

2009

# For Love or Money: Labor Rights and Citizenship for Working Women of 1930s Oaxaca, Mexico

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**FOR LOVE OR MONEY: LABOR RIGHTS AND CITIZENSHIP FOR  
WORKING WOMEN OF 1930S OAXACA, MEXICO**

A Thesis Presented

by

SANDRA K. HALEY

Submitted to the Graduate School of the  
University of Massachusetts Amherst in partial fulfillment  
of the requirements for the degree of

MASTER OF LIBERAL ARTS

February 2009

History Department

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**ACKNOWLEDGMENTS:**

**My gratitude to the teachers who encouraged my work.**

**Y en fin, quisiera expresar mil gracias a los archivistas del Archivo del Estado de Oaxaca que me ayudaron tanto en maneras tan profesionales y amables, especialmente el Señor Gregorio Manuel García Rio y la Señora Delfina Sánchez.**

## ABSTRACT

### FOR LOVE OR MONEY: LABOR RIGHTS AND CITIZENSHIP FOR WORKING WOMEN OF 1930S OAXACA, MEXICO

FEBRUARY 2009

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This project examines the ways in which gendered discourses were strategically deployed by working women in their own interests during the years of Cardenismo. One result of this activism is the florescence of a number of court cases in the capitol of Oaxaca in south-central Mexico, Ciudad Oaxaca de Juárez. Hundreds of working women sued former employers between 1929 and 1938, which were unusually high numbers not seen before or since. Offenses cited include nonpayment of wages, firing without sufficient cause, and “other offenses” – usually quite juicy in the details. The majority of the women worked as household domestic help or as shop clerks in the market, and were almost uniformly young, illiterate, and poor. Moreover, a great many of them had recently migrated to the city center from rural indigenous communities. Their testimonies cited revolutionary narratives of inclusion and labor rights. As indigenous women they embodied *mexicanidad*, or “authentic Mexicanness”, as promoted by the revolutionary state in a bid to create a unified national identity. Describing themselves in terms consistent with revolutionary values of womanly abnegation, they claimed labor rights as upstanding members of a revolutionary state. They simultaneously reproduced and challenged gendered discourses, which were deployed within ongoing social negotiation of the meaning and shape of revolutionary change. By citing accepted notions of gendered behavior, testifiers were able to expand official understandings of appropriate social roles for women. As poor, indigenous, and female, they testified from a multiply marginalized social position. Nevertheless, they petitioned the court for labor rights *as women*, *as citizens*, and *as workers* – all at once. Public understandings of proper roles for women expanded over time to include the two latter categories. This project argues that textual analysis of narratives at this formative moment within women’s labor rights in Mexico will result in a better historical understanding of their role and agency in changing social norms and structures.

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# CHAPTER 1

## INTRODUCTION

In 1934, Carmen Peralta stood in a courtroom in Oaxaca, Mexico, testifying to her value as a domestic worker. “I am a good woman.” She said. “I am a humble and obedient woman, a good mother. And as such, I demand my rights as a citizen of the revolutionary Mexican state in the form of payment of my wages.”<sup>1</sup> In this way, Carmen explained to the judge why her employer of three years, Luis Pereyra, should be forced to pay her the outstanding 40 pesos owed, as well as a set of clothes she was promised as part of her wages. Luis fired Carmen when it became apparent she was pregnant, in an attempt to avoid paying the maternity leave to which she was legally entitled. In response, she deployed carefully crafted justification of labor rights encoded in the revolutionary ethos of the period.

In the decades following the Mexican Revolution of 1910, during what has begun to be called the period of post-revolutionary consolidation or the period of revolutionary institutionalization, attempts were made to integrate revolutionary values into state apparatuses with varying degrees of success.<sup>2</sup> The main rallying points of the armed revolution were fourfold; limits to presidential re-election, effective universal male suffrage, land redistribution, and labor rights.<sup>3</sup> Active support from the popular classes rallying around these basic tenets was central to the success of the Revolution, and the

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<sup>1</sup> *El Archivo General del Estado de Oaxaca: Poder Judicial Distrito, Sección Grupo VIII: Comercio, Empleados Particulares y Servicios Domesticos. Legajo 52, Expediente 1117: Carmen Peralta contra Luis Pereyra, Iniciado 24 enero 1934.*

<sup>2</sup> See especially Caulfield (1998), Knight (1986), Olcott (2005), and Vaughan (2006).

<sup>3</sup> The historiography of the Mexican Revolution is enormous; Hart (2000) and Knight (1985) each provide good overview summaries of recent trends.



Constitution of 1917 closely reflected them as well.<sup>4</sup> In the immediate aftermath of the Revolution, however, changes in the lives of everyday people were slow to occur. Mexicans began to negotiate in myriad ways with state institutions in order to realize the promises of the Revolution, which, if unrepaired, could call into question the revolutionary state's legitimacy. It was the resultant social revolution that many historians now regard as the more lasting components of the Mexican Revolutionary era.<sup>5</sup> The culmination of the social changes in response to the revolution was during the presidency of Lázaro Cárdenas, which began in 1934. His administration fulfilled the promises of land redistribution and social change much more fully than any other post-revolutionary administration. By the end of Cardenismo in 1940, most of the gains in redistribution of resources that were made as a result of the Mexican Revolution had already taken place. Some of these changes required the hand and agency of everyday people to fulfill their full potential. This study, as such, makes an argument regarding the role of everyday working people in shaping the terms of the Revolution's promise by arguing on their own behalf.

This project examines the ways in which gendered discourses were strategically deployed by working women in their own interests during the years of Cardenismo. Narratives connecting gender norms and citizenship rights deployed in courtroom testimony provide an opportunity to view how these narratives were used strategically, in conjunction with popular understandings of revolutionary state legitimacy, to push for labor rights. As examples, the study uses testimony found in a florescence of civil court

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<sup>4</sup> N. Andrew and N. Cleven, "Some Social Aspects of the Mexican Constitution of 1917", in *The Hispanic American Historical Review*, Vol. 4, No. 3 (Aug., 1921), pp. 474-485. Durham: Duke University Press.

<sup>5</sup> Olcott, 2005.

cases in the capitol of the state of Oaxaca in south-central Mexico, Ciudad Oaxaca de Juárez. In these some hundred court cases, which comprise the main body of primary source materials, working women sued former employers between 1929 and 1938 in unusually high numbers not seen before or since.

My preliminary findings show that the majority of these cases were not successful, insofar as a court ruling in favor of the workers' claims. Just over five percent of female complainants received the full amount demanded in court, and not quite a third received any monies at all. It appears as though male employees fared somewhat better, receiving favorable rulings in nearly half of the cases filed during the same period.

However, outcomes may have been more successful than the documents seem to indicate. If a case was not pursued through to a final ruling, the reasons for its dissolution were not noted in the court documents. Possible explanations include a lack of funds for scribes or attorneys' advice, reconciliation with the employer, or a change of heart. Informal settlement agreements should also be considered a strong possibility where documentation is lacking. The few copies of settlements that do appear in the documents contain non-disclosure clauses. Former employees did not want the general public privy to their agreements – and those are the agreements that were entered into the court records. While the numbers indicate that former employees, particularly women, often did not receive compensation, there may have been private settlements that do not appear in the documentary evidence. If so, it seems hard to imagine that information about that type of successful outcome wouldn't pass in whispers to other workers in similar straits.

Aside from any financial gain, telling one's story in public may have enabled employees to clear their names in the court of public opinion, brightening their prospects for future employment. Reputation mattered. Further, the opportunity – particularly for women – to speak on their own behalf in public was important. In lieu of political suffrage, then, working women participated as citizens in the revolutionary nation by exercising their labor rights. In so doing, they inserted themselves into social negotiations regarding their layered roles as women workers.

Testimonies in these cases relied heavily upon revolutionary narratives of inclusion and labor rights. Describing themselves in terms consistent with revolutionary values of womanly abnegation, they claimed labor rights as upstanding members of a revolutionary state. They simultaneously reproduced and challenged gendered discourses, which were deployed within ongoing social negotiation of the meaning and shape of revolutionary change. By citing accepted notions of gendered behavior, testifiers were able to expand official understandings of appropriate social roles for women to include wage labor. The majority of the women worked as household domestic help or as shop clerks in the market, and were almost uniformly young, illiterate, and poor. Nevertheless, they petitioned the court for labor rights *as women, as citizens, and as workers* – all at once.

Consequently, public understandings of proper roles for women expanded over time to include the two latter categories. The concept of dialectical materialism neatly encapsulates the importance of their actions by highlighting the interactive relationships between discourses and the material lives of human beings. By consciously swaying the imagined place of working women in the revolutionary nation, the complainants in these

cases participated in changing lived realities. This research illustrates how the Revolution and its adjoining discourses provided a significant rupture in the structure of labor relations that allowed these subaltern women a space to verbally articulate, and in some cases win, their grievances. The cases also demonstrate a breadth of continuities from the Porfirian Era, particularly in the structural sense. While the Revolution resulted in the legislative existence of wide-ranging reforms, including labor rights, the cultural and structural changes necessary to full implementation lagged.

Offenses by former employers cited by the plaintiffs include nonpayment of wages, firing without sufficient cause, and “other offenses” – sometimes quite juicy in the details. The former employees’ suits were supported by Article 123 of the Constitution of 1917, which codified the revolutionary nation’s strong commitment to labor rights.<sup>6</sup>

Its most basic provisions guarantee workers an 8-hour workday, one day off per week, minimum wages, limits to child labor, injury and disability pay, and overtime compensation. Women workers, in particular, are guaranteed paid maternity leave, light pregnancy duties, and regular breaks to nurse infants. Protectionist policies in the Constitution directed toward women as well as children prohibit them from working after 10:00 p.m. or in dangerous or unhealthy occupations. Article 123 mandates equal pay for equal work, without regard to sex or nationality. It also establishes a severance or indemnity of three months’ wages for employees who are dismissed without justifiable cause – that is, in the event that the employee doesn’t wish to have their job back in lieu

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<sup>6</sup> *Constitución Política de los Estados Unidos Mexicanos, Trigésima Quinta Edición*, 1967. Editorial Porrúa, S.A., México, D.F. Originally published by the Pan American Union, General Secretariat, Organization of American States, Washington, D.C., 1968.

of payment. The law also requires payment of the indemnity in the event that an employee leaves a job due to dishonesty on the part of the employer, or because of mistreatment of the employee, or their spouse, parents, children, or siblings at the hands of their employer or household members.

The official court records provide a great deal of rich narrative text, story lines tuned to the ear of the court from two opposing sides of a dispute. Attorneys staged brilliant narratives decked in banners of discourse, pitching their rhetoric to the ear of the court. Moreover, the actors in the court cases usually represented voices from two drastically different social positions. On the one hand, the women filing suit could rarely sign their own names to court documents and, aside from a handful of shop clerks, worked at various tasks usually done by women in the home such as cooking, cleaning, and sewing. Most of them were raising their children as well, but only a few are listed as married. These jobs were a source of needed income, and the outcome of the cases really mattered to their lives and the lives of their children. They framed themselves as hardworking, long-suffering women and mothers, citizen laborers for the nation, in need of the court's intercession on their behalf against greedy and cowardly bourgeoisie.

On the other hand, the former employers brought to court were at the poorest end shop owners, and more often members of the powerful elite who lived in the large homes of the city's wealthy central district. Their attorneys described for the court a certain type of wanton woman, prone to telling outrageous lies in order to prey on the kindness of decent people to support their lazy lives. They disclosed details that supported these assertions, replete with drunken husbands and salacious gossip.

Documents from judicial system sources have enabled historians to more accurately analyze women's roles, explicating both women's participation in civil society as well as gender subordination. Increasingly, historians found rich cultural material embedded within these records, especially for those who are engaged in bringing previously underrepresented segments of the population into the historical record. Others found that women's lack of access to roles of power and authority has too often kept them from visibility in the historical record. Through little more than their roles as victims or perpetrators of violence do we often see them represented in institutional records.

