

7-2007

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### ScholarWorks Citation

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# “A VILE AND ABJECT WOMAN”: NOBLE MISTRESSES, LEGAL POWER, AND THE FAMILY IN EARLY MODERN SPAIN

Grace E. Coolidge

*Mistresses of Spanish noblemen between 1360 and 1600 occupied a place within the Spanish patriarchy where concerns about gender and class intersected, revealing contradictions between the ideals of honor, the moral injunctions of Catholic doctrine, and the practical needs of noble families. Mistresses occupied a flexible space in the Spanish patriarchy where a woman's social status, her ability to produce male heirs, and her ability to use the legal system to her advantage shaped her experience as a mistress and made her more likely to disrupt or change the inheritance processes of noble families. Concentrating on noble mistresses reveals that Spanish society had ambiguities about issues of morality, honor, status, and gender that allowed both male and female Spaniards to manipulate social attitudes as skillfully as they manipulated the law.*

**Keywords:** Spain; early modern Europe; gender; mistress; women; family

In the tumultuous years between 1360 and 1600, the Spanish nobleman was fragile, threatened by violence, accidents, war, disease, and changing economic conditions. His goal was to preserve the wealth and property he had accumulated and transmit it intact to the next generation of his family.<sup>1</sup> While this goal was inherently conservative, the methods the nobility used to achieve it were not. Even though noblemen recognized that female participation in the inheritance system violated prescriptive norms that emphasized a need for women to be silent, enclosed, controlled, and submissive,<sup>2</sup> they continued to call on their wives, mothers, and daughters to help them preserve and transmit property. Noble families struggled to maintain a sense of security across generations, depending heavily on women to transmit their property and maintain their families.

The mistresses of noblemen played a more complex part in the nobility's inheritance strategies than women filling traditional roles in the noble family. Mistresses occupied a place within the Spanish patriarchy where concerns about gender and

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*Journal of Family History*, Vol. 32 No. 3, July 2007 195-214

DOI: 10.1177/0363199007300205

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class intersected, revealing contradictions between the ideals of honor, the moral injunctions of Catholic doctrine, and the practical needs and concerns of noble families. While some Spanish noblemen had casual affairs with women of lower social status than their own, others practiced an unofficial form of polygamy that could enhance their masculinity, meet their sexual and emotional needs outside the restrictions of an arranged marriage, and often provide them with alternative families. Noble mistresses could provide extra heirs or disrupt the inheritance process completely. In the highest levels of Spanish nobility, women as well as men could have extramarital affairs without completely losing their social status, although women often paid a much higher price for these affairs than their male counterparts. All mistresses were vulnerable in this patriarchal society, and many women were given little choice about their engagement in sexual affairs with noblemen or about what happened to themselves and their children afterward.

As the nobility struggled with the constraints imposed on their emotional and sexual lives by arranged marriages and the pressure to produce male heirs, they tended to view the Catholic doctrine that governed their lives as a legal code (as indeed it was) rather than a spiritual guide in this matter. Since church and civil law accepted that the status of illegitimate children varied according to the severity of their parents' sin, both parents and children worked hard to prove that they were either the best kind of illegitimate or, better yet, actually legitimate because of legal technicalities, misunderstandings, or timing. The fact that people could be legitimated created a space within canon and civil law where women and men could recreate their social and legal identities to accommodate their own needs and compensate for past mistakes or irregularities.

I argue that because mistresses occupied a flexible moral space in the Spanish patriarchy, a woman's social status, her ability to produce male heirs, and her willingness and ability to use the legal system to her own advantage helped shape her experience as a mistress and the social and legal impact she had on the family of her noble lover. Mistresses of higher social status were more likely to be able to use the legal system to their advantage and that of their children, and were also more likely to disrupt the inheritance processes of noble families. Mistresses of lower social status, while often providing companionship, children, and prestige to their male partners, were less likely to pass on prestige to their children and thus less likely to disrupt the noble families they were involved with. The ideal mistress, from the point of view of the noble family, was a woman with enough status not to be "vile and abject" but without claims to nobility that would allow either her or her children to disrupt the orderly transmission of property between generations.

This study is based on documents pertaining to the lives of forty-three women who had extramarital relationships with noblemen connected to the families of the dukes of Infantado, the dukes of Frías, the dukes of Arcos, the dukes of Gandía, the dukes of Benavente, and the dukes of Medina de Ríoseco. These noble families were some of the highest ranking *grandees* in early modern Spain. Their records are collected in the Sección Nobleza of the Archivo Histórico Nacional, which is housed in Toledo. Drawing on that collection, this study uses wills, the records of civil court cases concerning inheritance rights, entails (*mayorazgos*), letters, genealogies, records of *limpieza de sangre*, and civil and papal legitimations. Twelve of the women in the study were noble,<sup>3</sup> eleven were not noble,<sup>4</sup> and the status of twenty of them is unclear.<sup>5</sup> These women's lives span a period of years roughly between 1360

and 1600, when the noble families in this study were establishing their titles. Since the records used in this study track only illegitimate children whose fathers and families chose to acknowledge them and their mothers, they cannot give us any concrete information on how many illegitimate children or mistresses actually existed for these families during this time or why the number of noble mistresses mentioned in these records drops off suddenly after 1600. They do, however, shed important light on how the nobility felt about and dealt with the phenomenon of mistresses and extramarital sexuality.

Historian Thomas Kuehn argues that in early modern Italy, legitimation was a “social and legal paradox” that “was carefully managed and maintained,” a definition that highlights its two-fold importance in inheritance strategies.<sup>6</sup> This paradox existed in Spain also. Kuehn’s definition demonstrates the active ways in which people in both Renaissance Italy and Spain were able to control the social and legal aspects of their environment:

Illegitimacy and legitimation . . . were a means for people to craft an ambiguity that could be used to advantage. Creative manufacture, maintenance, and management of such ambiguities was one of the hallmarks of life in a Renaissance city-state, if not of all societies.<sup>7</sup>

Illegitimacy, which on the surface might seem a quite straightforward matter of whether an individual’s parents were married at the time of his or her birth, could in fact be hidden, contested, removed, overlooked, changed, and manipulated by the social and legal conventions of the early modern world.

Exploring the lives of the variety of women who became mistresses to the Spanish nobility necessitates some understanding of the nature of legitimacy, illegitimacy, and legitimation since many of these women can only be found in historical records in relation to their children.<sup>8</sup> Of the forty-three mistresses in this study, only one, Mencía de Ayala, had no children and she appears in the archival records only because her blatant disregard for the legal rights of her lover’s widow produced a lawsuit and a firm reprimand from the Spanish monarch.<sup>9</sup> While there were undoubtedly other women who had illicit sex with noblemen and did not get pregnant, their lack of offspring kept them out of inheritance strategies and disputes, making them hard for the historian to find behind the protective language that shielded their honor and that of their families. Even Mencía, who lived openly with her lover and refused to vacate his house or allow his will to be executed after his death, is always referred to by him as his cousin, which she was.

The presence of mistresses raised two connected sets of concerns in early modern Spanish society because they were women whose sexual honor or chastity was in question and they were women who produced illegitimate children who could subsequently complicate the inheritance strategies of their social group. As Helen S. Ettliger has commented, “the problem and person of the mistress must be considered to reach a better understanding of the connections between family structures, legitimacy, and power in Renaissance society.”<sup>10</sup> The presence of the mistress in the Catholic world of early modern Spain, and the fact that her children did sometimes have the power to disrupt inheritance processes among the nobility, demonstrates the legal and social flexibility of the Spanish patriarchy.

