

## READING QUESTIONS

Below are some reading questions for your consideration. These questions are by no means exhaustive; there is much more to discuss in this case, and perhaps further questions will come to mind as you read. Nor are these questions meant to guide you toward a particular conclusion: they do not have “right” answers. Instead, they are meant to invite reflection and interpretation. These deliberately open-ended questions will ideally result in multiple persuasive replies.

1. Aguilar is assigned a defense attorney in this case—a *procurador*. What kind of legal defense does Aguilar make, and what defense does the *procurador* make on Aguilar’s behalf? Does this strike you as an effective defense?
2. What kind of evidence do the various court officials seem to value in this inquiry? How do they treat witness testimony? What about expert testimony? Do they seem to consider all people similarly credible, or are some witnesses given greater weight?
3. How do the various medical experts who examine Aguilar come across? What do you notice about the tone, length, and argumentation of the testimony they offer? Are there any assumptions (or core beliefs) that you can identify in their testimony?
4. Several nonexperts give testimony in this case about their interactions with Aguilar. What do you notice about the testimony they offer? Considering each witness in turn, what do you think they are trying to achieve with their testimony?
5. María Mejía is one of the most important witnesses in the case, given that her testimony initiates the principal set of accusations. How do you interpret her testimony, and in particular her explanation for the sexual encounter between herself and Aguilar?

6. Aguilar testified with words—though clearly under duress—and also “testified” through actions. What do Aguilar’s actions argue or convey, in contrast to or as a complement to the recorded words? You might consider not only the repeated escapes from prison but also choices of profession, clothing, and companionship.
7. Narciso Esparragosa offers a particularly celebratory take on the Enlightenment. According to him, what has the Enlightenment achieved, and how does it contrast with past ages? How does this depiction fit with other depictions (by contemporaries or by present-day scholars) of the global enlightenments?
8. Consider the inventories of seized goods. With the first, of Aguilar’s belongings, what do you notice? What items are not present in this list? What material goods would Aguilar need that do not appear? With the second list, what do these items tell us about what colonial consumers valued? Why, do you think, would Aguilar consider it profitable to carry these items across long distances?
9. This case shines a light on how officials in this particular place and time understood the necessity of policing both sexual behavior and gender identity. How does this kind of policing operate in other places and times?
10. What other activities or behaviors do you notice are being policed through this criminal case?
11. To follow the suggestion of Susan Crane, what are you going to do with the knowledge of Aguilar’s invasive physical exams? Does the knowledge invite (or require) any action in the present?

## CHRONOLOGY

- ~1762 Juana Aguilar is born in Cacahuatique, San Salvador.
- ~1777 Juana Aguilar flees an apprenticeship in San Miguel, San Salvador, and travels to Cojutepeque, San Salvador.
- 1790 Don Francisco Rodríguez, Deputy Intendant, considers accusations against Juana Aguilar brought by Josefa Chapina. Aguilar is examined by an *Español* and a midwife.
- 1791 On the order of the Governor of Sensuntepeque, Aguilar is examined once again.
- 1792
- September 17 Marcos Perdomo brings a complaint against Juana Aguilar to Don Jacobo Núñez y Araujo in Cojutepeque. Statements are taken from various witnesses.
- September 18 Petrona Pérez and Juana Aguilar are placed in custody. Aguilar's belongings are seized.
- September 19 Juana Aguilar is examined by the midwife Michaela Rivas.
- September 20 Petrona Pérez flees her place of detainment in Cojutepeque.
- November 26 A defense counsel is assigned to Juana Aguilar in Cojutepeque. Aguilar is questioned about the charges.
- December 19 Don Jacobo Núñez y Araujo orders a new confession to be taken from Juana Aguilar, and he orders a physical examination by Santiago Rosales and Tomasa de la Cruz. The examination is carried out.
- December 27 Juana Aguilar flees imprisonment in Cojutepeque, and Don Jacobo Núñez y Araujo orders law enforcement to pursue Aguilar.

