

Women, convents and divorce in early modern Spain*

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Abstract: There are archival records of women in the Golden Age seeking divorce from their husbands while living in a convent, which may seem unusual today. So I am interested in exploring why a woman in the early modern period would enter a convent and seek a divorce from there. I present identities, different examples and motivations that help to understand this dynamic.

Keywords: convents, women, divorce

Introduction

The first Spanish divorce law dates back to 1932, during the Second Republic (1931–1939), while the current law dates from 1981, during the democratic period. These two laws recognised divorce in civil marriage, which became a reality in the 1870s. The Catholic Church does not recognise divorce as a complete dissolution of the religious marriage, which is considered an indissoluble sacrament¹.

However, the Spanish archives do contain divorce cases from the pre-modern period. In those centuries, the concept of divorce referred to the separation of property and cohabitation between spouses, and women were usually the main

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¹ Candau Chacón 2020: 197.

plaintiffs². In other words, it would be the same as our current separation because the couple did not live together and could not marry during the lifetime of the other party.

It should be noted that before the divorce proceedings began, the woman was placed in a convent or with relatives, where she remained pending the court's decision³. The following pages will, therefore, focus on these women who lived in the convents without becoming wives of Christ. In other words, the protagonists are those women who, unlike the nuns, did not take the four vows of poverty, obedience, chastity, and enclosure.

The rate at which convents were founded in Spain was very high in the 16th century (around 60% of all foundations in the early modern period) and gradually declined in the 17th and 18th centuries⁴. The Poor Clares, the female branch of the Franciscans, were an example of this convent growth: in the 16th century alone, 83 new convents were founded in addition to the 120 existing ones⁵. Thus, Spain was full of convents between the 16th and 18th centuries. However, their distribution was uneven: central Castile and present-day Andalusia had the greatest concentration, while the conventual presence was less pronounced in the north of the Iberian Peninsula⁶.

Political suspicion arose in these circumstances. Thus, from the early years of the 16th century, the *Cortes* of Castile expressed their concern about the proliferation of convents, even though the process had only just begun. In the 17th century, this concern turned into political intervention, demanding that no more licences be granted and that negotiations be opened with the Holy See. Nevertheless, society's enthusiasm for convents was stronger than these restrictive guidelines⁷.

The convents were enclosed, and this circumstance was closely linked to the aforementioned Council of Trent and Pope Pius V and his bull *Circa Pastoralis* of 29 May 1566. Despite this, the enclosure had been known in Western Europe since the 6th century, when Saint Caesarius of Arles established the women's enclosure in the *Regula Sanctarum Virginum*⁸. Furthermore, Pope Boniface VIII also legislated on the matter in his bull *Periculoso* of 1298⁹.

However, the existence of a legislative body that explicitly stated that cloistering was compulsory was not an obstacle to the lack of links with the outside world. The acceptance of women who had not taken religious vows, such as divorced women,

2 Gil 1994: 178.

3 Soria Mesa 1994: 207.

4 Atienza López 2008: 34.

5 Martínez Ruiz 2004: 160.

6 Atienza López 2008: 42.

7 Atienza López 2008: 65-69.

8 Vogüé 1986: 183.

9 Makowsk 1997: 30.

was an example of this relationship with the outside world. Divorces were granted for a variety of reasons, the most common being abuse and mistreatment¹⁰. Here are some examples of divorced women in different convents of the Iberian Peninsula¹¹.

Some divorce cases

Records show that Ana María de Lara Albia y Zamudio, from Bilbao, was at the Concepción convent in 1668. She was the daughter of José de Lara y Albia, mayor of Bilbao, and Manuela de Zamudio, a member of a medieval family of great importance in Bilbao¹². Ana María had married Captain Hortuño de Urizar y Elejabeitia in 1662¹³, which means that the marriage broke up just six years later. The husband held the title of Lord of the House of Urizar and was patron of the Biscayan parishes of Dima and Artea; he was also responsible for paying 140 ducats a year for his wife's food and other expenses¹⁴. On the other hand, in 1705, Ana Maria was mentioned as a nun in the Dominican convent of the Encarnación in Bilbao¹⁵, meaning that she had taken the four religious vows.