In early modern Spain, a woman’s chastity or honor was not an absolute quality, but was affected by her social status, her marital status, her perceived intentions, and

a society that tended to view honor as “an elastic commodity.”<sup>11</sup> Allyson Poska argues that historians would do well to consider the demographic, economic, class, and regional context when evaluating attitudes towards women’s chastity and/or honor because these attitudes varied so widely across Spain.<sup>12</sup> Abigail Dyer argues that while “[p]re-marital sexual acts, according to Catholic doctrine and contemporary notions of honor, should have caused a woman’s descent into disgrace and, later, hell,” the women in Navarre who sued for seduction “were not social outcasts, nor were they rejected by family and neighbors.”<sup>13</sup> Ann Twinam affirms that in colonial Latin America, “elite women could live their lives ‘in between’ the dyad of the saint and the whore,”<sup>14</sup> and Poska’s work in Galicia shows that many women there went on to marry after having had illegitimate children.<sup>15</sup>

According to Ann Twinam, the Catholic world of early modern Spain was based on “the understanding that both men and women would sin, and that such transgressions could always be confessed and forgiven.”<sup>16</sup> The medieval Spanish law code, *The Siete Partidas*, affirms this recognition of human frailty as it acknowledges that

Men sometimes have children who are not legitimate, for the reason that they are not born in wedlock, according to the law. And, although the Holy Church does not consider, or accept, such as these as legitimate, nevertheless, since it happens that men beget them, and as, in the preceding Title we spoke of concubines, we desire in this one to speak of the children who are born of them.<sup>17</sup>

The recognition that these things (and these children) happen was given some urgency by the need to contain the situations and the children who resulted from them within a recognizable social and legal code.

In addition to this moral ambiguity, sexual and marital status in early modern Spain was also legally complex. Marriage laws in early modern Spain were not static. They changed over time and they were changed by couples and their families who “were making use of the legal resources available . . . to fashion ad hoc arrangements that seemed to fit the particular circumstances of their lives.”<sup>18</sup> Renato Barahona’s study on sexuality in early modern Vizcaya finds that confusion over marriage often lasted long past the Council of Trent (1545-1563), noting that “when engaging in significant sexual relationships, individuals often skirted ecclesiastical tenets and codes of conduct in various ways.”<sup>19</sup> The complexity and changing nature of the law left loopholes that could be exploited by couples facing an impediment to their marriage as well as by their offspring trying to assert inheritance rights.

Prior to the Council of Trent, the Church’s position on marriage had been characterized by “controversy and changing of direction.”<sup>20</sup> Before the twelfth century, the Church had recognized two stages in a marriage, the betrothal and the wedding. This two-stage model gave rise to an uncertain period between the betrothal and wedding in which popular custom deemed that sexual activity between betrothed partners was acceptable.<sup>21</sup> Through all the subsequent changes in the marriage law, the popular opinion persisted that “sexual intercourse itself was not condemned, unexpected or even unusual between betrothed couples.”<sup>22</sup> By the twelfth century, there was widespread disagreement about the stages of a marriage, with Gratian emphasizing the betrothal as binding while Lombard characterized it as merely a promise to wed in the future (*palabras de futuro*). According to Lombard, a marriage required present promises (*palabras de presente*) to be valid. In 1179, the papacy accepted two ways to recognize a marriage. Betrothal (*palabras de futuro*) and

consummation constituted a valid marriage, but so did a marriage ceremony (*palabras de presente*). In 1215, the Fourth Lateran Council moved toward the need for a church wedding with bans, witnesses, and a public ceremony, but even then it did not invalidate clandestine marriages but merely penalized the participants.<sup>23</sup> The Council of Trent, however, made a drastic change in traditional Spanish marriage customs by requiring the presence of a priest in order for the marriage to be legal.<sup>24</sup> This change in the law caught more than one couple in a complex legal situation.

In 1572, a legal case about the validity of the marriage of Almirante Luis Colón and Luisa de Carvajal, duchess of Veragua, illustrated both the kind of complex situation that might make a noble woman a mistress, and the ambiguity of legal marriage in sixteenth-century Spain. The issue at stake was whether the couple's son, Cristobál, was legitimate, and thus eligible to inherit his parents' titles and fortunes. The Almirante and Luisa de Carvajal appear to have exchanged vows in private without the assistance of a priest and then begun

married life together as husband and wife [with] public affection toward the said doña Luisa la Duquesa de Beragua and that being as husband and wife they had for their son the said don Cristobál, and several witnesses say that when they were married she became pregnant and . . . gave birth to don Cristobál who was baptized as the son of a noble.<sup>25</sup>

The fact that the couple were said to live publicly and openly together as a married couple and that other witnesses thought they were married and knew when the baby was born was an important element in signifying the couple's good faith. They were not acting as though they needed to conceal anything nor were they aware that they were doing anything wrong. The problem that occurred in this marriage is specifically the one the Council of Trent was trying to avoid by banning clandestine marriages and requiring couples to participate in a uniform, public, church-centered marriage ceremony: the admiral, it seems, may have already been married.<sup>26</sup>

The judge in this case did not accept the argument put forth by Cristobál's representatives that his parents had acted in good faith. Setting out three clear points, the judge illuminated the reasons why he doubted the marriage, shedding light on how these disputes might be viewed in the courts. First of all, the judge argued that there was no marriage. Even if there had been some form of marriage, the judge was still not impressed because he suspected bad faith on doña Luisa's part. Turning to that all-important document, the baptismal certificate, the judge pointed out that Cristobál had been baptized *not* as the son of a noble married couple but simply as the "son of Luis de la Vega and Luisa de Guevara, unmarried."<sup>27</sup> This is an interesting format for a baptismal certificate because it included variations on the couple's names and left out their titles, suggesting that they officially recognized their child (Cristobál could have been baptized as being of unknown parents) but still felt the need for some concealment.<sup>28</sup> Baptismal certificates were very difficult to alter,<sup>29</sup> and the judge in this case depended heavily on the accuracy of the information on Cristobál's certificate. "Note," he says, "that here the book calls them single and not married . . . and the names and titles of the nobility of his parents are silenced, and the godmother is a woman of low connections and of bad qualities [so that] the notorious qualities that the witnesses gave this marriage are mostly contradicted by this baptism."<sup>30</sup> This judge was clearly more impressed with the baptismal record than with the witnesses, pointing out "there is nothing more like bad faith than to hide and conceal a name."<sup>31</sup>

Not content to stop there, however, the judge in this case went on to calculate with great precision the effect the decrees of the Council of Trent had on this (supposed) marriage. Twinam points out that before the Council of Trent, “the couple rather than the priest were the agents of matrimony,” making it possible for doña Luisa and the Almirante to have had an exchange of marriage vows without a priest and still be legally married. After the Council of Trent, “only marriages performed by clerics legitimized sexual liaisons.”<sup>32</sup> The judge in this case pointed out that Cristobál was baptized on May 26, 1565, so he must have been conceived in September of 1564 and “the council [of Trent] was published in these regions in April or May of the same year (1564).”<sup>33</sup> So, the judge concludes, “in order to be legitimate the mother must have been in good faith not only at the time that she married, but also at the time of conception, because if she conceived in bad faith he is not legitimate; but I say that at the time of conception, it is impossible that doña Luisa had good faith” because she must have known about the decrees of the Council of Trent which invalidated her marriage, thus causing the baptismal certificate to be written the way that it was.<sup>34</sup> Indeed, don Cristobál was declared “*espurio* and *adulterino*; and as such incapable of inheriting.”<sup>35</sup>

Even though don Cristobál lost his case, it is not entirely clear at what point his mother might have realized that his father was already married or that her own marriage was invalid. Did doña Luisa know the entire time that her lover was someone she could not legally marry and decide to take a huge risk, or, as seems more likely, did she realize at some point after she had exchanged private marriage vows with the admiral that he was not being honest with her? The sheer complexity of Spanish marriage law along with the changes brought about by the Council of Trent must have made it difficult for some young women and their families to know if their relationship was a legal marriage. Indeed, Twinam claims that “the potential consequences [of Trent] were so culturally profound that two centuries later those canons had still been neither popularly accepted nor uniformly implemented.”<sup>36</sup> The insistence by the Church that only children of a couple married by a priest were legitimate “created a new world of illegitimates.”<sup>37</sup> In this particular case, the fact that the judge was prepared to hold him to the letter of the post-tridentine law probably literally cost don Cristobál a fortune. The complicated reasoning with which the judge attempts to uncover the exact date of Cristobál’s conception and the amount of the law that his mother could reasonably have been expected to know at this point indicates some of the difficulties that the changing marriage law must have put in the path of judicial officials. The ambiguities inherent in the changing definitions of legal marriage, the older customs of allowing sex after betrothals, and the possibility of clandestine but legal marriages must have tempted as many people as they confused, allowing young couples to make socially risky decisions about the nature of their relationships.