1793–1801		Juana Aguilar works as a peddler based out of Guatemala City, traveling along a long-distance network between Guatemala and San Salvador.
1801	April 28	In Santa Ana, San Salvador, Juana Aguilar is detained along with Catarina Pérez, the sister of Petrona Pérez.
	April 29	Juana Aguilar is examined in Santa Ana by the midwife Juana Matías Morán and two physicians, Don Sebastián Carranza and Don Joaquín Ciliezar.
	June 5	The officials in Santa Ana contact the high court in Guatemala about the case of Juana Aguilar.
	August 3	José Tomás de Zelaya of the Guatemalan high court responds, asking the case to be transferred to his jurisdiction.
	August 13	Juana Aguilar escapes imprisonment in Santa Ana, San Salvador.
1802	July 13	Officials in Santa Ana learn that Juana Aguilar has been discovered in Guatemala City, and they send the case paperwork there.
	July 29	Juana Aguilar is placed in the women’s prison in Guatemala City. Aguilar’s belongings are confiscated.
	September 10	The case of Juana Aguilar is referred to the Protomedicato in Guatemala City.
	September 15	Don Narciso Esparragosa and Don José María Guerra, physicians in Guatemala City, are ordered by the Protomedicato to examine Aguilar.
	November 20	Don José María Guerra offers his report on his physical examination of Aguilar.
1803	February 3	Don Narciso Esparragosa offers his report on his physical examination of Aguilar.
	March 17	Don Diego Francisco Piloña y Ayala of the Guatemalan <i>audiencia</i> reaches a verdict in the case of Juana Aguilar.
	April	Juana Aguilar declares residence in Guatemala City and is freed from prison.

## GLOSSARY

- alcalde de barrio*: A law enforcement official, similar to a magistrate, charged with patrolling a particular neighborhood.
- alcalde ordinario*: A law enforcement official, similar to a magistrate, responsible for the administration of justice in a given city, like Santa Ana or Guatemala City.
- alcayde*: A bailiff or jailer.
- alguacil*: An official charged with fulfilling the directives of a court. In larger cities, there would be an *alguacil mayor*, or chief official of this kind, to supervise others.
- asesor*: A legal advisor, in this case to the *audiencia* of Guatemala City.
- audiencia*: A high court in major Spanish American cities that processed criminal and civil proceedings and also fulfilled an administrative function by effecting policy.
- cabildo*: A governance structure in Spanish American cities that functioned like a city council.
- calidad*: A colonial term for the mixed attributes of race and social status. Common terms to describe *calidad* include *India/Indio* (Indian), *negra/negro* (Black), *mestiza/mestizo* (mixed Indian and Spanish), *mulata/mulato* (mixed Black and Spanish), and *Española/Español* (Spanish). All of these terms are misnomers to some degree. For example, *Español* was less a designation of geographic origin than a description of high status and social whiteness; many people labeled *Español* were born in the Americas.
- concubinato*: The crime of having a relationship out of wedlock. *Concubinato* could be prosecuted in the secular court during the colonial period.
- Don/Doña*: A title designating high social standing; in this period, a title almost exclusively applied to people identified racially as *Español*.
- escribano*: An official scribe for a court or other official body.
- fiscal*: An attorney for the crown who acted as both prosecutor of criminal cases and manager of cases, recommending verdicts.
- india/o*: A legal category used to designate Indigenous Americans in the early colonial period that was also used throughout the period as a racialized term.
- maestro*: A title given for “mastery” in a given subject, such as surgery.

*peso*: A unit of currency, in silver; one *peso* was worth eight *reales*.

*Protomedicato*: The judicial and administrative office tasked with regulating the medical profession and matters relating to public health.

*real*: Along with the *peso*, a unit of currency; eight *reales* were worth one *peso*.

*relator*: An official for the court who prepared case summaries and reported proceedings from one official to another.