sacristy along with the record of baptisms and deaths. The usual procedure was for the visitor to carry the ledgers off to his accommodation to peruse them carefully. It is precisely these *Libros de matrimonios* that are the main source for finding out how the wedding was performed and to ascertain whether or not it was Trent compliant, even in rural areas.<sup>133</sup> These ledgers, as we already know, record information on all the following: the *informaciones* (when it has been necessary to procure them from elsewhere), the publication of banns (as already pointed out), who performed the marriage and the names and home town of the marrying couple. For example, the Archbishop of Charcas, Feliciano de Vega, recorded the difficult visitation he had personally made to his own diocese in 1636, he should mention the inspection of these ledgers as one of

128 LUNDBERG (2008) 862–863.

129 Ecclesiastical visitations in the Andes have been recently analysed by RAMOS (2016) 41–49.

130 Autos de la visita secreta seguida por el doctor Alonso Osorio, visitador general del arzobispado, por el señor arzobispo don Pedro de Villagómez contra el licenciado Francisco de Rivera Samanez, cura de este dicho pueblo de Pallac y de la doctrina Atavillos, San Pedro de Pallac 1642. Archivo Arzobispal de Huacho, Causas de visitas pastorales, leg. 1, exp. 14.

A considerable part of this Archive can now be found on the online portal of the British Library, due to the persevering and rigorous work of Melecio Tineo Morón, to whom I feel very grateful for his orientations in dealing with these sources.

131 Causa de la visita y pesquisa secreta seguida por el licenciado Francisco Gutiérrez de Guevara, visitador general, contra el bachiller Juan de Salazar Montesinos, cura beneficiado de esta doctrina y sus anexos, sobre el uso de su oficio, en modo de vida, costum-

bres y en la enseñanza de la doctrina cristiana. Diego de Cárdenas, notario público. Francisco de Villagómez, arzobispo. Ámbar 1657. Archivo Arzobispal de Huacho, Causas de visitas pastorales, leg. 2, exp. 8.

132 GUIBOVICH PÉREZ/WUFFARDEN (2008) 43–94.

133 VALENZUELA MÁRQUEZ (2018) 7–28, has recently demonstrated the importance of these parish registers for social history.

the main tasks he had undertaken.<sup>134</sup> Years earlier, in 1619, during the pastoral visitation made by the graduate Cristóbal Loarte Dávila through the diocesan territory of Lima, he found out that the curate of Cajul, the Mercedarian friar Miguel Márquez, kept the ledgers of deaths, baptisms and weddings »with many defects and without complying with the rules laid down by the synods«. In his own defence the friar alleged that he was young, only 26 years old, and had received no instruction on how to go about his tasks. Unfortunately he was also found guilty of even greater remissness during the visitation. For this reason he was reported by the visitor and finally, in February 1620, he was removed from the curacy by Archbishop Lobo Guerrero.<sup>135</sup>

In a recent study referring to the diocese of Buenos Aires, Frías confirms that the examination of the *Libros de matrimonios* was a priority in the pastoral visitations. The visitors had to check these books to ensure that the marriage had been celebrated according to the *Rituale Romanum*. In particular, bishop Cayetano Marcellano and Agramont (1751–1759) established that the marriage registers had to be reviewed with special attention (*la mayor vigilancia*) for the irreparable damage that could result from their irregularities. His successor, Jose Antonio Basurco and Herrera (1760–1761), regretted that the faulty parochial records were not due to lack of rituals, but to not reading them.

Although in most of the pastoral visitations carried out in this diocese the *Libros de matrimonios*, after being revised – sometimes even annotated and completed – were finally approved by the visitor, this did not happen in the visitation to the parish of Nuestra Señora de La Merced of Buenos Aires, ordered by the Cathedral Chapter in 1747. In this case, the visitor concluded that the marriage registers did not follow the rules of the post-tridentine ritual to the point that it was not possible to correct them; therefore, the bishop determined to discard the old registers and start new ones. However, this measure was not very effective: only a few years later, in 1755, bishop Cayetano Marcellano and Agramont ordered the parish priest of La Merced to fill in the many blank

spaces found in the *Libros de matrimonios*. These inaccuracies probably were more persistent in marginal places. In fact, his successor, Manuel Antonio de la Torre (1765–1776), wrote in 1773 detailed instructions in which he summarized the process that led to the formation of marriage: from the previous steps to the nuptial blessings, in order to incorporate them into the *Libros de matrimonios* of the indigenous parishes of Areco and Baradero.<sup>136</sup>

As for the ritual, it is fitting to close this section with the remarkable testimony of the Jesuit Guillermo de D'Étre. As part of the evangelising missions of the Marañón River, he described his experience among the indigenous *itucalis* and stressed how their monogamous customs favoured the task of marrying them legally (*cristianamente*):

[...] Furthermore, polygamy is forbidden among them, whereas it is otherwise widespread amongst the infidel nations. Each one, therefore, has only a single wife and this makes their conversion easier and the missionary has only to confirm their marriage and administer to them the sacrament according to the ceremonies of the Church.<sup>137</sup>

## 5 Conclusions

Analysis of council and synod texts plus the manuals of sacraments, rituals and confessionals of the Andean area has allowed us to reconstruct the wedding rites in their various stages. It is notable how quickly Tridentine wedding rules were phased into local practices, especially after publication of the *Rituale Romanum* of 1614, a globally unifying text as far as ritual is concerned. Adaptation of this general Church legislation to the archdioceses of Lima and Charcas did not involve any great transformations. Indeed, we can safely speak of European or even Spanish practices being implemented in general, by way above all of the post-Trent *Manual Toledano* and the so-called *Manual Mexicano pequeño* (Small Mexican Manual).

134 Letter of Feliciano de Vega to the King, La Paz, 4 March 1636. Archivo General de Indias, Charcas, 138.

135 GUIBOVICH PÉREZ (2015) 182–184.

136 FRÍAS (2015) 58–61, 69.

137 Letter of the Jesuit Father Guillermo de D'Étre to Father Du Chambge, Cuenca [Ecuador] June 1<sup>st</sup>, 1731 in MATTHEI (1972) 274–285.



We do find, however, a certain idiosyncratic feature of performing the marriages in stages, due not only to the vast distances involved but also to the overriding concern to facilitate adaptation to the Christian matrimonial model by the indigenous peoples. The latter was achieved by introducing a greater leniency in compliance with requirements, especially in the sixteenth and seventeenth centuries, and the translation of the rituals into aboriginal languages. The overall trend over time, however, was one of unification: the natives in general became indistinguishable members of the Christian community in terms of complying with Tridentine marriage rules.

Finally, to confirm enforcement of these new marriage rules, the main findings here would have to be cross-checked against other sources directly related to the daily celebration of Tridentine marriages in these territories. Several examples towards the end of the paper suggest that pastoral visitations together with marriage registers are a rich seam for future research as they show how an ongoing concern to implement post-Trent conditions in the formation of marriage. These records point to a general compliance of Catholic marriage reform at this local level, assimilating American idiosyncrasies. ■

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