If legal marriage was a changing and ambiguous entity in early modern Spain, illegitimacy was even more complex. The fact that under Spanish law there were various different categories of illegitimate children demonstrates what a carefully crafted ambiguity illegitimacy was. The existence of categories of illegitimacy is also found in Italian law but is not true of English law.<sup>38</sup> The categories of illegitimacy, based loosely on the severity of the parents’ sin, are made more complex by the existence of canon and civil law, both of which concern themselves with illegitimacy.<sup>39</sup>

In Spain, if there was no legal impediment to their parents' marriage, illegitimate children were known as *hijos naturales* and had some legal rights of inheritance if they were acknowledged by their father. If the parents of *hijos naturales* subsequently married, then these children were automatically legitimated.<sup>40</sup> *The Siete Partidas*, which is not very clear on the various categories of illegitimacy, nevertheless notes that natural children are called natural "for the reason that they are begotten contrary to law, and in opposition to the natural order."<sup>41</sup> The other, and much more problematic, category of illegitimate children is that of *hijos bastardos* or "bastards" whose parents were legally unable to marry at the time of their birth. The various types of bastards are again classified by the nature of their parents' sins. *Incestuosos* are children of parents who were related within the prohibited degrees of consanguinity provided by the Catholic Church, *adulterinos* are children who had at least one parent who was married to someone else, and *sacrilegos* were children who had at least one parent bound by religious vows. Twinam's study on illegitimacy in colonial Spanish America finds that these categories were ranked according to increasing stigma. *Hijos naturales* were the least problematic and most likely to be legitimated, while *sacrilegos* carried the heaviest stigma.<sup>42</sup>

The combination of shifting marriage laws, which could contradict both each other and older marriage customs, and a degree of legal recognition of the varying rights of illegitimate children created a series of legal and social ambiguities that could be simply confusing or ripe for manipulation by the men and women involved. The case of Luisa de la Cerda, daughter of the second duke of Medinaceli, demonstrates how difficult it can be for the historian to uncover the motives of women negotiating these ambiguities. In 1547, Luisa made a good marriage with Antonio Arias Pardo, who became one of the richest men in Castile. The couple had six children together, but Luisa already had a daughter, Isabel, "the illegitimate fruit of Luisa's premarital liaison with Diego Hurtado de Mendoza, the prince of Mérito."<sup>43</sup> The fact that Luisa made a good marriage with a man who was her equal in rank and property after having an illegitimate child affirms that women in Spanish society could recover their social prestige and status after an illicit affair. At the same time, Luisa's story also highlights women's vulnerability in Spanish society, since she was a young orphan indebted to a powerful male patron when her pregnancy occurred.<sup>44</sup> As María Pilar Manero Sorolla points out, Luisa's early pregnancy could be interpreted either as "a sign of the power and freedom of a highborn lady," or as a "disparity between the powerful position of her lover and her own youth and status as an orphan."<sup>45</sup> It is almost impossible for the historian to uncover how much agency or control Luisa had over these early life decisions. She might have been raped, but she might also, in her youth and inexperience, been tempted with a promise of marriage that would never legally materialize.

Between 1360 and 1600, numerous noblewomen negotiated or were caught in the legal and social ambiguities that surrounded marriage. In the late fourteenth century, Lady Mencía de Ayala lived openly with the admiral of Castile.<sup>46</sup> In the mid-fifteenth century, the second count of Tendilla had an illegitimate daughter with Lady Leonor Beltrán, who is described as a "young noblewoman."<sup>47</sup> His grandson, the fourth count of Tendilla, had an illegitimate daughter with Lady Luisa de Mosquera.<sup>48</sup> When Juan de Borja, the third duke of Gandía, wrote his will, he referred to his illegitimate son, Juan, simply as "son of a noble lady."<sup>49</sup> The duke avoided exposing a woman who was

in a vulnerable position, while at the same time conveying the necessary information—his son's mother was noble. A contemporary genealogy gives her name as Lady Catalina Díaz y de Castetellui.<sup>50</sup> There were a variety of reasons that noblewomen could find themselves in the position of being a mistress, and because of the conflicts between law and custom that existed in early modern Spain there were many ways in which noblewomen ended up in the vulnerable position of having a sexual relationship with a man they were not married to.

Doña Mencía de Lemos, however, must have known that her lover would never marry her. Mencía was the daughter of wealthy, noble Portuguese parents and she came to Spain with Princess Juana of Portugal when the princess married King Enrique IV of Castile in 1455.<sup>51</sup> She was one of the ten ladies-in-waiting who came with the princess and the king “was obliged to dower and marry them according to their quality.”<sup>52</sup> Mencía discarded this traditional option in favor of a long-term affair with Pedro Gonzalez de Mendoza, son of the Marquise of Santillana and member of the powerful noble family of Infantado. Pedro Gonzalez de Mendoza was the archbishop of Toledo and Seville, and a cardinal of Spain.<sup>53</sup> The couple had a very public relationship and two sons, both of whom were personally legitimized by Queen Isabella of Castile in 1476. The legitimation skipped over the touchy subject of the cardinal's status as a member of the clergy (which would technically make his sons *sacrilegos*) and merely remarked that “doña Mencía de Lemos, their mother, is not married or promised in marriage to anyone.”<sup>54</sup> The cardinal had a third son, Juan, with doña Inés de Tobar, daughter of the lord of Cevico de la Torre and doña María de Toledo, whom he also had legitimated by both the queen and the pope.<sup>55</sup>

The cardinal's two families might be part of the explanation for why the Spanish Church was not more systematically severe on men and women who had sex outside of officially sanctioned marriage bonds. Twinam's study of illegitimacy in Latin America finds a significant number of priests who acknowledged their illegitimate children. Twinam comments that the “prevalence of clerical sexual liaisons must have served as a backhand protection to parishioners who also lived in forms of consensual unions, since priests had little moral authority to chastise others when they themselves lived in sin.”<sup>56</sup> If priests living in sin could not chastise their parishioners, a cardinal living in sin could not chastise either his priests or their parishioners. If the queen legitimated the cardinal's children, does that suggest that she was not likely to chide others in similar situations? This general acceptance of illegitimacy as a fact of life did not prevent the individual people involved in the situation from suffering loss of status or honor, but perhaps it affected the decisions of women like Mencía de Lemos and Inés de Tobar who had children with a man who they knew could never legally marry them but was influential enough to protect them and their children.<sup>57</sup>

The cardinal seems to have been a devoted family man, carefully providing for all his illegitimate children. In 1487, the queen gave him permission to form entails that his sons could inherit “as if they were legitimate and of legitimate marriage,” and, in 1488, he received a Papal Bull allowing him to provide for his sons from his *bienes libres* (property that belonged to him personally and was not entailed or connected to his offices in the Church).<sup>58</sup> All the documents concerning the children's inheritance that are filed in the family archives refer quite publicly to both their mothers by name. The only hint of discretion about these two affairs seems designed to protect the cardinal's reputation, rather than that of his mistresses. Cardinal Mendoza's

final will, dated 1494, contained no hint of his irregular affairs or his three sons. The cardinal had meticulously provided for all his children outside of his public, official will which left his belongings to various churches and religious institutions.<sup>59</sup>