## CHAPTER 2

### HISTORIOGRAPHY

In addition, the use of gender analysis within a highly charged political atmosphere such as the postrevolutionary institutionalization of power provides key data regarding expansion of citizenship. Historians of Mexico such as John Womack<sup>7</sup>, Jocelyn Olcott<sup>8</sup>, Ann Blum<sup>9</sup>, and Steve Stern<sup>10</sup> have made broad analytical connections between political and gender cultures. Political cultures, where society as a whole negotiates its understanding of legitimate and illegitimate authority, are clearly related to gender cultures, where society negotiates its understanding of manhood, womanhood, and positions of authority within social relations.<sup>11</sup>

Writers such as Jocelyn Olcott, Mary Kay Vaughn, and Katherine Bliss have all done excellent work to bring the lives of women into the historical record – largely ignored in Mexican history until very recently.<sup>12</sup> Each of these writers has focused upon activism by women in Mexico during these decades, oftentimes through identification with a particular organization or through service work such as teaching or social work.

My work offers an emphatic agreement with the inclusion of these narratives in the historian record, and suggests that the scope be widened even further. By focusing

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<sup>7</sup> John Womack, *Zapata and the Mexican Revolution*. New York: Knopf, 1969.

<sup>8</sup> Jocelyn Olcott, *Revolutionary Women in Postrevolutionary Mexico*. Durham: Duke University Press, 2005.

<sup>9</sup> Ann Blum, in Olcott, Jocelyn, Mary Kay Vaughan, and Gabriela Cano, Editors. *Sex in Revolution: Gender, Politics, and Power in Modern Mexico*. Durham: Duke University Press, 2006.

<sup>10</sup> Stern (1995).

<sup>11</sup> Steve J. Stern, *The Secret History of Gender: Women, Men, & Power in Late Colonial Mexico*. Chapel Hill: University of North Carolina Press, 1995.

<sup>12</sup> See particularly Bliss (2001), Vaughan (1982), and Olcott (2005). Volumes edited by Olcott, Vaughan, and Cano (2006), and Vaughan (2006) are also excellent examples.

upon the stories of these particular women, this project challenges historiographical trends that tend to situate Mexican women's activism within this period as emanating primarily from relatively privileged – middle class, educated, *mestizo*, and urban – women. Situating feminist history as belonging to relatively privileged classes of women, and ignoring other women, re-inscribes problems long familiar to scholars of Second Wave Feminism in the U.S. Confining research to this small sector of society makes sense only if one defines feminist or women's activism through a hegemonic U.S.-centric lens. This paradigm, I argue, obscures reality and reflects a tendency to rely upon ideals of feminist activism centered upon official organizations and organizing for political suffrage. Wider inclusion of women's experiences is important not only for a more complete picture of women's activism, but to reflect the multiplicity of lived experience. The goal should be to decrease marginalization from the historical record of the more marginalized members of society, rather than to re-inscribe it.<sup>13</sup>

In fact, rural indigenous Mexico participated fully in the dialogue regarding the shape of Mexican society, but through alternative venues. Not including the activism of poor women, non-heterosexual women, rural women, and especially indigenous women leads to a “top-heavy” reading of Mexican womanhood. In this regard, an intersectional analysis enables historians to consider that the experiences and activism of women outside of the privileged dominant culture are not only context-specific but strongly informed by other aspects of their social location as well.

This is particularly salient in the exploration of women's citizenship. Two authors, Olcott and Caldwell, describe alternate sides of processes related to women's

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<sup>13</sup> Chela Sandoval, "U.S. Third World Feminism: The Theory and Method of Oppositional Consciousness in the Postmodern World" *Genders* 10 (Spring 1991).



citizenship in postrevolutionary Mexico.<sup>14</sup> On the one hand, Olcott sees a developing state experiencing strong impetus to increase its waged labor pool to keep up with the demands of modernization. On the other, Caldwell sees how subordinated people negotiate social understandings of their place in society in the absence of full citizenship rights. By linking these two analytic stances, this project argues that these women negotiated with the state to arrive at public understandings of their citizenship as primarily related to their labor rights, and not to extend it so far as to unduly disrupt existing social structures.

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<sup>14</sup> Olcott (2005) and Caldwell (2007).

## CHAPTER 3

### SOURCES

Before analyzing the gendered discourses found in the testimony offered during these court cases, a short discussion of the source materials is in order. The main body of primary sources for this project is a series of approximately 120 court cases heard between 1924 and 1947 in Ciudad Oaxaca de Juárez, in Oaxaca, Mexico. A great majority of the cases were heard between 1934 and 1936, a total of 87 cases. Astounding as it may seem, these three years comprise nearly three quarters of all similar cases found in Oaxaca between 1915 and 1950. The sources are currently stored in *El Archivo General del Estado de Oaxaca* in the *Poder Judicial Distrito* collection.

The number of cases decreased after 1936, when labor unions began to take a more active role in the mediation of employment disputes, diverting cases away from the courts. By 1945 the Board heard only a couple of cases annually. Although the Board was legislated into existence by the Constitution of 1917, prior to 1925 the Board was likely not yet seated in the regions far from Mexico City such as Oaxaca. Indeed, a 1933 case slated to be heard in Sola de Vega was referred to Oaxaca de Juárez by a local official who complained of an absolute lack of government funds and local resources to cover the expense.<sup>15</sup>

The use of court cases as source material presents some unique considerations. In the first place, a great many depositions were not penned by the testifiers themselves, owing to low literacy rates among poorer classes in rural Mexico at that time. Nearly

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<sup>15</sup>*El Archivo General del Estado de Oaxaca: Poder Judicial Distrito, Sección Grupo VIII: Comercio, Empleados Particulares y Servicios Domesticos. Legajo 54, Expediente 1147: Modesta López contra Donaciana Santos y Carlos Juárez, Iniciado 11 febrero 1935.*

every bit of testimony recorded first passed through the unofficial censorship of court scribes, who may not have willfully changed the content of the testimony but almost certainly changed wording to conform to grammatical rules. In the process, it is reasonable to think that more than simply grammar was “corrected”; scribes may have sculpted testimony to better adhere to their own notions of successful or appropriate narrative in accordance with the revolutionary ethos of the period.

Moreover, the witnesses themselves undoubtedly self-censored. In some cases, they may have fabricated explanations but in most cases it could be assumed that narratives were pitched for the ear of the court. In such grave matters, all parties would likely try for the version of events that would showcase their own innocence. Beyond the statement of facts, the contextualization of events was particularly vulnerable to shaping. For example, a witness who casts a woman as chaste and of good family, *gente decente*, is making a statement regarding their understanding the judge’s value system – and by extension, the “official” values of the judicial apparatus. By making such a statement, a witness is not only making a statement of their own beliefs, but of those assumed to be shared by the local elites in the form of the members of the Board.

That these cases were brought to court by women who were former employees is not incidental; only those believing themselves to have reasonable expectation of satisfaction would likely make a case. In short, then, these constructed narratives offer a glimpse into the types of gender and revolutionary discourses thought to be the most compelling to the members of the Board - and by extension, the ear of the state itself. These narratives, multiply translated and shaped for a specific audience, reflect a group of women’s understandings of dominant cultural ethics rather than necessarily a

reflection of their own.<sup>16</sup> Using the strategic deployment of discourses, they negotiated with judicial apparatus on their own behalf. The same holds true for the narratives offered by the former employers as well. Both sides of each conflict spoke to what they knew to be the dominant value system, as represented by a government-sponsored Board.<sup>17</sup> In the decades following the Mexican Revolution, social values and norms were being renegotiated to incorporate the ideals of the Revolution – sometimes in the face of strong resistance from pre-existing social structures like those in Oaxaca.

My inclusion only of cases in which the complainants were women was deliberate. Often in the historical record, histories that feature male actors are first generated and an accompanying “women’s history” is generated sometime later, as an accessory to the normative male-centric historical record. While it is clear that gendered, raced, and classed discourses bound and define the expectations and material lives of both men and women, choosing to first focus on the experiences of women represents an attempt to avoid establishing women’s experiences as a secondary phenomenon to those involving males’ labor rights.

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<sup>16</sup> William E. French and Katherine Elaine Bliss, Editors. *Gender, Sexuality, and Power in Latin America since Independence*. Lanham, MD: Rowan & Littlefield, 2007.

<sup>17</sup>Concerted efforts were made to form a unified national identity that reflected revolutionary values in Mexico during the decades following the Revolution. Vaughan (1982) discusses the role of public education. Other means of mass communications included public art projects such as Diego Rivera’s murals and popular woodcut broadsheets.

## CHAPTER 4

### THEORETICAL BASIS OF ANALYSIS

This project integrates several theoretical models in its analysis, including interdisciplinary tools from feminist and Native studies. Taking gender as an analytic category enables us to see the ways in which gendered discourse not only serves as a constitutive element in social relationships, but also as a way of signifying relationships of power.<sup>18</sup> The legitimizing influence of gendered discourses plays a large role in its appearance in testimonial narratives within primary source documents. Society's symbols, normative ideals, structural values, and individuals' identities communicate important information regarding legitimate power and expectations. People occupying marginalized social locations can construct different and sometimes oppositional understandings of legitimacy and power, leading to contested spaces between individuals' and state conceptions of social behavior.<sup>19</sup>

Neither can one ignore the roles of race, ethnicity, and class in the construction of gendered ideals. An integrative analysis perspective is necessary to understand the ways in which social expectations are informed by understanding of difference. Highly racialized tropes of appropriate female behavior, bounded by class, exemplify the ways that multiple layers of social ranking systems operate simultaneously to determine an individual's relative social location.

The case of Carmen Peralta with which the essay begins is an example. She explicitly connects her citizenship rights, and specifically her rights to labor protection, by citing her status as a "good woman" - that she is "humble" and "obedient", and "a

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<sup>18</sup> Stern (1995).

<sup>19</sup> Sandoval (1991) and White (1991).

good mother”. These are the qualifications, apparently, for labor protections on her behalf. The second half of the statement, “and as such, I demand my rights as a citizen of the revolutionary Mexican state...”<sup>20</sup> points to citizenship rights dependent upon legitimacy – her legitimacy as a citizen. It also infers an understanding of the Mexican revolutionary government’s legitimacy as bounded by protection of its workers.

That labor rights were one of the four main pillars of the Revolution cannot be overlooked. What’s more, historians have identified that the pro-Revolution propaganda used to promote popular participation in what was the western hemisphere’s first Socialist revolution is strongly gendered.<sup>21</sup> The privatization of resources and their ownership by foreign corporations during the Porfiriato years leading up to the Revolution was a major rallying point for support from many sectors of society. Cartoonists and public speakers drew upon existing tropes of *machismo* to encourage military service in the name of protecting the feminized motherland from rapacious foreign money interests, by utilizing gendered discourses of protection and vulnerability.<sup>22</sup>

By drawing parallels between her gender-appropriate behavior and requests for fair labor practices, Olviedo at once invokes paternalistic protectionist policies on her behalf while positioning herself as a proletarian citizen of a revolutionary government, one that must act on her behalf in the face of oppression by moneyed interests.

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<sup>20</sup> *El Archivo General del Estado de Oaxaca: Poder Judicial Distrito, Sección Grupo VIII: Comercio, Empleados Particulares y Servicios Domesticos. Legajo 52, Expediente 1117: Carmen Peralta contra Luis Pereyra, Iniciado 24 enero 1934.*

<sup>21</sup> Womack, 1969; Olcott, 2005.

<sup>22</sup> William H. Beezley, *Judas at the Jockey Club and Other Episodes of Porfirian Mexico, 2<sup>nd</sup> Edition*. Lincoln: University of Nebraska Press, 2004.