As can be seen from the table at the end of this paper, the province of Gipuzkoa offers many cases of divorced women living in convents both during and after the divorce process. Let us now focus on two specific examples from the city of San Sebastian. The Carmelite convent took in Lucía Zucunza Ben, who took the name Lucía de la Cruz. Born in 1626, she was the daughter of Salvador and María Cruz, members of important families in the city¹⁶. At the age of twenty-one, she married Juan de Narea, with whom she lived for sixteen years and had two children. They divorced because they both wanted to be professed in two monasteries in San Sebastian: he in the Franciscan and she in the Carmelite. Lucía entered the convent in 1664, accompanied by her eleven-year-old daughter, María Antonia, and after two years of novitiate she made her profession on 2 September 1666. Her dowry was 1,100 ducats, divided as follows: 100 in fleece and 1,000 in silver, apart from jewels. She died on 3 February 1692, aged sixty-six. Micaela de Oquendo y San Millán entered the Augustinian convent of San Bartolomé in San Sebastián¹⁷. In 1678, after five years of marriage, Micaela fled to the convent with her daughter Teresa, who was four years old. In the convent, she initiated the divorce proceedings, which she

10 Espín López 2016: 177 y 192.

11 A table in the last part of this paper provides some examples. Here, some examples of the Iberian Peninsula are developed.

12 AGI: CONTRATACIÓN, 953, N.2, R. 12.

13 AHEB: 0632/001-02.

14 AHPB: Felipe de Villalantes y Retes 3795.

15 AHFB: JCR 1756/007.

16 Rodríguez San Pedro Pezares 1990: 162.

17 ADP: Secr. Oteiza C/1127 nº2.

obtained, as well as her dowry, which consisted of a great deal of money, houses and jewels. Micaela belonged to the Oquendo family, famous admirals of the Spanish Navy. She was also the Marquise of San Millán after the death of her brother, Miguel Carlos.

Another example from the second half of the 17th century is Hipòlita de Erill i de Alagon, who was taken in by the Hieronymite community in Barcelona. Hipòlita came from a noble family and was married to Baron Ramon de Erill, from whom she sought a divorce on the grounds of ill-treatment¹⁸. During the divorce proceedings, Hippolyta took refuge in the convent during and demanded the payment of 600 ducats for the spouses' agreed maintenance and the payment of census rents from her dowry.

On the other hand, in 1693, Luisa Mejía Portocarrero de Toledo Aragón, VII Marquise of La Guardia, founded the convent of the Bernardines of Madrid, also known as "Las Vallecas". In 1689, she had married Juan de Baeza Manrique de Lara, II Marquis of Castromonte, Knight of the Order of Santiago and of the Council of the Treasury of His Majesty, with whom she signed an agreement for the division of income in the event of divorce¹⁹.

María Vicenta Venegas de Córdoba lived in Granada in the second half of the 18th century. María Vicenta held the title of Countess of Luque and was the daughter of Francisco Antonio Venegas de Córdoba, IV Marquis of Valenzuela. She married Cristóbal Fernández de Córdoba y Ordóñez, Marquis IV of Algarinejo and Marquis IX of Cardenosa, whom she divorced twelve years later for ill-treatment and bad temper. In addition, in 1751, María Vicenta asked to be transferred to a convent in Madrid, claiming that, in Granada, she felt suffocated and controlled by her husband's relatives and that the convent did not protect her from him²⁰.

In 1778, Dorotea de Urbina asked for a divorce. She was married to Domingo de Álava, who belonged to a prominent family in Vitoria. They had a son named Calixto, and after the divorce, she went to live in the convent of La Antigua in San Sebastián, where Vicenta Manuela, Domingo's sister and Dorotea's sister-in-law, was a nun²¹. It remains unknown whether Calixto went to live with his mother and his aunt in the convent. On the other hand, records show that María Susana Larrinaga stayed in the convent of La Esperanza in Bilbao with her daughter María Francisca during the divorce proceedings. In addition, the maternal grandfather took care of her son José Mariano²².

18 ACA: REAL AUDIENCIA, Pleitos civiles, 17752.

19 AHN: Sección Nobleza, BAENA, C. 287, D 481-483.

20 AHN: Sección Nobleza, LUQUE, C. 409, D. 159.

21 AHPA: ATHA-DAH-FAVE-026-015.

22 ACDC: 20.234.32.

Final thoughts

These examples (and those in the table) show that the reception of divorced women behind the walls of a convent was a deeply rooted practice in the society of the Ancien Régime. There were also other secular women, such as maids or widows, who, for various reasons, lived in convents without taking religious vows. Moreover, in the specific case of divorced women, it can be seen that they tended to come from families that were very well-positioned in society at the time, so it is clear that a good family background did not guarantee a happy marital life.