If elite women struggled with the sexual advances of powerful noblemen and their own decisions in the face of those advances, women of lesser social status were even more vulnerable and might have much less choice. While a woman from the upper echelons of the nobility might survive the stigma of an illegitimate child, a woman of lower social status might (paradoxically) find her economic status increased by an affair with a man of higher rank. In the winter of 1516-1517, Ana de Galves was seduced by a young nobleman (Juan de Velasco) from the house of Frías, and gave birth to a son, Baltasar. Although again it is difficult, if not impossible, to discover how much control or consent Ana had over this relationship with someone who was so much her social and economic superior, she did not suffer materially from this affair. One witness claimed that Juan de Velasco gave her a dowry of two hundred *ducados* (another witness set it at seventy thousand *maravedís*) and she married “a very honorable *hidalgo*.”<sup>60</sup> Her son was raised by her father and stepmother, who attempted (with little success because of their age) to claim him as their own. Whatever the personal and emotional costs, a large dowry might have meant security for Ana (and her parents) in their old age. While her son would never be able to inherit a ducal title, he and she would be economically secure throughout their lives.

While it is hard to uncover Ana’s side of the story, a chance memory recorded in Baltasar’s later attempt to prove his relationship to Juan de Velasco gives us a vivid insight into what Juan gained from his affair with Ana. In the vicious world of court rumors, the presence of Ana and her son served to restore Juan de Velasco’s damaged prestige and affirm his masculinity. In the winter of 1516-1517, Luis de Herrera, the inquisitive servant of Cardinal Francisco Ximenez, wondered why Juan de Velasco, a nephew of the duke of Frías, was spending so much time in the town of Bayona when the court was in Madrid. He asked various residents of Bayona who obligingly informed him that “the cause was the daughter of the host where [don Juan] was staying who was very well dressed.”<sup>61</sup> Luis de Herrera permitted himself to doubt this because, he claimed, “el señor don Juan had in court a reputation for being castrated.”<sup>62</sup> The *hidalgo* he mentioned this to “said to me, ‘look, the one you call castrated left the daughter of the host pregnant.’”<sup>63</sup> The result of this pregnancy was Baltasar de Velasco, whom one witness “saw cared for in the said house where the said maiden was,” and heard referred to as “Velasquito.”<sup>64</sup> By giving his son his name, Juan de Velasco did not need to marry his son’s mother to reap the benefits of having a son, benefits which perhaps included losing his court reputation for being castrated. Years later, after Juan was dead, Baltasar was able to collect the accounts of five witnesses who were all prepared to swear under oath that Juan had been his father.

While it is often difficult for a historian to uncover the thoughts and choices of the women who were mistresses of the early modern Spanish nobility, it is much easier to discover the impact that these women and their children had on noble families. This is mostly because the surviving documentation in the family archive concerns itself with inheritance, a place where illegitimate and legitimated children could play a particularly complex role. The presence of illegitimate children could help a family who had no heir or no male heir by providing them with an heir of their own blood, or the presence of illegitimate children could complicate and destroy the smooth

transfer of property between generations. The exact legal status of illegitimate children and the social status of their mothers were two key factors in how their illegitimacy would affect their families and their own lives as adults.

The legal status of illegitimate children could have immense significance for the inheritance system of the Spanish nobility. Furthermore, the nobility demonstrated a firm grasp on the implications of each status and what rights children of each status might eventually be entitled to claim. For example, the first duke of Frías had two wives, two legitimate daughters, at least two mistresses, and three or four illegitimate sons. Unfortunately for the duke, the Frías *mayorazgo* (or entail) clearly stated that daughters could not inherit the title. This was a fairly unusual stipulation in a Spanish *mayorazgo*, but it seemed inevitable that in this case the duke's brother, Iñigo, would inherit instead of one of the duke's own children.<sup>65</sup> Years later, in response to a legal challenge by one of the duke's illegitimate sons, a witness who was a servant in the duke's household told an amazing story.

In 1512, in a last desperate attempt to ensure that one of his own offspring inherited his title, the duke sent a midnight message to his mistress, Inés de Sagredo, who was the mother of his sons.<sup>66</sup> Inés was staying with the couple's oldest illegitimate son, don Pero Xuarez de Figueroa y de Velasco, the Dean of the Cathedral of Burgos. The message stated that the duke was "in the city of Burgos in the hands of God, and the said Dean and the said doña Inés de Sagredo his mother went there . . . because [the duke] wanted to marry her in order that the said don Bernardino de Velasco, their son, would remain as the legitimate heir."<sup>67</sup> The witness, the dean, doña Inés, and several other members of the household saddled up and rode out into the night where they met Juan de Velasco, the second illegitimate son of doña Inés and the duke, riding towards them with a notary so that Inés could give Juan the power to act for her in case she did not arrive in time. Their trip was complicated by their fear that the duke's brother would also be on his way to claim his inheritance, so doña Inés was prevailed upon to continue her journey dressed "like a laborer" to avoid recognition. The witness relates how the farce became a tragedy because in Burgos the duke was already dead.<sup>68</sup>

The duke's actions on his death bed, while at first resembling a soap opera, actually demonstrate a shrewd understanding of the legal implications of the various statuses of his illegitimate children. The duke and doña Inés had a long-running affair that was public enough that forty years later one of their sons could find four witnesses to swear that Inés had been the duke's "*amiga conocida*," a term that had historically been used in Castile to indicate the *barragana* or concubine of a married man.<sup>69</sup> The couple had three sons, Juan, Pero, and Bernardino. Their first two sons (Juan and Pero) had been born during the duke's first marriage to Lady Blanca de Herrera and were therefore *hijos bastardos*. The duke had legitimated them (and his son by another mistress), stipulating in his application for legitimation that he would endow them with property that was not included in the official Frías *mayorazgo* or entail.<sup>70</sup> His provisions were substantial, leaving his legitimated sons the "the *quinto* (fifth) of my estate" in addition to the town and castle of Castillo de Xeriego, vasals, land, and income in the town of Vanes, the town and great house of Rebillá de Campos, and 30,000 *maravedís* in cash.<sup>71</sup> He had clearly also intervened to enhance their careers since one of his illegitimate sons, Pero, became the Dean of the Cathedral of Burgos.

These substantial provisions and inheritances help to explain why two of his legitimated sons would be willing to ride out into the night to try and secure a title and an even more substantial inheritance for their youngest brother. After Lady Blanca's death, while the duke was a widower and Inés still single (she does not seem to have married at all), the couple had a third son (Bernardino) whom numerous witnesses were prepared to swear was over a year old when the duke married his second wife, Lady Juana de Aragon. Bernardino was the youngest of the duke and Inés's three sons, but only Bernardino was an *hijo natural*, described by the duke as "our son by the said doña Inés, both of us being single and able to marry."<sup>72</sup> Being an *hijo natural* meant that Bernardino was the only son who could ever hope to inherit the title. Under Spanish law, if the duke married Inés at any time, Bernardino would be automatically legitimated.<sup>73</sup>

The duke does not seem to have considered marrying Inés de Sagredo, even though he was clearly aware of the promising legal status of their youngest son. Marriage to Inés would have instantly provided the duke with a legitimate son and heir, but would also have compromised the social status that was clearly important to the duke. In early modern Spain, a prestigious marriage created social status and implied material success for men as well as women. An advantageous marriage could add to a nobleman's financial powers, give him control over more land, and enhance his political clout. While the documents in the Frías family archive consistently refer to Inés de Sagredo as lady (doña), a witness in the information collected by her son in 1538-1540 clarified her social status: "the father of the said doña Inés de Sagredo, and the mother, were good *hidalgos* and of very good stock."<sup>74</sup> Inés de Sagredo was entitled to be called *doña*, but her rank and status did not approach, much less improve, that of the duke of Frías. In an irony that demonstrates the complex ways in which legitimacy and status interacted in early modern Spain, the duke took as his second wife, Juana de Aragon, who was the illegitimate daughter of King Ferdinand. Her rank as daughter of the king was more important than her status as illegitimate. Juana provided her new husband with social status, rank, prestige, and a daughter.