Nor was this case particularly unusual in that regard. Over and over again, complainants in these cases identified their citizenship, ie labor, rights as connected to their standing as upright Mexican women. Gendered discourses also included questioning the masculinity of male employers by painting them as cowardly, bad patriarchs, or errant citizens. For the part of the respondents in these cases, they used linked ideas of gender, class, and ethnicity to undermine the perceived upright nature of their former employees' characters as women. Suggesting to the court that a woman was reflective of her milieu of poverty, alcoholism, violence, and "uncivilized" types (read: indigenous), defendants were able to convince the court of their poor morals and nonconformity to gendered standards of behavior. Nor were these frivolous formalities of petitioning the court. In most cases where the complainants were found to be less than ideal in their moral comportment, it had a strongly prejudicial effect of the outcome of the case. The court apparently found allegations of poor character to be central to their deliberations regarding the women's labor rights. To illustrate the ways in which these discourses were deployed by all parties involved, I begin this thesis by introducing a set of cases involving the Cabrera family of Oaxaca de Juárez that occurred between December of 1933 and November of 1937.

## **CHAPTER 5**

### **THE CABRERAS**

In less than four years, the Cabrera family of Oaxaca, Mexico, was sued at least nine times by former employees – at least seven of whom were women. Complainants told stories of working for sometimes over a decade without pay, only to be fired without cause after the family’s patriarch, Antonio J. Cabrera, fell gravely ill at the age of 68 in the last weeks of 1933. One by one, former employees filed suit against the Cabrerias, asking for back wages and severance pay in accordance with labor law. Each one of them had labored in some way to maintain rental properties owned by the Cabrera family in the city; sweeping the steps, scrubbing the baths, or weeding the gardens. The Cabrera family sat by Antonio’s bed and later mourned his death while passing in and out of court to vociferously defend their economic interests against people the Cabrerias’ attorney described to the court in terms that clearly conveyed their repugnance.

In fairness, it should also be mentioned that Antonio Cabrera never appeared in court, issued a statement, nor answered questions. He may not even have had knowledge of the events that followed his collapse. From the outset, summonses and correspondence were directed to Antonio’s attorney, José Guillermo Toro. The court officers who arrived at the Cabrera doorstep were fielded by his wife Maura and daughter Beatriz, who sweetly but firmly insisted Antonio would not be disturbed. When the former employees asked the court to cross-examine Antonio, a doctor quickly testified that Antonio remained gravely ill and the least bit of physical or emotional exertion would put his life in danger. Even after his death, several more cases were filed against



the newly-widowed Maura, leading one to surmise that the changeover in administration was at least partly to blame for the labor unrest. In short, when Antonio fell ill and Maura took over, a number of employees – almost all of them women – found themselves suddenly out on the street without a job.

This particular set of cases was chosen as exemplar because they are both representative of the body as a whole and completely unusual at once. The themes that arise in the course of these hearings are entirely representative of those that appear in many of the cases – stories in which expectations of gender-appropriate social behaviors figure centrally. They are also unusual in that there is no other instance of a single defendant having so many cases filed against them in the state of Oaxaca between 1925 and 1945. Even though the Cabrerias faced a variety of complaints from their former employees, their tactics in response were surprisingly similar to those of many other defendants in a similar situation. The defense routinely denied the existence of a job, disagreed regarding the terms of employment, and – central to their success – called the complainants' character into question. The defenses deployed by all parties are telling in their specifics; implied or inferred information was every bit as compelling as actual evidence, as the Board's rulings clearly demonstrated.

When one considers the Cabrera cases through a class-sensitive lens, another major trend emerges. The Cabrera family owned at least sixteen separate addresses in the city, most of them clustered just outside of the wealthy central district – except for their family home, which lay squarely among the richest quarter. Several more properties are mentioned in the case files without identifying addresses, indicating the possibility of even greater holdings. In this regard, the Cabrera family closely resembles any one of a

number of elite families in pre-revolutionary Oaxaca, according to a study published in Oaxaca in 1910.<sup>23</sup> Of the 704 houses in the city of Oaxaca in 1894, 281 of them were owned by just 25 families – nearly 40% of homes. Only two families of prerevolutionary Oaxaca owned more properties than the Cabrerases’ sixteen. The extent of the Cabrera family’s landholdings closely mirrors the concentration of ownership of city property seen during the Porfiriato. While the Revolution may have shifted ownership of property from one family to another, the underlying pattern remained intact.

Most of the key government employees including legislators and councilmen lived within a one-block radius of the city’s central *zócalo*. Forty years later, the Cabrera’s family home was located exactly within that radius. In 1894, the same year in which the property census was conducted, city councilmen enacted legislation that prohibited prostitution within the central district and created a “red zone” that extended four blocks in every direction from the *zócalo*. Brothels and their business were ordered relocated outside of the wealthy central district in the interests of “public morality.”<sup>24</sup> Most of the other fifteen addresses owned by the Cabrerases were located northwest of the central district on the fringe of the “red zone” and in the adjoining region of the El Marquesado neighborhood. The people who lived in the Cabrerases’ rental properties were primarily urban working people such as shoemakers, seamstresses, washerwomen, water porters, and of course domestic servants.

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<sup>23</sup> Andrés Portillo, “*Oaxaca en el centenario de la independencia nacional*”; Lira, “*La ciudad de Oaxaca*”, appendix 9. *Archivo Histórico Municipal “Manual R. Palacios” de Oaxaca (AHMO), Orden 03, Grupo documental Secretaría municipal*, dossier 86, file 2, December 14, 1894. Found in Overmyer-Velázquez, 2006.

<sup>24</sup> *AHMO, Orden 03, Grupo documental Secretaría municipal, Reglamento de prostitución, March 1892, art. 4, para. 5.* From Overmyer-Velázquez, 2006.

Overmyer-Velázquez argues that, “members of the ruling class secured their exclusive status in the Porfiriato through ownership of most of the land and buildings in the city.”<sup>25</sup> Concentrated ownership of the city’s available housing enabled a small elite group to control, “the capital’s property in addition to its political, economic, social and cultural life.”<sup>26</sup> In this sense, the Cabrera family provides evidence of profound continuities between the Porfiriato and post-revolutionary era in Oaxaca de Juárez.

The first case against the Cabrerias was filed in December of 1933 by Petra Castaño, who was fired after missing six weeks of work due to illness – her first absence in over seven years on the job.<sup>27</sup> In her complaint, Petra described her job as building manager of sorts; she collected rents, maintained common spaces, and oversaw repairs. In exchange, she was to live rent-free as well as earn \$1 peso per day (or \$30 pesos monthly). However, Petra said that Antonio “held” her wages for her at his insistence, giving her just enough money for occasional items he agreed she needed such as travel fare and clothing. Her suit asks for a total of \$2520.00 pesos in past wages due, as well as legally-proscribed severance pay owed for unjust firing of an additional \$60.00 pesos. She offers the testimony of no fewer than ten tenants to confirm her position in the building, as well as a handful of receipts signed by Antonio, Maura, or Beatriz, for rents collected and construction materials purchased.

In response, Antonio’s attorney argued that she was never an employee, was not promised any wages, and that in actuality Petra and Antonio lived together “*en amasiato*”

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<sup>25</sup> Overmyer-Velázquez, 2006. Pp. 28.

<sup>26</sup> *Ibid.* Pp. 28.

<sup>27</sup> *El Archivo General del Estado de Oaxaca: Poder Judicial Distrito, Sección Grupo VIII: Comercio, Empleados Particulares y Servicios Domesticos. Legajo 53, Expediente 1131: Petra Castaño contra Grupo Siete de la Junta de Conciliación y Arbitraje y Maura Casas de Cabrera, Iniciado 12 julio 1934.*

– or, in other words, they romantically cohabitated.<sup>28</sup> Moreover, his attorney says, she and her sister Refugio were kept in lavish style for many years, taking advantage of the weakness and generosity of a sickly patron. They were squired about on Sunday afternoons by Antonio in carriages, and later automobiles. Petra and Refugio, they maintained, even went so far as to open store charge accounts in Antonio’s name and purchase items for themselves. They demanded not only \$16,800.00 pesos for rents taken from tenants and allegedly kept by the sisters, but also the return of household furnishings provided for their use.

The evidence presented includes testimony from an attorney friend of Antonio’s, who testified that Antonio confided in him that he kept as his mistresses both Petra and her sister Refugio – and even complained how expensive it was! Further evidence included letters from two shop owners, confirming the existence of charge accounts in Antonio’s name used by the Castaño sisters. And, as a final touch, the defense submitted a penciled note that begins, “*Mi muy querido Antonio, Deseo primeramente que encuentres ya mejor de tu enfermedad que yo pidiendo a Díos siempre...*” [My beloved Antonio, my greatest hope and constant prayer is that you are feeling better...] After going on to describe how sad it is not to have heard from him, and asking Antonio to send \$5.00 pesos to get a doctor for Petra, the note is signed, “*...tu viejita que te quiere hasta la muerte – R.C.*” [... your little old lady who loves you until death, R.C.]<sup>29</sup>

The court considered the case briefly and absolved Antonio from all payment of wages to Petra on the grounds that her case was not adequately proven. Specifically, they pointed to testimony from two witnesses for Petra that differed on particulars. One gave

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<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

the time of day as “*mediodía*” and the other said it was “*a las trece*” – an offhand reference to a meeting time as at either midday or at 1:00 p.m.<sup>30</sup> Although the allegations of a sexual relationship between Petra and Antonio weren’t mentioned in the decision rendered by the court, one can’t help wondering if they were ultimately the deciding factor in the case, given its outcome.

Needless to say, Petra did point out in her subsequent appeal that her initials are not R.C. – that she wasn’t the one who penned the love note to Antonio, and therefore was not proven to be his “*amasiada*”. Besides, she argued, discounting testimony based upon the discrepancy of a mere hour was biased against those without watches, and for whom saying “midday” and “one in the afternoon” means the same thing. Despite her accuracy on both counts, the case was no more successful with the *Juez Distrito* than the *Junta Central*, and in the end, Petra got nothing. The final page in Petra’s appeal to the *Juez Distrito* indicates that a request for a copy of the Petra’s case files was sent to the *Suprema Corte de Justicia de la Nación* as per their request, but as of this time, searches for any record of further appeal have not turned up any information.

Shortly after Petra filed suit against Antonio, her sister Refugio did the same.<sup>31</sup> The cases – Refugio’s complaint and Petra’s complaint and subsequent appeal – ran concurrently for several months of 1934. For her part, Refugio began working for Antonio in 1920, seven years before her sister, and was fired on the same date as Petra after 14 years of service. Refugio was in charge of collecting rents and managing tenants from twelve rental properties owned by the Cabrerias. She, too, was promised \$1 peso per

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<sup>30</sup> Ibid.

<sup>31</sup> *El Archivo General del Estado de Oaxaca: Poder Judicial Distrito, Sección Grupo VIII: Comercio, Empleados Particulares y Servicios Domesticos. Legajo 52, Expediente 1118: Refugio Castaño contra Antonio J. Cabrera, Iniciado 27 enero 1934.*

day in addition to free rent of her apartment at 26 Calle de M. Bravo, and she also alleges that her wages were never received. Refugio's suit asks for a total of \$5075.00 in back salaries and severance pay.

In response, Antonio's attorney once again claims that there was never an employment arrangement of any sort, that Refugio and Antonio were, "...*viviendo en publico y escandaloso amasiato...*" [living together in a public and scandalous affair].<sup>32</sup> The attorney explains that Antonio gave her lavish furniture and household goods – everything needed to be kept comfortably. He has dressed her richly, supported her and her sister, and she repaid his kindness by opening accounts in his name and shortchanging him on the rents she collected. The defense demanded in return from Refugio payment of \$19,500.00 pesos, which includes not only \$16,080.00 in rents that were allegedly collected but not forwarded to Antonio but also \$1500.00 pesos for the furnishings in her home and \$1200.00 pesos rent due for her own apartment.