One might ask why women entered convents if they did not want to be nuns. There could be several reasons for this as they were considered a sacred place where a woman's honour (and therefore that of her family) was protected. In addition, the convents were closed places with gates and walls, and the possibility of communication with the male sex was, therefore, less likely. It is also possible that their families did not want them to return or that the women did not want to return to the family home, knowing they might be forced to return to their husbands.

The documents do not say why the women chose these particular convents. There are many reasons, such as the amount of money required, the greater or lesser freedom of communication with the outside world, or the presence of relatives in the convent, as in the case of Dorotea de Urbina. It is not possible to give a definitive answer.

Finally, the question of whether the nuns and the divorced women lived together in the convents could be raised. In the Convent of Concepción Bernarda in Madrid – known as the Convent of Pinto – there was a dedicated house for divorced women, since the number of divorced women was very high. A donation from the Archbishop of Toledo, Baltasar de Moscoso y Sandoval, made this place possible²³. Unfortunately, the documents I have found do not mention the possibility of divorced women and nuns living together. However, the fact that Ana María, after her time in the Concepción convent, became a nun in the Dominican convent of the Encarnación in Bilbao could lead us to conclude that there was some interaction and that her profession could have been influenced precisely by this coexistence with cloistered nuns.

23 AHPM: Manuel de la Vega 5712.

Table 1: Divorced women in convents (XVII-XVIII centuries)

Year	Place	Convent	Wife	Husband
1610	Alegría (Guipuzkoa)	-	Francisca de Iria	Miguel de Beguiristáin
1612	Tolosa (Guipuzkoa)	Santa Clara	María Joan de Altuna	Miguel López de Tapia
Second half of the 17th century	Barcelona	Jerónimas	Hipòlita de Erill i de Alagon	Ramón de Erill, Baron
1640	San Sebastián	San Bartolomé	María Laurencia de Sigueira	Manuel de Fonseca, Navy Captain
1657	San Sebastián	-	Eugenia Martínez	Juan de Echeverría
1664	San Sebastián	Carmelitas	Lucía Zucunza Ben	Juan de Narea
1668	Bilbao	Concepción Encarnación	Ana María de Lara Albia y Zamudio	Hortuño de Urizar y Elejabeitia, capitán
1680	San Sebastián	San Bartolomé	Micaela de Oquendo y San Millán	José de Aguirre y Zala
1693	Madrid	Las Bernardas / Las Vallecas	Luisa Mejía Portocarrero de Toledo Aragón, VII marquesa de La Guardia	Juan de Baeza Manrique de Lara, II marqués de Castromonte, Caballero de la Orden de Santiago y del Consejo de Hacienda de Su Majestad
1698	San Sebastián	San Bartolomé	María Luisa de Arezpachoga	Nicolás de Yarza, gobernador
Second half of the 18th century	Granada	-	María Vicenta Venegas de Córdoba, condesa de Luque	Cristóbal Fernández de Córdoba y Ordóñez, IV Marquis de Algarinejo y IX Marquisde Cardeñosa
1723	Orozco (Biscay)	Mercedarias	Josefa Olarte	Andrés Lezama Villachica
1754	Bilbao	Esperanza	María Susana Larrinaga Arrasola	Sebastián Roque de Rementería
1778	Vitoria	Antiguo in San Sebastian	Dorotea de Urbina	Domingo de Álava

Primary sources

ARChV: Archivo de la Real Chancillería de Valladolid
 AGI: Archivo General de Indias
 AHEB: Archivo Histórico Eclesiástico de Bizkaia
 AHPB: Archivo Histórico Provincial de Bizkaia
 AHFB: Archivo Histórico Foral de Bizkaia
 AHPA: Archivo Histórico Provincial de Álava
 ACDC: Archivo Catedralicio y Diocesano de Calahorra
 AAPT: Archivo de la Diócesis de Pamplona
 ACA: Archivo de la Corona de Aragón
 AHN: Archivo Histórico Nacional
 AHPM: Archivo Histórico Provincial de Madrid

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