After doña Juana's death, it was said about the town that the duke had "for his natural son the said don Bernardino de Velasco," and that the duke treated him well, providing him with a tutor "who took care of him and taught him." One witness even claimed to have seen a legal document said "if the children of the said [duke] and of the said lady doña Juana de Aragon did not prevail, then the said don Bernardino de Velasco (son of [the duke] and of doña Ines de Sagredo) would inherit the estate of [the duke]."<sup>75</sup> The duke's older illegitimate sons were legally disqualified from inheriting his estate. Only the natural son, the youngest one, born neatly in between marriages, was legally eligible to inherit. Eventually, all the duke's care and concern and the hints involving the young boy's future culminated in the bizarre tale of the failed deathbed marriage and a town scandal that was remembered with relish forty years later. In the end, the duke's brother inherited, becoming the second duke of Frías. The son of the second duke of Frías married the daughter of the first duke, so the title, the land, and the money were reunited in the next generation.<sup>76</sup> The duke's mistress, doña Inés de Sagredo, had not had sufficient social status to achieve marriage and change the inheritance path in the Frías family.

The first duke of Frías's deathbed marriage attempt is one of many situations in which the presence of a mistress and her illegitimate sons threatened to disrupt the

inheritance process that the nobility valued so highly. In the Maça family, the presence of a low-status mistress and her illegitimate son stopped the inheritance process and sparked one of the multi-generational lawsuits that noble families dreaded. In the mid-sixteenth century a woman named Esperanza Cascant, daughter of a laborer, had an affair with a nobleman, Pedro Maça, and they had a son named Juan.<sup>77</sup> Esperanza was not married at the time of the affair, and she lived on the Maça estate. Pedro Maça had been married to Angela Centelles, daughter of the counts of Oliva, a woman of his own social standing who died before he did, and with whom he had four children, all of whom predeceased him. It was the untimely deaths of Pedro's legitimate children that pushed Pedro to obtain a legitimation from the king for his illegitimate son, Juan. The king granted the legitimation on the grounds that Juan was an *hijo natural*, meaning that Pedro had not been married at the time of Juan's birth. In the controversy that followed, Pedro's would-be heirs claimed that Esperanza was a "vile and abject woman," and her son was actually an *hijo spurio*, or son of a cleric.<sup>78</sup> This is one case where the term *spurio* seems to have been misused by people who, as a group, were usually very specific and accurate about legal terms that related to inheritance issues.<sup>79</sup> The Maça family did not provide evidence that one of Juan's parents was bound by religious vows, but rather that his father had still been married to Angela Centelles at the time of Juan's birth, making him an *hijo bastardo*. On these grounds, Juan's legitimation did not hold up in court, and when he died less than a year after his father, Juan's estate went not to his widow, Guimoar, but to his aunt, Brianda Maça.<sup>80</sup>

Without his father's inheritance, Juan left only a debt-ridden estate that could not even fulfill his legal obligation to pay his widow back her dowry. Left without support, Juan's widow, Guimoar, claimed the entire estate he would have inherited if the court had upheld his legitimacy, and on these grounds she sued his aunt, Brianda. As the lawsuit unfurled, more and more family members became drawn in. Esperanza's brother, Juan Cascant, initially refused to support Guimoar (thus implying that his nephew was illegitimate) and repudiated his share of the estate in favor of Brianda. Undaunted, Guimoar turned to her own family for support. In 1547, her brother, Fadrique de Portugal, paid a threatening visit. For more than three months he and all his servants tried with "tricks and fraudulent persuasions to induce and persuade Juan Cascant to take back the said repudiation and ask for the estate."<sup>81</sup> He finally succeeded and an elaborate fraud ensued. With Fadrique secretly paying his court costs, Juan Cascant sued Brianda for the estate, which he then ceded to his daughter and Fadrique's agent. It was arranged that if he won his lawsuit he would receive 4,000 *libras* and even if he lost all his expenses would be paid by Fadrique. Fadrique was helped by his wife, who was alleged to have influence over "certain persons in the said city of Valencia," who were presumably in a position to influence the case.<sup>82</sup> Eventually they obtained a document securing their right to the entire estate if they won their case. The case dragged through the courts for more than a decade until eventually people began to die. Years later, the estate was divided between Fadrique's daughter and a descendant of Brianda's heirs. Clearly, neither the property nor the family benefited from this affair.

The Maça family's critique of Pedro's mistress reveals some of the tensions about class that surrounded noblemen's affairs. In early modern Spain, women's status was important in the family. The tightly structured marriage market of the day helped

guarantee that young noble men married only socially acceptable women from high status families. Mistresses, who were not subject to the careful family scrutiny that potential brides were, could (as the Maça family discovered) pollute the pure lineage that the nobility coveted so fiercely. Another important drawback to marrying below their aristocratic status was that women from *hidalgo* stock probably did not bring the huge dowries that helped keep so many noble families from going bankrupt. In either case, the first duke of Frías clearly suffered from this tension between status and gender. He was willing to risk the end of his legitimate male line rather than marry a lower status woman who had born him a son, only revoking that decision when he realized that he was dying and would not have another chance to procure a son of his own blood.

Another noble mistress from roughly the same time period demonstrates that social status could help a woman and her offspring benefit from an affair with the nobility. The second count of Arcos, Juan Ponce de Leon, boasted a wife, at least three mistresses, and twenty-six illegitimate children. Three of his mistresses (Luisa Sánchez, Catalina González, and Lady Leónor Nuñez) are mentioned by name in his will. Juan Ponce de Leon called on his heirs to provide for Catalina González particularly carefully because “of those sons and daughters that I have had with her and because of the care that she has given to them and for the seventeen years she has served me here in my house and been with me and worked with these my children.”<sup>83</sup> His description suggests that Catalina was a servant of some kind in his household, and his provision for her corroborates this as he does not give her a specific legacy but requests his children to care for her.

While years of devoted service could earn a woman of lower social status a pension, only noble status could gain a woman a title and the real security that went with legitimate marriage. Juan Ponce de Leon’s first wife (who was also his niece) died childless, leaving him without an heir. After his wife’s death, Juan married one of his three long-time mistresses, noblewoman Leonor Nuñez. In 1448, he obtained a royal decree to legitimize their children. This provided him with a ready-made family, and their son, Rodrigo, inherited the title. Leonor’s noble status not only helped her lover to legitimize their children and pass on his title and property to his own son, but also enabled her to become the countess of Arcos.<sup>84</sup> Her prestigious marriage was what Inés de Sagredo, Esperanza Cascant, and her own husband’s other two mistresses were barred from achieving by their lower social status.

A mother’s social status could also be an important factor in determining the fate of her offspring, as is illustrated in the will of the first duke of Infantado. The duke specified in his will that he had three children (*hijos naturales*) with his mistress whom he names specifically as Lady Juana de Lasarte. He left all three of them an income from his estate, “as though they were legitimate children.”<sup>85</sup> His illegitimate son was to go into his brother’s household to be trained as a priest and he commanded his wife to “take into her house and her company the said Lady Elvyra and Lady Maryna [his illegitimate daughters] until they marry and out of her love and goodness she should guard, discipline, and honor them while they are with her.”<sup>86</sup> He left incomes and dowries to all the children. This affair was public enough to have acquired a status of a sort. The duke did, however, treat them in his will “as though they were legitimate children,” and he clearly expected his heirs to do the same. This status is probably partly because their mother was a noble woman who carried the official title of *doña* and because of their birth status as *hijos naturales*.