Incredibly, la Señora Maura Casas de Cabrera left her husband's bedside to take the witnesses' stand in a rare personal court appearance. In her testimony, Maura said she was aware that Refugio and her husband had lived *en amasiato* since 1920, and hence no money was owed Refugio since she had lived so well on her husband's money all this while and was never his employee in the first place. She made sure to mention that she would also like to get back Antonio's personal belongings kept in Refugio's home, including a *pianola*, a Victrola, and a *musiquero*. One can only imagine the attitude a wealthy lady of Oaxaca's elite must take to enter court and admit to an ailing husband's sexual infidelity – in public, no less! Did Maura prop up her dignity with haughty

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<sup>32</sup> Ibid.

disdain? Was she cold and calculating after waiting years for her opportunity to exact revenge? Considering the wave of disgruntled former employees in Maura's wake, it seems reasonable to wonder about her motivations and her people skills.

However, that is not exactly the impression that the records give. Maura's manner is more akin to that of a tearful society lady, left adrift without the guidance of her husband and begging the protection of the court from the greedy pack of low-class immoral women who would prey on Antonio's masculine instincts for personal gain. That Maura and Beatriz actively participated in the managing of the properties prior to the date of his illness goes unremarked, although in several instances complainants are asked to specify exactly which of the Cabreras is being sued.

On the stand, Maura reiterates the public and scandalous nature of the relationship, and calls Refugio's claims, "... *locas pretensiones...*" [crazy pretensions].<sup>33</sup> The love note entered into evidence against Petra's suit was likewise used by the defense in Refugio's suit to demonstrate that the relationship was only a personal one, citing "...*la existencia de ese amasiato y la inexistencia de toda liga entre empleadas y patron...*" [the existence of the affair, and the lack of any employee-employer ties].<sup>34</sup>

The defense also called several witnesses to affirm the existence of and to characterize the relationship between Antonio and Refugio. They included the Cabreras' chauffeur Randolpho Brena, other employees of the family named Agustín Hernández Haro and Aristeo Ramírez, a civil servant Andrés González, and a personal friend Attorney Cirilo Cuevas. In addition, a group of local shop owners wrote letters suggesting they witnessed Antonio spending money on Refugio; Virgínia Sánchez viuda

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<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

de Santaella, Piedad Romero viuda de Meixueiro, her son Eduardo Meixueiro, and Carlos Castro.

For her part, Refugio provided the names of thirteen tenants of buildings owned by the Cabrerias who could affirm her role, and nine of them personally appeared in court to testify. Even in the face of so many witnesses testifying that Refugio administered properties as Antonio's employee, the court found the defense's evidence more compelling. In the end, the Board ruled that Refugio and Antonio were common-law spouses, residing in the same residence, and that work done by Refugio therefore fell under wifely duties and was not eligible to be considered as paid employment. In the end, they decided the work was done for love, and not money.

While it may seem incredible, the "*en amasiato*" defense is rather common among the employment suits brought in Oaxaca during the decades following the Revolution. These two particular instances are unusual only in that Petra and Refugio appeared to have lived and worked independently. Most of the other women whose former employers claimed a romantic relationship was the real basis of their arrangement were domestic workers who lived and worked in the homes of unmarried men.

A more representative example, one not related to the series of cases against the Cabrera family, can be found in the suit Guadalupe Contreras brought against Profesor Pedro Medina.<sup>35</sup> In 1934, Victoria filed a case asking for payment of approximately six months of unpaid wages, monies owed her on the date of her discharge from service in the Medina household. Not only had the professor failed to pay her for the last six months of her service, but he had also failed to give her the required day of respite on

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<sup>35</sup> *El Archivo General del Estado de Oaxaca: Poder Judicial Distrito, Sección Grupo VIII: Comercio, Empleados Particulares y Servicios Domesticos. Legajo 51, Expediente 1107: Guadalupe Contreras contra Profesor Pedro Medina, Iniciado 19 julio 1933.*



Sundays as required by law. After Guadalupe's testimony, which closely followed the formulaic connection between good womanhood and citizenship rights, the good professor called a single witness in his defense. His witness, Señora Batanzas, testified from her position as neighborhood matriarch. She had witnessed Guadalupe and Pedro walking arm-in-arm on the central *zócalo* on several Sunday afternoons of the past months. The social context of this testimony was damning; to *hacer paseos* – to walk together in public – could be seen as an unspoken public announcement of intended courtship. Clearly, she is implying the existence of a romantic relationship between the professor and his maid.

Whether any such relationship existed, or whether we can consider it consensual in the unequal power structure of their interactions, is moot. Casting doubt upon Guadalupe's moral standing resulted in the judge's ruling that their relationship was not one of employer and employee. Rather, the judge ruled that Pedro and Guadalupe were common-law spouses, residing in the same residence, and that domestic work done by Guadalupe therefore fell under wifely duties and was not eligible to be considered as waged labor.

Those cases where a romantic relationship either existed or was convincingly insinuated, it similarly undermined the female employee's claim to labor rights. In each case, if the Board found reasonable doubt as to the purely professional nature of the relationship between worker and employer, the women's work was counted as normal everyday reproductive labor and not waged labor per se. The question of coercion, or even indirect coercion due to economic vulnerability, was never raised.

According to Article 123 of the Constitution, the labor law under which these cases were argued, the existence of a personal relationship between two parties to an employment contract does not automatically change the terms of the contract. Theoretically, at least, if an employee willfully entered into a personal relationship with their employer, it made no difference in the job agreement. However, the Board's decisions do not reflect this legal reality. Instead, they seem to rely upon conceptual idealizations of woman's work as natural activities that women perform in the household that remain clearly delineated from paid activities. In this instance, waged labor was identified as work done for only those who could not be considered related to the women worker in any personal sense.

Allegations of sexual impropriety were not the only way in which discourses regarding appropriate womanhood were used to undermine employees' claims. For example, in the case of Esperanza Monterrubio against the Cabrera family in May of 1934, evidence against her wage claim included the behavior of her children.<sup>36</sup> Esperanza took over Refugio's residence a month after her firing, after being asked by Maura to move into Refugio's place at 26 Calle de M. Bravo from the apartment where Esperanza's family already lived and paid rent to the Cabrerias. Esperanza testified that Maura offered free rent and a wage of \$10 pesos per month in exchange for caring for that building and another next door, sweeping the step, lighting the hallway lamps, and opening and closing the door to tenants at night. Their verbal employment agreement was made as Maura walked Esperanza through the buildings, explaining duties and introducing her to tenants as they went. Two months later, Esperanza's family was

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<sup>36</sup> *El Archivo General del Estado de Oaxaca: Poder Judicial Distrito, Sección Grupo VIII: Comercio, Empleados Particulares y Servicios Domesticos. Legajo 52, Expediente 1128: Esperanza Monterrubio contra Maura Casas de Cabrera, Iniciado 2 mayo 1934.*

evicted without notice. Her suit asked for back wages and an indemnity for unjustified firing that totaled \$69.00 pesos.

Maura's attorney responded that Esperanza was never an employee, and the fact of the matter is that she had to evict Esperanza's family, including her "*seis o siete niños*" [six or seven children] from the apartment for nonpayment of rent. Because they had not paid rent the entire two months they lived at the new address, he said, the family was \$14.00 pesos in arrears. Her attorney furnished to the court a copy of the eviction orders, dated the previous month, where Maura cited a verbal rental agreement made between herself and Esperanza's husband, Francisco Méndez, for \$7.00 pesos per month for an apartment at 26 Calle M. Bravo.

At the eviction hearing, Maura told the court that she rented the apartment to Francisco Méndez, that he had not paid rent in the two months of his residence there, and that he wished to evict him from the premises immediately. She did not mention his wife or children, nor that Esperanza was her employee. She also furnished two witnesses who affirmed that the family lived at that address, Diego Jarquín and Ignacio Santaella. The *Juzgado Auxiliar* of Oaxaca de Juárez not only ordered their eviction, but also approved Maura's request for the right to confiscate their belongings to ensure payment of the fourteen pesos.

When it came time for Esperanza's witnesses to give testimony, three tenants in the building affirmed they overheard the conversation between Esperanza and Maura, and subsequently witnessed Esperanza performing the proscribed duties. They were each asked to describe what each woman was wearing on the date in question, and the exact location in the building where they were seen, and what time it was. Esperanza's first

witness, a single 34-year-old shoemaker named Pedro Vásquez, testified that he saw Maura in black and Esperanza in white, at 8:30 in the morning, in the entry hall. The second witness, Austreberta Gómez, a single 34-year-old ticketseller, said that it was actually 6:00 or 7:00 in the morning and that Maura was in black and Esperanza wore a black underskirt with a white overskirt, and they stood in the staircase. María Jiménez, a single domestic worker of 26, said it was closer to 8:00, and that Esperanza wore a dress *de color* and Maura black, and they were heard from the patio. However, they all agreed that they understood Esperanza was the apartment manager, having witnessed her perform the duties and collect their rents, acting for the property owner Maura Casas viuda de Cabrera.

Esperanza's evidence included rent receipts for the period the family resided at 15 Calle Crespo, before moving to take over Refugio's former position on Calle M. Bravo. The receipts were submitted in hopes that the Board would agree they indicated a history of financially responsible behavior on the part of Esperanza and her husband. The receipts were each signed by one Concepción Mendoza, another woman who was apparently hired by the Cabrera family to collect rents. For all of their claims that none of the complainants in the cases against them were actually employed by the family to administrate their rental properties, this set of receipts seems to indicate that the family did hire women to do just that – at least in the case of Concepción, who does not appear in any other capacity in the court records.

Witnesses for the defense, also tenants in the building, testified that Esperanza resided in the building with her family, but did not have any employment position in the building. Furthermore, they each told the court that her children bothered everyone else,

and were responsible for destroying the plants and flowers in the patio and yard. They painted a picture of a horde of tiny gremlins run amuck in the form of children without supervision destroying the peace and landscaping of their home. Witnesses for the defense were Agustín Hernández Haro, Leonardo Ramos, and Ignacio Santaella. A careful reader will likely recall that Hernández Haro was the family employee who testified in the case Refugio Castaño brought against the Cabreras as well. As if that weren't close enough for comfort, Santaella was the young son of one of the letter-writers in the same case, Virgínia Sánchez viuda de Santaella. Of course, Ignacio Santaella served as a witness on behalf of the Cabreras in the eviction hearing as well. In addition, the Board briefly considered and rejected an objection that Ramos could not be an objective witness since Maura had recently served as the matron of honor in his wedding.

Aware of the underlying language of these statements, Esperanza was quick to say that the seven children were the fruit of the marriage between her and her husband, who were wed in the Church. In doing so, she framed her prolific motherhood as fulfillment of traditional religious values, as opposed to the products of protracted wantonness as implied by the defense. Even so, in her subsequent testimony, Maura reiterated the offhand estimation of “*seis o siete niños*” in the same manner as her written statement to the court, as though there were just too many children in the household to keep an accurate count, underscoring her low opinion of a woman given to what she deemed as reproductive excess.<sup>37</sup>

In the end, the court ruled that Esperanza did not convincingly argue her case, given the discrepancies of her witnesses' testimonies regarding wardrobe, location, and

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<sup>37</sup> Ibid.

time of verbal employment contract. Interestingly enough, witnesses for the defense were not asked to verify their knowledge with such details – only those testifying against the Cabrerias on Esperanza’s behalf. The Board ruled against Esperanza’s case and absolved Maura from payment of wages to her. They also ruled that Esperanza and her husband owed back rent in the amount of \$14.00 pesos to Maura. The receipts Esperanza furnished, contrary to their intended effect, only demonstrated to the Board that they did not pay rent for the time they lived at 26 Calle M. Bravo and bolstered Maura’s eviction and demand for payment. What Esperanza and her family gained from filing the case seems to be a slightly longer tenancy, during which she almost certainly stopped performing her cleaning duties and looked for another place to live.