When a mistress was not noble, her children's status suffered accordingly. The same duke of Infantado also asked his oldest son, Iñigo, and Iñigo's wife to take into their household "a daughter of mine . . . whose name is Leonor and dispose of her to marriage or religion, whichever seems best."<sup>87</sup> The duke made no mention of Leonor's mother, only the town that Leonor lived in, and Leonor's inheritance was left to the discretion of her half brother. The implication here is that the duke had an affair with someone on his estate, a non-noble woman who could not give her children any help in the matter of status. Leonor's own status thus suffered from the status of her mother. It is also possible that Leonor was not an *hijo natural*, although the duke's will does not mention her legal status.

Helen S. Ettliger confirms the importance of the mother's status in Renaissance Italy, where "the mother was the determining factor for where each bastard stood on the social scale. Only those children born of women of sufficient social rank could be considered for the succession, high marriage, or noble honors."<sup>88</sup> At first glance, noblewomen seem to have much to lose by entering into illicit alliances with noblemen, but their own social and economic status often protected them and complicated the lives and families of their lovers. This was especially true if their lover was not married at the time of the affair, implying that they could hope for a marriage that would legitimize their children or, at the very least, the category *hijos naturales* that made it so much easier for children to inherit. Women of lower social status were unlikely to be considered as eligible marriage partners, making it more likely that their children would be products of adultery and suffer corresponding legal impediments.

The presence of a powerful, noble mistress could disrupt political alliances, which in early modern Spain were family matters that involved women as well as men. In the fourteenth century, Mencía de Ayala's affair with the admiral of Castile, Diego Hurtado de Mendoza, severed the long-standing and powerful alliance between the Ayala and Mendoza clans. This was not a case of a minor nobleman sleeping with the daughter of his vassal. Mencía de Ayala was the daughter of Pedro López de Ayala, head of the powerful Ayala clan that led the political and intellectual movements of Renaissance Castile.<sup>89</sup> She was Diego's first cousin and was entirely eligible to have been his bride. Diego, however, had married Leonor de la Vega, a wealthy woman from another powerful noble family, and they had several children. Diego and Mencía lived publicly together in the Mendoza family residence in Guadalajara while Leonor lived with her mother in Carrión.<sup>90</sup>

Mencía is an example of a mistress who had some very real power because of her own social standing and her relationship with her lover. When Diego wrote a preliminary will in 1400, he left Mencía the town of Baraja and an income of 10,000 *maravedís* for life. This alone, apart from any other property she might have inherited from her own wealthy family, would have made her financially independent. Diego further demonstrated the confidence he felt in Mencía by leaving her as the guardian of his eldest daughter by his first marriage.<sup>91</sup> In this draft of his will, Diego was legally treating Mencía as a wife by giving her access to all the powers that an honorable widow with children would legally have. In his final will, Diego also left Mencía as one of his executors.<sup>92</sup>

Mencía, however, was not a wife and she had no children. Diego's second wife, Leonor, who was the guardian of her own children after Diego's death in 1407, was so incensed by his preferential treatment of his mistress that a family feud developed. Her hatred of Mencía led Leonor to sever all ties with the Ayala family and to

pour much of the energy that she needed to defend her children's estates into fighting with Mencía over the terms of Diego's will. The Mendoza and Ayala families were two of the most powerful families in Spain at the time, and they exercised vast political and economic influence. The result of their feud was a legal and political tangle that Leonor's son, Iñigo, spent most of his life trying to overcome.<sup>93</sup> The presence of his father's mistress cost Iñigo an important political alliance and a large portion of his inheritance and disrupted political life in Spain in an extremely public way. Mencía's affair with Diego does not seem to have damaged her own social status or life prospects since she went on to make a legitimate marriage after his death with nobleman Ruy Sánchez Zapata.<sup>94</sup>

The ideal mistress, from a patriarchal point of view, would be one with enough status not to be "vile and abject" but without enough status to give her the power and independence that Mencía had wielded. The third count of Arcos, Rodrigo Ponce de Leon, had three illegitimate daughters with his mistress Inés de la Fuente. Inés is described as "the daughter of a *hidalgo* from Marchena."<sup>95</sup> In other words, she was not from the high nobility, but her father did have the status of being a tax-exempt layman. Rodrigo legitimated their eldest daughter, Francisca, and stipulated in his will that his title should pass to Francisca's son. He then arranged for Francisca to marry a distant cousin, Luis Ponce de Leon, the lord of Villagracia. Their son, Rodrigo, inherited the title at a very young age and became the first duke of Arcos.<sup>96</sup> A list of the titled males in the house of Arcos shows the title passing from Rodrigo to Rodrigo, while Inés and Francisca slide seamlessly out of the historical record. Nevertheless, Inés's presence had saved the Arcos dynasty by eventually providing a legitimate male heir.

The attempt to systematically study the mistresses of the nobility runs the risk of imposing a false consciousness on the Spanish nobility. The Spanish nobility did not intend to practice polygamy. The same men who had mistresses arranged their children's marriages in the firm belief that this was the best way to protect both the children and the family property. Spanish noblemen, while they depended heavily on the contributions of individual women to protect their property, their children, and their power, never intended to empower women as a group. It is only when their behavior is observed over a period of roughly 150 years that patterns emerge in their ways of thinking about gender, family, and inheritance that complicate our own understanding of how they constructed a patriarchy.

The Spanish nobility constructed a patriarchal inheritance system that publicly affirmed the power of older men while at the same time depending heavily on the loyalty and abilities of women in order to survive. Spanish men were vulnerable. They died in battles, accidents, political intrigues, and from disease. In order to ensure that the premature death of one male would not dismantle the power and prestige of an entire family, Spanish noblemen expected their wives, mothers, and sisters to be able and willing to take on male roles as they became guardians of children, managed noble estates, represented their families politically, arranged marriages, and sometimes even revolts. Most Spanish noblewomen were able and willing to support their families. They shared the same conservative goals of preserving power and property and protecting children that their husbands, brothers, and fathers did. Mistresses complicated this cooperative effort that made the Spanish patriarchy function so effectively. Sometimes the presence of a mistress and her offspring kept a noble title within a family and supported the conservative goals of the nobility, but at other

times the presence of a mistress who had sufficient social and economic power of her own could disrupt the entire process. Spanish society had some crucial ambiguities about issues of morality, honor, status, and gender that allowed male and female Spaniards to manipulate social attitudes as skillfully as they manipulated the law.

### ACKNOWLEDGMENTS

The research for this article was supported by the Fulbright Foundation, the Society for Cultural Cooperation between the Spanish Government and United States Universities, and the Research and Development Office of Grand Valley State University.

### NOTES

1. Jane Fair Bestor comments on the similar goals of the Italian nobleman who felt that peaceful succession would “protect his achievements and project himself into the future through the potency of his memorialization.” Jane Fair Bestor, “Bastardy and Legitimacy in the Formation of a Regional State in Italy: The Estense Succession,” *Comparative Studies in Society and History* 38, no. 3 (1996): 574.

2. For an overview of contemporary prescriptive literature about women’s roles, see Allyson Poska, “Elusive Virtue: Rethinking the Role of Female Chastity in Early Modern Spain,” *Journal of Early Modern History* 8, nos. 1–2 (2004): 136–138.

3. Of these twelve women that are identified as noble, I either have concrete information on their parents and families of origin or their contemporaries gave them the honorific title *doña* or referred to them specifically as noble. Some of them, of course, may have been passing as noble. See Ann Twinam *Public Lives, Private Secrets: Gender, Honor, Sexuality and Illegitimacy in Colonial Spanish America* (Stanford: Stanford University Press, 1999), 29 for a discussion of the phenomenon of passing and 253 for a discussion of the importance of the honorific *doña*.