Subtle discourses that linked labor rights in the form of payment of wages to gendered understandings of appropriate womanhood often included seemingly unrelated information meant to convey to the Board that the employee was not a “good woman”. Angela Vasconcelos, as example, was summarily sacked after nearly 16 years living in one of the Cabrerias’ apartment buildings. She became the next complainant in the series of cases against the Cabrerias.<sup>38</sup>

Angela returned home on April 30, 1934, to find an eviction notice pasted to the door, giving her 8 days to quit the property. The 19-year-old Angela grew up helping her mother perform her duties as the building’s manager at 6 Calle Unión, and upon her death over a year previous stayed and took over the job with Antonio’s blessing. Her suit asked for a mere \$120.00 pesos in back wages, only 8 months’ worth at half a peso per day; she

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<sup>38</sup> *El Archivo General del Estado de Oaxaca: Poder Judicial Distrito, Sección Grupo VIII: Comercio, Empleados Particulares y Servicios Domesticos. Legajo 52, Expediente 1129: Angela Vasconcelos contra Antonio J. Cabrera, Iniciado 14 mayo 1934.*

said her demand was so small out of respect for her mother's regard for the patrón Antonio.

The defense provides scanty evidence, consisting mostly of Angela's mother's death certificate. It certifies that Micaela Morales de Vasconcelos, widowed and of 60 years of age, died of colitis in her son's home at 29 Calle Abasolo on November 30, 1933. The defense asserts that this document proves Micaela had already abandoned her employment prior to her death, given that she was hired to manage properties at 6 Calle Unión and was clearly no longer in residence there. That Micaela left the apartment building to be cared for by her daughter-in-law at her son's home in the days prior to her death was evidence enough, according to the defense, that she had voluntarily left employment – quit her job, in other words. How that would figure into Angela's case and the verbal agreement of employment between Angela and Antonio is not made clear.

Further evidence submitted by the defense attorney included a copy of the original employment contract between Antonio Cabrera and Angela's mother, Micaela. Dated 1921, the contract stipulated that Micaela would care for three buildings on behalf of the Cabrera family and in return would receive free rent and five pesos per month in wages. It is signed on Micaela's behalf by Trinidad Morales, who presumably read the conditions to the illiterate Micaela and signed her assent on her behalf, although Angela seemed surprised to learn of the existence of a written work contract between Antonio and her deceased mother.

The tenuous logical connection between Micaela's place of death and Angela's right to wages for her labor were stretched even further by the other evidence submitted by Maura's attorney. More to the point than any particular work arrangement, the

defense pointed out, was the problem of Angela's husband Cecilio. They produced as witnesses two tenants of the building managed by Angela, Juan Ruíz and Felipe López, who claimed that Cecilio bothered everyone else in the building. Ruíz, in particular, related stories of Cecilio's drunken and violent exploits, saying that he often returned home inebriated and behaved in an insulting or abusive manner toward other residents of the building. He even described an instance in which his own brother was attacked by Cecilio, who cut his cheek with a penknife and hit him on the head with a brick. Angela, he said, was even sometimes forced to seek refuge in other tenants' apartments to escape maltreatment at her husband's hands. Besides, the defense contended, there had been complaints that Angela's children behaved rudely towards the neighbors. To finish the damning nature of the testimony, the defense made mention of a neighborhood called El Marquesado in connection with the family, citing it as her mother's neighborhood of origin.<sup>39</sup>

The defense also cast aspersions upon Angela's version of events, claiming that Antonio fell ill and had not left the house since October of 1933, and because Micaela didn't die until November of 1933 it would have been impossible for Angela to speak to Antonio regarding continuing on in her mother's job. However, in the cases brought by Petra and Refugio Castaño against Antonio, the onset of Antonio's illness is given as mid-December of 1933. The same three-member Board heard all of the cases, and the first four cases against the Cabrera family (whose complainants are Petra, Refugio, Esperanza, and Angela) ran concurrently in the first six months of 1934. It seems

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<sup>39</sup> Ibid.



incredible that the discrepancy on the part of the defense's argument apparently went unnoticed by all of the court officials.

When Angela demanded that the court ask Antonio himself regarding the nature of their verbal employment agreement, and allow an inspection of the books to confirm her status as his employee, the Cabreras' attorney quickly brought to court letters signed by two doctors. The doctors' statements said that any emotional or physical exertion would put Antonio's life in danger. The attorney insisted that Antonio could not appear, could not answer questions at his home, and it would be better that he not speak of the cases at all. Angela's request for an inspection of the books was not seriously considered by the court, although no reason was proffered.

The entire case lasted less than three months, and the Board quickly ruled that Angela was owed nothing. It seems unlikely that the evidence regarding the inexistence of a verbal agreement was the determining factor, given the discrepancies in dates and inability to verify with Antonio just discussed. Therefore, the decision of the Board seemed to once again hang upon the perceived moral purity of the female employee. Being married to a drunkard, having roots in El Marquesado, and raising poorly supervised children seemed to comprise the weightiest evidence against Angela's labor rights. No discussion regarding the performance of duties, nor their lack, took place in the courtroom. Instead, the defense relied upon arguments that linked labor rights in the form of payment of wages to gendered understandings of appropriate womanhood. The discourses often included strongly classed and raced elements, using seemingly unrelated information meant to convey to the Board the ways in which the employee did not conform to dominant elite visions of womanly morality. In Angela's case, her lifestyle

was framed as conforming to stereotypical ideas of the poor and of indigenous peoples – rife with drunkenness, rude manners, and violence.

The next woman to file suit against the Cabrerias, Luz Casas, seems to illustrate another way in which non-conformity to ideals of gendered behavior could cast a shadow upon one's labor rights.<sup>40</sup> Luz Casas (no known relation to Maura Casas de Cabrera) filed suit against the Cabrera family in February of 1935.

In her case, the *Procurador de la Defense del Trabajo*, Bonifacio Olivera, filed on her behalf. The position of *Procurador* was created to enable an employee of the court to meet with prospective complainants to determine which cases were feasible to bring forward against the former employer. Further, the position provided a low-cost avenue through which working people could file cases, since the *Procurador* was able to draw up the paperwork and act on behalf of complainants in the courtroom. Thus, the former employees were freed from hiring scribes or attorneys, as well as making repeated courtroom appearances. An educated man, a regular of the courtroom, charged with representing the interests of largely illiterate working people, Bonifacio Olivera seemed to have faithfully executed the duties of his office – particularly in comparison to the previous *Procurador*, who failed to bring even one case on behalf of a woman throughout his tenure from 1927-1934. Just a month after taking over the position, Bonifacio filed the fifth case brought against the Cabrerias by a woman who had previously worked for them – the only case against the family in which he took an active role.

Luz had been employed by the Cabrerias for over twelve years, since 1923. Just after New Year's Day of 1935, Beatriz and Maura Casas de Cabrera had appeared in the

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<sup>40</sup> *El Archivo General del Estado de Oaxaca: Poder Judicial Distrito, Sección Grupo VIII: Comercio, Empleados Particulares y Servicios Domesticos. Legajo 54, Expediente 1153: Luz Casas contra Beatriz Cabrera como representante de Antonio J. Cabrera, Iniciado 21 febrero 1935.*

garden where Luz worked. With her mother at her elbow, Beatriz announced that Luz was fired and should vacate the premises. On that date, Luz testified, Beatriz agreed to payment of back wages but thus far no payment had been forthcoming. During the years of her employment, Luz continued, she had worked every day from 6:00am to 6:00pm, maintaining a garden that witnesses sized at one block by one and a half blocks. Until the previous year, two other gardeners – men, both – worked alongside Luz in the garden. However, since they’d been let go she had maintained the garden singlehandedly, working without days off, nor fiesta days, nor any vacation. Beatriz fired her, Luz said, when she dared to ask for the doubling of her wages to meet the legal minimum wage of one peso per day. Her suit demanded a three-month indemnity for firing without sufficient cause as well as her back wages, including extra pay for overtime hours.

The Cabrerias’ attorney responded to the case predictably, by calling into question the existence of any such job and denying that Luz was ever an employee of the Cabrerias. The Board should take a look at the case that Vicente Santos filed against Antonio Cabrera the previous year, the defense maintained, in order to understand the present circumstances.<sup>41</sup> While the case files for that particular case are currently unavailable, a few facts can be teased out of the various documents from its file that were copied to be included as evidence in Luz’ case.

According to the documents, Vicente Santos and Natalio López were the two men with whom Luz labored in the garden at 4 Calle Crespo in previous years. After they lost their jobs, they too sued the Cabrera family for back wages – and probably asked for an

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<sup>41</sup> *El Archivo General del Estado de Oaxaca: Poder Judicial Distrito, Sección Grupo VIII: Comercio, Empleados Particulares y Servicios Domesticos. Legajo 55, Expediente 1188: Vicente Santos contra Antonio Cabrera, date unknown.*

indemnity for unjust firing as well, if the pattern held. In July of 1934, Antonio Cabrera paid Natalio the sum of \$25.00 pesos, and in return Natalio relinquished rights to any further action against the Cabrerases.<sup>42</sup> Putting aside the fact that the only case against the Cabrerases in which the worker was awarded any monies was brought by a male employee, it is interesting to note the sum of money awarded was quite small in comparison to the average amount demanded by the Cabrerases' former employees. The defense suggested that Luz witnessed her former coworker retiring comfortably and therefore decided to attempt a similar feat. It's a ludicrous suggestion, given that the payment was less than a month's wages. More likely, the amount represents a token payment made to end the suit – without substantially changing the life circumstances of anyone involved.

The defense went even further to convince the Board that Luz was never an employee of the Cabrera family. Their statement picked at the slightly unconventional position, stating that, “...*pues bien se comprenderá [sic] que la jardinería no es del resorte de las mujeres, sino una ocupación propia del sexo masculino, con mayor aptitud o más marcada dedicación, ha hecho del este arte un trabajo que le es peculiar...*”, and later, “...*siempre ha sido atendido por uno o dos jardineros; pero nunca por ninguna jardinera...*” [...we understand that gardening is not the province of women, but rather solely an occupation of the male sex, who with more aptitude or more marked dedication, have made of an art of this particular job ...(and)... there have always been one or two male gardeners but never a female one...]<sup>43</sup> Clearly, they implied, she could not be a woman and a gardener at once – and being obviously female, she must certainly be lying about her occupation. They explain her presence on their property as an outgrowth of

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<sup>42</sup>*Luz Casas contra Antonio Cabrera.*

<sup>43</sup> *Ibid.*

their charity, saying, “...*pues que la casa a que la demandante se fiere siempre ha tenido personas que se ocupen de su cuidado unión de sus dueños...*” [...the house in which the complainant lived has always been occupied by those under the care of its owners...]<sup>44</sup>

In short, they gave Luz a place to live through largess – not because she actually worked for her keep. In countersuit, the defense demanded Luz be ordered to pay rent dating from 1923, totaling \$720.00 pesos.

Procurador Bonifacio Olivera, on Luz’ behalf, requested the court require Antonio Cabrera to stand as witness. When the defense cited his serious illness as reasonable excuse from attendance, he requested that an independent doctor be allowed to examine Antonio to confirm this assessment. In an unusual move, the Procurador suggested that, “...*también hay que pensar que el caso de referencia puede estar sujeto a la deliberación de sicólogos especiales...*” [...in the referenced case of Antonio, one might think that a psychologist might be consulted...]<sup>45</sup> Was Antonio Cabrera suffering from a nervous breakdown or the late stages of a syphilis infection? The above statement seems to imply exactly that. The illness of his alleged mistress Petra as well as the debilitating condition that prevented his wife Maura from signing court documents in a later case could both be thusly related to his own infirmity, although absolutely no direct evidence exists to support this supposition. However, the prevalence of syphilitic infection among sex workers and their male clients in post-revolutionary Mexico has been ably demonstrated by Katherine Bliss; the euphemistic approach to describing illnesses seen in the court records here are very much in keeping with her findings.<sup>46</sup>

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<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Bliss, 2001.

In response to the complainant's request for independent medical examination, the defense was quick to frame the request as an attempt to subject Antonio to unpleasantness by suggesting that, "...*de toda designación de peritos medicos y psicólogos...*" [any sort of paid expert] could be sent to his bedside, and requested the Board appoint independent doctors themselves.<sup>47</sup> The Board did so, creating a delay of several months as they sent letters to various physicians, waited for responses, and then scheduled hearings for their findings far in advance.

In the meanwhile, three witnesses were called to testify on behalf of Luz for a hearing in April, 1935. The first was Natalio López, the same coworker who managed to extract a settlement of \$25.00 pesos from the Cabreras. He testified as to the size of the garden (1 by 1-1/2 blocks), the hours worked (6:00-6:00 daily), and the pay (half a peso per day). His testimony matched exactly the facts as previously stated by Luz. The defense, in cross-examination, asked Natalio about the compass orientation of the garden, which plants and of what sort were therein, and a litany of questions regarding the details of their employment, including date, place, and amount of each wage payment. The defense also asked, repeatedly, whether or not he and Luz were cohabitating, personally involved, or intimately connected during their time working in the garden. Natalio gamely recounted shrubs, flowers, trees, locations, orientations, payments, work duties, and then repeatedly and clearly denied any relationship beyond the purely professional with Luz.

The second witness to testify on behalf of Luz' case was Professor Manuel Cruz, who lived adjacent to the gardens on Callejón Carmen. He, too, testified regarding work

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<sup>47</sup> Ibid.

hours and payments. The Professor also supported Luz's contention that she was fired for requesting a raise to meet the legal minimum wage. And then, before the defense was able to ask him any questions of their own, he began to cry out while hitting himself in the head, unable to speak another word. He left the courtroom, in what was recorded as, "*en estado de idiotez...*" [a state of idiocy], in the grips of an apparent illness.<sup>48</sup> While it seems hard to imagine such a scene, it was entered into the official hearing minutes and must be considered an accurate representation of circumstances.

This bizarre turn of events raises in the suspicious mind questions regarding poison, or even another possible case of advanced syphilitic infection. Could he have suffered from epilepsy, an acute dental problem, or a craftily convenient dramatic flair? A superstitious person might even regard his attack as spiritual intercession on behalf of the Cabrera family, considering how thoroughly his strange behavior undermined his credibility with the Board. However, Manuel makes no further appearance in the cases against the Cabreris and no further information is available at this time regarding the outcome of his illness.

The final witness for Luz was Fernando Pérez, who confirmed her stated pay, hours, and duties. The defense aggressively questioned Fernando in cross-examination. Their first question was whether or not he and Luz had an "intimate friendship".<sup>49</sup> The defense asked numerous questions in addition to those asked the first witness, including whether she had promised him money in exchange for his testimony, where she was born, how old she was, where she lived, if Antonio Cabrera was his enemy, whether Luz used fertilizer, where she learned to garden, who taught her, what sort of soil was found in the

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<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

garden, the size and location of any shelters, how the workers were able to tell what time it was when they began or finished working, from which direction breezes blew in the garden, in which direction the house numbers ran on the street, where Luz slept, and whether he knew if she was current on the rent for her abode in the corner of the garden. Fernando gamely answered each question. He declared his relationship with Luz was completely platonic, accurately described the garden and its environs, and denied knowledge of personal details such as her place of birth and age.

It is telling that the defense repeatedly attempted to imply that Luz was romantically involved with one or another of her male coworkers. Had one of the men admitted to such a thing, Luz would have been relegated to status of common-law wife by the Board and her work would have fallen under the category of reproductive labor rather than that of paid employment. Nevertheless, the consistency with which her witnesses answered myriad questions regarding unrelated details of the garden seemed very convincing.

Rather than continuing on to have the witnesses for the defense testify, the Board continued the remaining testimony for a later date due to the lateness of the hour. The next court date at which the government representatives appeared was in early July, three months later. At that hearing, the defense requested and was granted a further continuation. Nothing further happened in the case for an additional three months, when the defense approached the Board with Antonio Cabrera's death certificate. Antonio J. Cabrera, aged 68, died August 25, 1935. The cause of death is listed as heart disease, or "*aortitis*."<sup>50</sup> Due to his death, the defense argued, the case should be dropped. After all,

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<sup>50</sup> Ibid.



they maintained, Antonio's heirs had nothing to do with his business decisions and should not be held liable for any agreements into which he might have entered – which is not to say that they allowed Luz was ever an employee. The Board agreed, and gave Luz 72 hours in which to either name an alternate defendant or to drop the case. She dropped the case.

In the absence of any other reasonable defense, the Cabrereras' attorney attempted to undermine the claim for wages owed by denying the existence of a job. To do so, it was necessary to somehow convince the Board that Luz was not actually working in the garden where she had spent the previous twelve years in residence. When the Board seemed to be less than convinced by their argument regarding the implausibility of a woman gardener, the defense turned to their stock argument; romantic involvement as a means through which to redirect the understanding of their labor from waged to everyday reproductive. Luckily enough for the Cabrereras, they were able to delay the conclusion of the hearings until after the death of Antonio. Of course, it is impossible to know how the Board might have ruled if the case had gone forward in a more timely manner. However, it is strikingly convenient to the defense that the lengthy delays ended very soon after Antonio died.

Even after the death of the family's patriarch, additional suits were filed against the family by former employees. The next case was filed only days after Luz opted to drop hers. Fidela Valencia brought suit against Maura Casas viuda de Cabrera in October of 1935.<sup>51</sup> Fidela fell ill when she had been working as a maid in the Cabrereras' house for five months. After twenty days of illness, during which she was unable to return to her

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<sup>51</sup> *El Archivo General del Estado de Oaxaca: Poder Judicial Distrito, Sección Grupo VIII: Comercio, Empleados Particulares y Servicios Domesticos. Legajo 56, Expediente 1216: Fidela Valencia contra Maura Casas viuda de Cabrera, Iniciado 8 octubre 1935.*

duties, Maura fired her without paying her a single centavo. Fidela sued Maura not only for wages due, but for payment for medical care to which she was also legally entitled under Article 123. Court dates were set for November, December, January, and February, and each time one or another of the Board members whose presence was required did not appear at the appointed date and time, necessitating further delay. For the final court date scheduled, in March of 1936, no documentation exists and the file contains no further information regarding the outcome of the case. It is possible that the case went forward and the documentation has simply become lost or misplaced. It is also possible that the case was dropped, that Fidela succumbed to her illness, or that Maura and Fidela reached a settlement. However, given the Cabrera family's reluctance to pay wages to the first five women who sued them, it is doubtful that after a mere five months on the job Fidela fared any better than the women who had worked for the family a decade or more. It seems more likely that Fidela ran out of funds to support further action, dropped the case, or expired. In any event, the documentation runs out before complete statements of complaint or response are submitted, so we are unable to know what position the defense took or would have taken in response to the suit.

The final case against the Cabrera family was filed a year to the day after Fidela's, in October of 1936.<sup>52</sup> Juana Sandoval began working at 38 Calle Murguía in August of 1935, in the position vacated by Fidela's illness and subsequent departure. She, too, swept the front steps, cleaned the bathrooms, and tended the patio plants and flowers in exchange for room and wages. In addition, Juana was responsible for opening the main door to the street to tenants at night; in Oaxaca, as in much of Latin America, residences

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<sup>52</sup> *El Archivo General del Estado de Oaxaca: Poder Judicial Distrito, Sección Grupo VIII: Comercio, Empleados Particulares y Servicios Domésticos. Legajo 60, Expediente 1305: Juana Sandoval contra Maura Casas viuda de Cabrera, Iniciado 8 octubre 1936.*

are often designed as a series of rooms surrounding a central open courtyard. The main door to the street was locked and barred at night for security, requiring someone on the inside to permit entry. After only a month working for the Cabreras, Juana says that Maura told her she would not serve to be in charge of the house and would need to leave. Undeterred, Juana stayed in her post until the end of September, when three people arrived at her home and threatened to throw her out in the street, if she did not vacate the premises or make full payment of rents within eight days. The demand for rent is puzzling because her position included free room. In any case, Juana demanded the minimum wage of \$1.00 peso per day, plus extra hours worked, and either indemnity for unjustified firing or reinstatement in her original job.

In response, Maura's attorney charged that no employment position existed and that Juana was only a tenant on the property and not an employee. In contrast, they avered, the agreement that existed between Maura and Juana was simply a rental contract in which Juana agreed to pay \$40.00 pesos per month to Maura for the rent and sublet of the seventeen apartments in the building. The defense produced a rental contract, dated November of 1935 – three months after Juana began her tenure in the building and two months after she was first asked to leave.<sup>53</sup> The contract is a pre-printed lease form on which blanks for the address, rent amount, and conditions were handwritten. The handwriting in the first several blanks matches the signature made by Maura Casas viuda de Cabrera, as well as her handwriting as it appears on various court documents such as notifications of hearing dates throughout the seven cases. The blank space reserved for witness was struck through, and the contract is signed for Juana Sandoval in handwriting

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<sup>53</sup> Ibid.

strikingly similar to that of Beatriz Cabrera's. Underneath the name of Juana is a single smudged fingerprint – one too smudged to be accurately compared to the fingerprints with which Juana marked all of the other court documents. Like many working people at the time, Juana was unable to read or write. The document, according to the defense, proved that the agreement was a rental contract and not an employment contract. Therefore, the defense argued, the Board had no jurisdiction in this case and should not pursue further action.

Months later, in February of 1937, Juana called upon the Board to rule in the case one way or the other. Juana stated that she had no idea the paper to which she was asked to affix her thumbprint was a rental contract. In fact, she said, she was told by Maura that “signing” this document was a necessary first step to receive back wages owed. Two months later, in April, Juana again approached the court and demanded an end to indefinite continuances, and asked the Board to rule in order to gain resolution of the case in the briefest time possible. Finally, in May, the Board decided that the exception proposed by the defense – that of non-jurisdiction – was not a valid impediment and a hearing date was scheduled.

For the May hearing, Juana engaged an attorney who submitted as evidence nine receipts signed by Maura for rents collected from tenants at 38 Calle Murguía, including the months of February, March, April, June, August, and September of 1936. If Maura collected rents herself from tenants in the building, the attorney contended, obviously Juana was not subletting the apartments herself. In addition, Juana's attorney requested a handwriting expert in the event Maura denied signing the receipts, and a reaffirmation from the Board of their right to question Maura on the stand. In response, the defense

called as witness two men, Agustín Hernández Haro and Rafael García Romero, who each swore they paid rent to Juana while subletting in the building. Hernández Haro will be remembered as the employee of the Cabrerías who testified in the cases brought by both Refugio and Esperanza. Another of the witnesses for the defense in Esperanza's case was also a Romero, but without more information such as a shared address it wouldn't be reasonable to assume they were related.

Before the hearing could go further, the court offices were closed for vacations of the judicial personnel. Finally, in August Maura took the stand to say she signed those receipts but never received rental payments. Then, Maura testified that it wasn't her signature on those receipts in any case, and that she does not know to whom Juana sublet the apartments. In closing, Maura requested the court to finalize Juana's eviction from her property. Throughout the case, Juana continued to live at 38 Calle Murguía. It is not clear if she continued to perform her duties, but the defense made much of her continued nonpayment of rent. Like Esperanza, the case afforded her a "stay of execution" of sorts, enabling her to continue living in her current space while the case ran its course.

The search for a handwriting expert to examine the receipts to determine their authenticity began, with both the complainant and defense requesting and rejecting various proposed names. The Board then sent letters to several literate and ostensibly objective professional clerks in the city to ask if they would be willing to serve the court as a handwriting expert. In the end, it was not until October that Luis Zárate Pereyra, a clerk in a local law firm, agreed to examine the handwriting samples and respond to the court in all possible haste.

Meanwhile, another – slightly different – copy of the rental agreement for Juana at 38 Calle Murguía was submitted to the court. This lease agreement was also a form on which handwritten information filled in the blanks, and it was identical to the first submitted contract except for a couple of key points. It was also dated November 15, 1935, and specified that the rent for the entire building was \$40.00 pesos per month, due on the first of each month. In the space for Maura’s signature, she has added, “*Como albacea de la Sucesión del Sr. Antonio J. Cabrera,*” [as executor of Antonio J. Cabrera’s will] before signing.<sup>54</sup>

The other differences are that the witness blank has been filled out, specifying one María Méndez as the witness. Additionally, María’s signature appears at the bottom before the words, “*por Juana Sandoval.*” No fingerprints – Juana’s or otherwise – appear on this document. The Board’s documentation makes no mention of the discrepancies between the two versions of the rental contracts submitted by the defense.