4. Their status varies from maids in noble households, to daughters of laborers or townspeople, to one woman who is described as “a very beautiful gypsy” (“un gitana muy hermosa”). Arteaga y Falguera, *Cristina de La Casa del Infantado, cubeza de Los Mendoza*, vol. 1 (Madrid: 1940), 286.

5. For fifteen of those twenty, the records do not even reveal their names, only the fact that they had children with the nobleman in question. While this might have been to protect women of high status who had honor to preserve, it might also have been to protect men or children from the low social status of their mothers. I have therefore not been able to make any judgment on the social status of these women.

6. Thomas Kuehn, *Illegitimacy in Renaissance Florence* (Ann Arbor: University of Michigan Press, 2002), viii.

7. Kuehn, ix.

8. Helen Ettliger’s study of mistresses in Italian Renaissance Courts confirms this for Italy. Helen S. Ettliger, “Visibilis et Invisibilis: The Mistress in Italian Renaissance Court Society,” *Renaissance Quarterly* 47, no. 4 (1994): 781. Most of the women in my study did not leave lawsuits against their seducers perhaps because there was a disparity of rank and status and little or no expectation of marriage in most of these relationships. In contrast, other Spanish women aggressively took their seducers to court. See Abigail Dyer, “Seduction by Promise of Marriage: Law, Sex, and Culture in Seventeenth-Century Spain,” *Sixteenth Century Journal* XXXIV, no. 2 (2003) and Renato Barahona, *Sex Crimes, Honour, and the Law in Early Modern Spain, Vizcaya, 1528-1735*, (Toronto: University of Toronto Press, 2003).

9. Francisco Layna Serrano, *Historia de Guadalajara y sus Mendozas en los Siglos XV y XVI*. vol I. (Madrid: CSIC, 1942), 125.

10. Ettlinger, 772.
11. Twinam, 65.
12. Poska, 144–5. Poska states that the nobility may have been more influenced by “conduct manuals and early modern drama” than the average Spaniard, but my research suggests that in practice even the nobility did not always equate honor with female chastity.
13. Dyer, 441.
14. Twinam, 63.
15. Poska, 143.
16. Twinam, 62.
17. *Las Siete Partidas*, ed. Robert I. Burns, S. J., *Family, Commerce, and the Sea: The Worlds of Women and Merchants* (Philadelphia: University of Pennsylvania Press, 2001) vol. 4, Partida Four, Title XV: 952.
18. Martha C. Howell, *The Marriage Exchange: Property, Social Place, and Gender in Cities of the Low Countries, 1300-1550*, (Chicago: The University of Chicago Press, 1998), 47. For examples of people manipulating the meaning of law in relation to legitimacy, see Thomas Kuehn, *Illegitimacy in Renaissance Florence*, (Ann Arbor: University of Michigan Press, 2002), vii–ix. For ways in which the Spanish nobility manipulated the law to meet their inheritance needs see Grace E. Coolidge, “‘Neither dumb, deaf, nor destitute of understanding:’ Women as Guardians in Early Modern Spain,” *The Sixteenth Century Journal* XXXVI, no. 3 (2005), 677.
19. Renato Barahona, *Sex Crimes, Honour, and the Law in Early Modern Spain: Vizcaya, 1528-1735* (Toronto: University of Toronto Press, 2003), xx.
20. Heath Dillard, *Daughters of the Reconquest: Women in Castilian Town Society, 1000-1300* (Cambridge: Cambridge University Press, 1984), 39.
21. Twinam’s study is one of many that confirm this idea that engagement meant freedom to initiate sexual activity. Twinam, 36. Heath Dillard notes that in medieval Castile, “Formal betrothal with endowment remained . . . the irreversible step in the secular marriage process, and sexual relations were not unusual or even reprehensible before the wedding.” Dillard, 143. Renato Barahona notes that promises of marriage, or betrothal, “dramatically changed the nature of the couples’ relationships . . . sexual intercourse and loss of virginity occurred only after receiving pledges of marriage . . .” Barahona, 17.
22. Dillard, 57.
23. Dillard, 38–9.
24. *The Canons and Decrees of the Sacred and Oecumenical Council of Trent*, ed. and trans. J. Waterworth (London: Dolman, 1848), 196–197.
25. “que hizieron vida maridable de conjunto como marido y muger publicamente amandose la dicha Da Luisa la Duquesa de Beragua y que siendo tales marido y muger huvieron por su hijo al dicho Don Cristobál, y dizen algunos testigos que luego quise disposaron se hizo preñada y . . . parro al dicho don Cristobál el qual se bautizo como hijo de grande.” Archivo Histórico Nacional (hereafter AHN), Nobleza, Osuna, carta 4, document 2.
26. Dillard, 62. The decrees of the Council are quite specific about the problem with clandestine marriages: “the grievous sins which arise from the said clandestine marriages, and especially the sins of those parties who live on in a state of damnation, when, having left their former wife, with whom they had contracted marriage secretly, they publicly marry another, and with her live in perpetual adultery.” Waterworth, 196–197.
27. “hijo de Luis de la Vega y Luisa de Guevara solteros” AHN, Nobleza, Osuna, carta 4, document 2.
28. Twinam, 133.
29. Twinam, 154.
30. “ecce que ally los llama el libro solteros, y no casados, . . . y siendo tan consentario que los nombres y titulos de la grandeza de sus padres se declarara se calla, y la madrina es un muger vil, y de baxa suerte, ni que cosa mas contraria en esta parte a las calidades tan notorios

como dan los testigos a ese matrimonio que la dicha a ser del Baptismo.” AHN, Nobleza, Osuna, carta 4, doc. 2.

31. “que no hay cosa de mas los para la mala fee, que ocultar y mudar el nombre” AHN, Nobleza, Osuna, carta 4, doc. 2.

32. Twinam, 37. The Council of Trent states specifically: “Furthermore, the same holy synod exhorts the bridegroom and bride not to live together in the same house until they have received the sacerdotal benediction, which is to be given in a church,” Waterman, 198.

33. “el concilio se avia publicado en estos Reynos en Abril o Mayo del mismo ano de 64” AHN, Nobleza, Osuna, carta 4, doc. 2.

34. “y para ser legitima no hasta que la madre tuviesse Buena fee, al tiempo que se caso, sino que esta le avia de durar al tiempo de la concepcion porque se le concibo en mala fee no ser legitimo; pues digo que al tiempo de la concepción es ymposible que Da. Luisa tuviesse buena fee” AHN, Nobleza, Osuna, carta 4, doc. 2

35. “por ser (como es) espurio y adulterino; y como tal incapaz de la dicha sucesión” AHN, Nobleza, Osuna, legajo 2418, no. 13. It is not immediately obvious that he was *espurio*. See Twinam 128, note 5 for a possible explanation.

36. Twinam, 37.

37. Twinam, 38.

38. Kuehn, 33.

39. Keuhn, 34–35.

40. Twinam, 128.

41. *Las Siete Partidas* vol. 4, Partida Four, Title XV, Law I: 952.

42. Twinam, 128. Twinam notes that she has “avoided the use of the term *espúreo*, because the meaning varied. Some colonists used it to refer to both *adulterinos* and *sacrilegos*, while others used it exclusively in reference to the offspring of clerics.” I have encountered the same confusion in my documents, especially in lawsuits where the status of an illegitimate is under question. Twinam, page 128, note 5.

43. María Pilar Manero Sorolla, “On the Margins of the Mendozas: Luisa de la Cerda and María de San José (Salazar),” in *Power and Gender in Renaissance Spain: Eight Women of the Mendoza Family, 1450-1650*, ed. Helen Nader (Urbana and Chicago: University of Illinois Press, 2004), 114.

44. Manero Sorolla, 114.

45. *Ibid.*, 114.