The episode of the altered rental contracts makes even clearer an important aspect to these proceedings; the power imbalance created by illiteracy. In many similar cases, the outcomes hinged upon documentary evidence produced by employers such as work contracts, rental agreements, and signed receipts. Seeing numerous documents marked by thumbprints in lieu of signatures makes obvious that they were relying on their employers to give them an accurate representation of the documents’ contents. More than one complainant was surprised to learn that the “receipt” their employer asked them to sign was in reality a work contract with terms that differed significantly from their verbal agreements.

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<sup>54</sup> Ibid.

The defense also alleged that Juana had first gone to the *Confederación de Ligas Socialistas de Oaxaca* before bringing her case before the court, perhaps in an attempt to make Juana appear greedy. Yes, Juana said, and produced a copy of a letter from the League that invited Maura to attend a mediation meeting on October 1, 1936 – just days before Juana filed her case with the court.<sup>55</sup> Apparently, Maura did not respond to the League’s invitation to mediation outside the court system. Each attempt by the defense to undermine Juana’s case was met by her attorney with convincing evidence that seemed to sway the Board ever more in the direction of ruling in Juana’s favor.

Just before the final hearing could take place, Juana appeared before the Board to say that she must leave the city immediately and could no longer pursue her case against Maura Casas viuda de Cabrera. As a consequence, the case was suddenly dropped over a year after it began. On November 24, 1937, the same day she appeared in court, Juana Sandoval left Oaxaca with no planned date of return.

What happened that required her to leave the city? The documents do not shed any light on the events precipitating her departure. The members of the Board did not ask her for what reason she must go, or to where, nor whether she received threats or enticement to do so. They simply agreed that her departure meant the case was over; case closed.

It is possible that her departure was not related in any way to the ongoing case before the Board, that she simply had a family emergency elsewhere. However, one would surmise that a continuance might be granted in such circumstances – or that her attorney could carry on in her absence. Another possibility is that Maura Casas viuda de

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<sup>55</sup> Ibid.

Cabrera might have realized that it was likely she would lose this case; the tone taken in the courtroom was much more favorable toward the former employee than any other of the previous cases. In that case, perhaps she came to a settlement agreement with Juana that stipulated secrecy and her absence from Oaxaca de Juárez. It is pleasant to believe that even one of the women who toiled for the Cabrera family was able to gain some monetary satisfaction, however implausible it is.



## CHAPTER 6

### PATTERNS OF CONTINUITY

The seven cases woven together provide a snapshot of the behavior of a single wealthy family who owned many properties in the city of Oaxaca during the 1930s, particularly as it related to the neighborhood of El Marquesado and its denizens. The themes that emerge are mirrored hundredfold by the cases brought by women against their former employers during this period. Women who sued former employees for issues such as unpaid wages, medical costs, and indemnities for unjust firing faced questions that often pertained more to their personal relationships than the conditions of their employment. In addition, former employers deployed discourses that framed their workers as fitting class and race stereotypes including drunkenness, dishonesty, violence, and questionable moral fiber.

It is telling that the narratives regarding drunkenness and violence are carefully mentioned in conjunction with the location of the apartment building and Angela's residence – the neighborhood of El Marquesado, located just northwest of Oaxaca's *zócalo*. In 1909, the city of Oaxaca annexed the village of Santa María del Marquesado with the express intention of bringing an "unruly" worker district under centralized control – and police jurisdiction.<sup>56</sup> During the Porfiriato, Oaxaca's city fathers and its newspapers publicly characterized the residents of El Marquesado as rebellious enemies of progress, citing problems with clandestine *pulquerías*, tax evasion, excessive use of alcohol, disorderly behavior, prostitution, thievery, begging, and general criminal degeneracy and delinquency.

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<sup>56</sup> Mark Overmyer-Velázquez. *Visions of the Emerald City: Modernity, Tradition, and the Formation of Porfirian Oaxaca, Mexico*. Durham: Duke University Press, 2006. Pp. 44-53.

Census records indicate that most residents of El Marquesado during the Porfiriato were born there, never left, and worked as a baker, laborer, or tortilla maker. Known as a Zapotec town, El Marquesado is identified in census records as completely “mestizo” only because of the removal of “indio” from census options during the Porfiriato.<sup>57</sup> Although the Mexican Revolution caused massive social upheaval, in 1930s Oaxaca ethnic and class identities could still be inferred through coded language, particularly if carefully mentioned in court testimonies. Moreover, it would be an ideal neighborhood to receive recent migrants to the city, particularly if they were also Zapotec.

Mentioning the town of El Marquesado in conjunction with Angela was not an innocent casual remark – in no other place does the neighborhood of origin on the part of the complainant appear. What’s more, in two other cases against the Cabreras, the complainant is identified as being from El Marquesado. If that weren’t enough, the defense’s tactics included testimony about one woman’s seven children, who allegedly bothered neighbors and destroyed plants and flowers on the property. Another was denied back wages for her labors as a gardener, partly because the Board agreed with the defense that only men worked as gardeners and therefore it was clear she was lying and was never employed by the family as she claimed. Tying these complainants to a neighborhood known to be rife with unruly and loose women enabled the defense to imply a whole host of “facts” about them without citing specific instances. By mentioning El Marquesado in conjunction with statements regarding perceived personal failings, innocent facts of their lives – their children, their spouse, their job – colored

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<sup>57</sup> *Ibid.*, pp. 108-9.

them in the minds of the Board members as belonging to a undesirable and undeserving rabble.

Some evidence also suggests that some domestic workers moved back and forth between employment in the homes of the rich and prostitution.<sup>58</sup> The range of possible employment opportunities for illiterate working women was not wide – in the absence of a paying position for one type of work, women sought income through any avenue open to them. Particularly in the case of single mothers, a source of survival was a strong motivation paramount. Mark Overmyer-Velázquez draws a direct connection between the increasing arrival of indigenous domestic workers to Oaxaca de Juárez during the Porfiriato and the rise of prostitution.<sup>59</sup> Women who had recently migrated to the city during the latter years of the 19<sup>th</sup> century moved in and out of domestic service, and helped to create an urban labor class in the city with their presence.

The seeming preoccupation by the defense, then, with the female workers' sexual behavior was not altogether unwarranted from the standpoint of current understandings of the indigenous working women's milieu. Commonly moving between domestic work in the elite households of Oaxaca and less savory sex work would place difficult expectations upon the women. On the one hand, they were to uphold the strictest image of moral purity in their roles within wealthy homes. On the other hand, they were highly sexualized in the popular imagination and practice, fulfilling the sexual needs of men of all classes. Little wonder that female employees' lives were examined for signs of moral decay, particularly during the years following the Revolution. During the Porfirian Era, women sex workers were registered and licensed by government officials in an effort to

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<sup>59</sup> Overmyer-Velázquez, p. 109-110.

stem the spread of sexually-transmitted diseases such as syphilis.<sup>60</sup> After the Mexican Revolution, the registries were disbanded due to revolutionary discourses that framed prostitution as the outgrowth of class oppression of the past. In the new Socialist Mexican nation, there would be no need for the proletariat to debase themselves for the pleasure of a morally-bankrupt bourgeoisie. Instead, indigenous women would take their rightful place as mothers of the mestizo Mexico, sacrificing themselves in less bodily ways for the betterment of the emerging unified nation.<sup>61</sup> Moreover, the city census-takers during the Porfiriato did not gather information regarding women or children laborers, reflecting official understandings that privileged male workers' efforts as primary.<sup>62</sup> Even so, the rising number of registered prostitutes, as well as increased numbers of domestics per household in the wealthy central district of Oaxaca, alludes to the increasing number of women migrating from surrounding pueblos to the urban center.

In examining social reform in postrevolutionary Mexico City, Bliss argues that women migrating to the urban center may have opted to enter prostitution as a route of assimilation to the urban environment with its leisure time, expendable cash, and freedom from family structures.<sup>63</sup> Bliss understood prostitution as a possible path to autonomy, rather than an act of desperation. Regarding sex work as a decision made by an empowered woman was not a position shared by all. Throughout the Porfiriato, city fathers attempted to legislate control of female sex workers' bodies by limiting the public space available to them.<sup>64</sup> Prostitutes were largely regarded as a corrupting influence,

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<sup>60</sup> Bliss, 1999.

<sup>61</sup> Olcott, 2005.

<sup>62</sup> Overmyer-Velázquez, pp. 109.

<sup>63</sup> Bliss, 1999.

<sup>64</sup> Overmyer-Velázquez, p. 111-121.

one to which city officials and elite men fell prey in utter helplessness. Even the watchmen whose responsibility lay in ensuring prostitutes' conformation to legal code often were found to be drunkenly carousing with the women themselves. After experiencing difficulties controlling the behavior of watchmen charged with policing prostitutes' behavior, officials in Oaxaca experimented with charging women over the age of 45 with the job – women who were beyond the reach of temptation and seduction, they reasoned. Beyond temptations of the flesh, they figured, matronly women were the best keepers of public morality. Although the Mexican Revolution ended the Porfirian attempts to promote public hygiene through control of prostitution, a great deal of continuity can be seen in the prevailing attitudes regarding vice and morality, particularly as it corresponds to gendered understandings of sexuality. Popular discourses equated domestic workers or indigenous working women with the moral decay of elite men through seduction and licentiousness.

It was these beliefs regarding the likelihood that fallen women would drag upstanding society men down into vice that underlie the discourses used against the working women in the cases against the Cabrera family. Nor were those cases particularly unusual in that regard. Over and over again, all parties to these cases identified the women's citizenship, ie labor, rights as connected to their standing as upright Mexican women. Gendered discourses in testimonies also included women employees questioning the masculinity of male employers by painting them as cowardly, bad patriarchs, or errant citizens. For the part of the respondents in these cases, they used linked ideas of gender, class, and ethnicity to undermine the perceived upright nature of their former employees' characters as women. Suggesting to the court that a woman was

reflective of her milieu of poverty, alcoholism, violence, and “uncivilized” types (read: indigenous), defendants were able to convince the court of their poor morals and nonconformity to gendered standards of behavior. And when insinuations of lapsed moral comportment were convincing, the suits brought by female former employees were not supported by the Board. The court apparently found allegations of poor character to be central to their deliberations regarding the women’s labor rights.

Not only do the discourses put forth by complainants link appropriate gender behavior to legitimate citizenship, based upon widely understood ideals of womanly abnegation, but those ideals were also used in dispensation of justice via the civil court system. The deciding factor in these cases was the sexual behavior of the women involved. Nor is this an unusual or isolated phenomenon. Jocelyn Olcott argues that the construction of citizenship by women in the decades following the Mexican revolution is circumscribed by discourses regarding appropriate gendered revolutionary behavior.<sup>65</sup> In the matrix of shifting national identity, the revolutionary state’s impetus towards fast modernization (in at least some regions) required increased access to women’s productive labor. In this context, Olcott brilliantly argues, women’s citizenship in a revolutionary state became closely linked to their labor rights.

This is particularly important in the Mexican context, where women did not gain full federal political suffrage until 1958. In the absence of political power with which to negotiate their social standing, women in Mexico utilized other venues through which to negotiate their changing place in civil society. Kia Lilly Caldwell uses the term “cultural citizenship” to examine how subordinated groups struggle for inclusion and full

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<sup>65</sup> Olcott.

citizenship.<sup>66</sup> By expanding popular understandings of the role of particular groups in society, they can obtain a cultural sense of belonging that mitigates their position, as opposed to their formal status as citizen.