46. Helen Nader, *The Mendoza Family in the Spanish Renaissance, 1350-1550* (New Brunswick, NJ: Rutgers University Press, 1979), 44.

47. Diego Gutiérrez Coronel, *Historia genealogía de la Casa de Mendoza*, vol. I, ed. Angel González de Palencia (Madrid: CSIC and Ayuntamiento de Cuenca, 1946), 337.

48. Gutiérrez Coronel, 338.

49. AHN, Nobleza, Osuna, legajo 538, no. 3.23.

50. *Historia Genealogia de la Illustrissima y Nobilissima Casa de Borja con las Illustres Familias que Descienden de Ella*, Real Academia de Historia 9/130.

51. Joseph F. O’Callaghan, *A History of Medieval Spain*, (Ithaca and London: Cornell University Press, 1975), 572–73.

52. “a quienes se obligó el rey dotar y casar conforme a su calidad.” Gutiérrez Coronel, 378.

53. Gutiérrez Coronel, 373.

54. “. . . Da Mencía de Lemos su madre no siendo ella muger casada, ni obligada a Matrimonio alguno . . .” AHN, Nobleza, Osuna, legajo 1762, no. 15.

55. Gutiérrez Coronel, 379 and AHN, Nobleza, Osuna, Legajo 1858, no. 7.

56. Twinam, 116. She notes that even if local clergy were tolerant, the government was not.

57. Twinam also notes that women had some practical room to maneuver socially, not least because their peers might be or have been in a similar situation. “Although the strict dictates

of honor might suggest that engaged women who bore illegitimate children be rejected by their peers, in practical, day-to-day living such was not the case." Twinam, 81.

58. "que sean legítimos y de legítimo matrimonio" AHN, Nobleza, Osuna, legajo 1858, no. 7 and legajo 1760, no. 1.

59. AHN, Nobleza, Osuna, 1765, no. 8.

60. "un hidalgo mui honrrado" AHN, Nobleza, Frías, legajo 606, no. 26. The implication is that she made a better marriage than she might have without the duke's dowry. A *hidalgo* is a "man of importance" or an "untitled noble." Twinam, 360. In practice, *hidalgos* could range from poor but noble to men and women of substantial property and importance. Renato Barahona records that, in 1628, Marina Léniz was awarded a dowry of 200 ducados by a Bilbao justice of the peace in her lawsuit against a man who she claimed had seduced her with promises of marriage and then abandoned her with damaged honor, which suggests that the amount of Anna's dowry might have been fairly standard for her social status. Barahona, 5–6.

61. "digeronme que la causa hera la hija del Huesped donde pasaba y que la habia mui bien vestido" AHN, Nobleza, Frías, Legajo 606, no. 26.

62. "yo ponía duda en ello porque el Señor Don Juan le tenían en la Corte en reputacion de Capon" AHN, Nobleza, Frías, Legajo 606, no. 26.

63. "me dijo mira el capon que decia, que dejó preñada la hija del Huesped" AHN, Nobleza, Frías, legajo 606, no. 26.

64. "al qual yo vi criar en la dicha casa donde la dicha doncella estaba" AHN, Nobleza, Frías, legajo 606, no. 26.

65. Gutierrez Coronel, 179

66. The witnesses interviewed for the deposition are very hazy as to precise dates, often relating the events they are testifying about to significant events in their own lives such as marriage, etc. However, a short history of the family written by a later duke dates the first duke's death as occurring in 1512. El Duque de Frías, "Introduccion," in Maria Teresa de la Peña Marazuela y Pilar Leon Tello, *Archivo de los Duques de Frías, vol I Casa de Velasco*, (Madrid: Blass, S.A. Tip, 1955), XV.

67. "diciendo que el dicho señor condestable don Bernardino Fernández de Velasco estaba en la cibdad [sic] de Burgos, por que el dicho Condestable Don Bernardino Ruis de Velasco se queria desposar con ella para que el dicho Don Bernarlдино de Velasco su hijo, quedase por su legitimo heredero" AHN, Nobleza, Frías, legajo 606, no. 37.

68. "como una labradora" AHN, Nobleza, Frías, legajo 606, no. 37.

69. Dillard, 132.

70. AHN, Nobleza, Frías, legajo 600, no. 16. This is similar to the inheritance strategy of Cardinal Mendoza, who provided for his illegitimate sons with goods not included in his legacy to the Church.

71. AHN, Nobleza, Frías, legajo 600, no. 16.

72. "vro. hijo de la dicha doña Inés sienda vos y ella solteros y por casar." AHN, Nobleza, Frías, legajo 600, no. 16

73. Twinam, 128.

74. "que el Padre de la dicha dona Ines de Sagredo, e la madre eran de mui buenos hidalgos e de mue buena parte" AHN, Nobleza, Frías, legajo 606, no. 37.

75. "tenia por su hijo natural al dicho don Bernardino de Velasco"; "é le criaba, é dontrinaba"; "que si los hijo del dicho señor condestable e de la dicha doña Juana de Aragon no prevalesciesen succediesen en el estado del dicho don Bernardino Fernandez de Velasco el dicho don Bernardino de Velasco, su hijo, e hijo de la dichoa doña Inew de Sagredo" AHN, Nobleza, Frías, legajo 606, no. 37.

76. Ironically, the third duke of Frías had at least two mistresses and three illegitimate sons of his own. He had no legitimate children at all and *his* brother inherited after *him* to become the fourth duke of Frías. AHN, Nobleza, Frías, legajo 606, no. 28, 49, 59, and legajo 395, no. 4.

77. AHN, Nobleza, Osuna, Legajo 646 and 642, no. 11a.

78. "muger vil y abjecta persona" AHN, Nobleza, Osuna, legajo 646 and 642.
79. Twinam, p. 128, note 5.
80. AHN, Nobleza, Osuna, Legajo 646.
81. "por spacio de tres meses no hizo otra cosa mas de con enganos y persuasions fraudulentas ynducier y persuadir al dicho Juan Cascant que reclamase de la dicha repudiacion que havia hecho y pidiese la hazienda" AHN, Nobleza, Osuna, Legajo 642, no. 11a.
82. "ciertas personas de la dicha ciudad de Valencia" AHNN, Nobleza, Legajo 642, no. 11a.
83. "por los cargos que d'ella tengo e por los hijos, e hijas que en ella e avido é por la criança que en ellos ha fecho é por que ha diese é siete años que me sirve aqui en mi casa é está conmigo . . ." AHN, Nobleza, Osuna, Legajo 118, no. 9d.
84. AHN, Nobleza, Osuna, legajo 4165, legajo 3476, no. 16, and legajo 121, no. 13ñ.
85. "como ser legitimo" AHN, Nobleza, Osuna, Legajo 1762, no. 8.1.
86. "haba en su casa y compania a las dichas mys fijas dona elvyra y dona maryna hasta en tanto que casen por que no confio de su amor y bondad que las ella guardara y castigara y honrrara como conviene" AHN, Nobleza, Osuna, Legajo 1762, no. 8.1.
87. "una hija miya . . . se llama Leonor y disponga della agora de matrimonio o de religion aquello que a ellos major visto sera" AHN, Nobleza, Osuna, Legajo 1762, no. 8.1.
88. Ettlinger, 782.
89. Nader, 42.
90. Nader, 44. Leonor was the admiral's second wife. His first wife was María de Castilla, the illegitimate daughter of King Henry II of Castile. Layna Serrano, 121.
91. AHN, Nobleza, Osuna, Legajo 1762, no. 7.2. By the time Diego actually died, his daughter was too old to need a guardian.
92. Nader, 44.
93. *Ibid.*, 44.
94. Layna Serrano, 126, note 1.
95. "hija de un hidalgo en Marchena," AHN, Nobleza, Osuna, Legajo 1619, no. 10.
96. Garcia Hernàn, 336.