A close reader will note that Caldwell specifically applies this concept to subordinated groups. It would be a mistake for this project to lump all Mexican women into a single group, or to imply that the status of all women was equal regardless of other factors such as ethnicity or class. As previously argued, taking gender as an analytic category enables us to see the ways in which gendered discourse not only serves as a constitutive element in social relationships, but also as a way of signifying relationships of power. The legitimizing influence of gendered discourses plays a large role in its appearance in testimonial narratives within primary source documents. Society's symbols, normative ideals, structural values, and individuals' identities communicate important information regarding legitimate power and expectations. People occupying marginalized social locations can construct different and sometimes oppositional understandings of legitimacy and power, leading to contested spaces between individuals' and state conceptions of social behavior.

In other words, one cannot ignore the roles of race, ethnicity, and class in the construction of gendered ideals. An integrative analysis perspective is necessary to understand the ways in which social expectations are informed by understanding of difference. Highly racialized tropes of appropriate female behavior, bounded by class, exemplify the ways that multiple layers of social ranking systems operate simultaneously to determine an individual's relative social location.

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<sup>66</sup> Caldwell, Kia Lilly. *Negras in Brazil: Re-envisioning Black Women, Citizenship, and the Politics of Identity*. New Brunswick, NJ: Rutgers University Press, 2007.

The complainants in these cases were not simply shop clerks and domestic workers; they were poor, mostly illiterate and usually single, in some instances they had relocated to the city center from a far-away rural family. They had no rights or money, and usually had nobody to speak on their behalf. Not only that, but a case can be made that most of the women involved were indigenous as well. While the court records do not list the ethnicity of those involved in court cases, a few broad assumptions can be made based on the place of birth and residential neighborhood of the participants – which is included in the records. Particularly in the Cabrera cases, many of the complainants lived in the newly-incorporated neighborhood of El Marquesado, just northwest of Oaxaca’s central district.

That they went forward with these cases, although the possible gains were sometimes quite small, speaks to their financial need and strong belief in their inclusion in revolutionary labor rhetoric. Some of the cases ask not only for wages but for letters of recommendation for future employers – proof positive that these are women who intend to continue to work to support themselves. While exact details are difficult to uncover, precisely because few records of these women’s lives exist, it is easy to argue that none of them were from privileged backgrounds.

Just this single look at interactions among women across social lines makes clear how important is asking the question, “which women?” By studying across difference, social stratification becomes clearer, as do the measures employed to maintain these hierarchical power arrangements. By using intersectional analysis, we are better able to understand the ways in which life trajectories of working women were marked and in some ways bounded by their social locations of poor, illiterate, indigenous women.



For this and other reasons, we cannot simply identify their activism as emanating from a generic category of “women”. Elite women undoubtedly participated in the oppression of workers just as elite men. Of the cases found, 37 out of 118 have female defendants as well as complainants, or about a third of them. Maura Casas viuda de Cabrera is a case in point. Given the testimony, one could definitely say that her behavior was every bit as oppressive as any male respondent to a similar case.

In that sense, class seemed to be the more salient variable in influencing the outcomes of the cases against the Cabrerias. Their extensive landholdings in the city center reflect a direct continuity from pre-revolutionary Oaxaca de Juárez in the pattern of property ownership in the city. The Mexican Revolution failed to completely disassemble existing concentrations of wealth combined with a stranglehold on political power in Oaxaca de Juárez. The concentration of power hindered the implementation of the promises of the Revolution, stalling changeover from a Porfirian-style elite ruling class.

That the Cabrerias’ properties housed a chunk of the city’s labor pool, particularly those in El Marquesado, would have put them in the position of acting on behalf of that elite class to control the workers. No small wonder, then, that gendered discourses regarding women’s moral characters were so very effective in cases brought against them. The Cabrerias would have found a great deal of support in their peer class for endeavoring to stem the tide of moral decay – and socialism – within the working class after the Revolution. The precariousness of the elites’ social position was clear, and their nervousness manifested itself in attempts to maintain control. The cohesiveness of the ruling elite should be no surprise, and is reflected even within the judicial system.

The members of the *Junta Central de Conciliación y Arbitraje*, the body that heard these cases, would have been pulled from a relatively small pool of educated men in Oaxaca de Juárez. The elite ruling class of Oaxaca recruited and retained its members during the Porfirian Era through networks, reinforced through marriage ties between wealthy families.<sup>67</sup> A family that owned as much property in the city as the Cabrerias certainly moved in the most elite circles and maintained relationships with their similarly-situated neighbors and equals. The structure of the Board almost guaranteed that two of its three members would be drawn from that group.

Article 123 of the Constitution of 1917 created the *Junta de Conciliación y Arbitraje* (Board of Conciliation and Arbitration) to mediate disputes regarding the labor rights it guaranteed – the selfsame judicial Board to which Petra, Refugio, Esperanza, and the others directed their cases. The members of the Board are an equal number of workers and employers, as well as at least one government representative. In most cases, that equals three men; one representative from capitol, one representative from labor, and one public servant. As long as the two conflicting interests on the Board (labor and capitol) remained at odds, the deciding vote falls to the government representative. Structurally, the Board was designed to sway control to the centralized state. The Constitution, as one would expect, is general in its language and does not specify from whence the government representative will come. Article 123 does, however, specify that federal employees will compete to obtain jobs, not unlike the civil service system in the United States. One can assume the government representative would definitely be

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<sup>67</sup> Ibid. Pp. 29.

literate, and probably well-educated – in short, likely to be from a relatively privileged social location.

In 1936, a Oaxaca newspaper published an editorial alleging corruption in the *Junta de Conciliación y Arbitraje*.<sup>68</sup> Solomón Tanus, in the midst being sued by his brother and sister-in-law for unpaid wages, wrote a letter to the editor of *El Universal* in which he accused members of the Board of selling the rights of the litigants. He railed against its “*corrupción notoria*” and “*indigencia moral*.” [notorious corruption and moral indigence]

The next day, a response from the Board was printed that declared the allegations to be, “*garrafales absurdos contra toda moral y todo derecho*.” [terrible absurdities against all morals and rights]<sup>69</sup> The author was an attorney and head of Oaxaca’s Department of Labor, Jenaro V. Vázquez. He argued that representatives on the Board and the city council were elected every two years, and would certainly have been removed from office already if they were corrupt. The newspaper *El Universal* added a note to his response, clarifying that the original editorial was published in response to a nationwide outcry regarding labor courts in other regions and was not aimed at any actions of the local Board.

Salomón’s allegations in his letter to the editor may have been the work of an employer disgruntled at the prospect of paying wages owed and nothing more. But the newspaper’s retraction on the following date indicated that perhaps there were rumblings

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<sup>68</sup> “*Editorial*”, in *El Universal – El Gran Diario de México*, 31 julio 1936. Año XX, Tomo LXXIX; No. 7183.

<sup>69</sup> “*Declaraciones del Jefe de Departamento del Trabajo: Las inmoralidades en la Junta de Conciliación y Arbitraje*,” in *El Universal – El Gran Diario de México*, 1 agosto 1936. Año XX, Tomo LXXIX; No. 7184.

of prejudicial rulings in other locales. The structural issues inherent in the Board's makeup may very well have resembled those in other regional centers with a small and close-knit literate elite. Whether or not his allegations of justice for purchase were accurate, the semi-retraction appearing in the next edition at the very least makes obvious the Board's political clout.

There are, in fact, indications that the Board may have been influenced by the prominence of local defendants – or at the very least, not overly meticulous to see that uneven social locations between parties did not influence their findings. For example, none of the people called as witnesses by the former employees in the Cabrera cases were overlapping; each case had an entirely different set of witnesses. By contrast, those called as witnesses on behalf of the Cabrerias overlapped substantially. Many of their witnesses were also their employees or business associates.

## **CHAPTER 7**

### **CONCLUSIONS**

At the outset of the project, it seemed strange that the Board ruled against each of the seven women who brought suit against the Cabreras, given that their demands fit well within their legal entitlements as workers as codified within the Constitution of 1917. However, when one considers the nature of Oaxaca's rigid class hierarchy in place following the Revolution, it is no small wonder that they ruled without exception in favor of one of the city's wealthiest families.

Unfortunately, in these cases it appears that Mexico's admirable labor laws were undone by the seeming inability to fully enforce them through local courts. The institutionalization of the Revolution, in this sense, contains clear weaknesses in the system's structural design. Its codified social justice legislation could not overcome its reliance upon administration of justice by human beings whose values incompletely reflected Revolutionary values. To the contrary, the discourses found in the courtroom testimonies as well as the apparent class cohesiveness between the Board's members and elite respondents reflect a strong degree of continuity with the past.

My conclusions are twofold: First, the implementation of the goals of the Revolution was hindered by continuity in social structures from the Porfirian Era, which include clear class and gender hierarchies. Workers in Oaxaca de Juárez were unable to fully experience their constitutionally-guaranteed labor rights due to the cohesive and powerful economic elite. The judicial apparatus created to enforce these changes after the Revolution was structured so that power was concentrated in a small centralized

ruling class, the same social group whose interests would be least served by significant social reordering.

Second, even though these social structures continued to exist nearly unchanged after the Revolution everyday people actively negotiated the social terms and legitimacy of the revolutionary government. The complainants in these cases, who stood in court and testified regarding their worthiness as revolutionary citizens, are examples. That these women are mostly domestic workers, young, illiterate, and poor is vitally important to understanding the political agency demonstrated by their testimonies. Moreover, a great many of them had recently migrated to the city center from rural indigenous communities. As indigenous women they embodied *mexicanidad*, or “authentic Mexicanness”, as promoted by the revolutionary state in a bid to create a unified national identity.<sup>70</sup> Testifying from a multiply marginalized social position, they negotiated labor rights for themselves, while engaging in a dialectic relationship between the state and all of its citizens.

These court cases are connected to larger social and political processes occurring in Mexico, and specifically in Oaxaca, during the decades of revolutionary institutionalization. Developments in labor rights during this era strongly dictated the direction and content of future movements, including the widespread unionism currently prominent in Oaxacan politics.

By the late 1930s, Oaxaca’s growing labor union of domestic and market workers began to actively work on behalf of its members. Court cases brought by individual workers declined markedly after the rise of large labor syndicates. I argue that the

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<sup>70</sup> Mary Kay Vaughan, “Introduction” *The Eagle and The Virgin: National and Cultural Revolution in Mexico, 1920-1940*. Durham: Duke University Press, 2006.

activism of these working women negotiated new and different understandings of appropriate womanhood that widened to include women of their social sector as legitimate wage laborers, and was one of many factors that led to the formation of large and powerful labor unions by the working women of Oaxaca.

Tracing the development of activism that espoused a feminist basis in Mexico from the enactment of judicial equality for women in 1928, through the first national conference in Yucatán in 1930, to the failed first attempt at national women's suffrage in 1931, one can draw wide conclusions regarding the role of judicial equality in the movement toward wider social and political equality. That women's suffrage became legal in southern states such as Chiapas and Morelos that neighbor Oaxaca decades before the 1958 national women's suffrage enactment is telling. By examining the trajectory of legalized changes regarding women's citizenship rights in the region, it becomes clear that the negotiations described above did not occur in isolation – nor were they at odds with other currents of social change. Instead, viewing these cases as snapshots that enable us to see how larger ideas of social change were shaped by conversations between citizens and state officials at specific moments.

Perhaps that answers the riddle of why former employees of the Cabrera family chose to go to court, one after the next, with so little chance of receiving recompense. The first four cases filed by women against the family ran concurrently, but last three were filed one at a time and did not overlap temporally. Each of the last three complainants had already witnessed all previous cases reach their unsuccessful conclusions and filed suit anyway. Were they “voting with the feet” – that is, attempting to undermine the family's monopolization of power by using hard-to-ignore multiple

complaints? The suits were failures judging by financial gain, but may well have been wildly successful social negotiations nonetheless. The rise of Oaxacan unionism must owe much to workers who pushed to realize the promises of the Mexican Revolution. Similarly, the current prominence and strength of unionism within Oaxaca and neighboring states springs from the same ground as these women's labor rights activism on their own behalf in the courts of Oaxaca. Without a great deal more scholarship, however, those connections might well be lost to history.



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