Marriage, Power, and the Law in Jaime Humberto Hermosillo's 
*Esmeralda Comes by Night*

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Although the universal juridicism of modern society seems to fix limits on the exercise of power, its universally widespread panopticism enables it to operate on the underside of the law, a machinery that is both immense and minute, which supports, reinforces, multiplies the asymmetry of power and undermines the limits that are traced around the law.” ("Panopticism" 212) -Michel Foucault

Given the strong influence of the Catholic Church and capitalism in Mexico, a legal marital union is primarily recognized between a man and a woman. The Church and the State regulate who can get married and what criteria are necessary for marriage: blood tests, four witnesses, divorce decree, and the death certificate of a previous spouse, among many others. The power of the State operates through a web of institutions and tactics in order to control and monitor the lives of its citizens. The population is always threatened by the manipulation of institutions and the ideologies put in place. According to Michel Foucault, people even monitor themselves to conform to the expected behavior established by the institutions of the State; nevertheless, power coexists with the resistance of other discourses and practices that have the purpose of questioning and deconstructing the standard legal and social norms ("Panopticism" 215).

This concomitance of power and resistance is present in Esmeralda Comes by Night (Esmeralda de noche vienes), a film directed by Jaime Humberto Hermosillo (1942-) in 1997 and based on a fictional story written by Elena Poniatowska (1933-). The story is about Esmeralda, a Mexican woman who has married five husbands. On the day of her sixth wedding, one of her spouses presses charges against her for breaking the law. After being arrested and taken to a police station, Esmeralda is interviewed by Judge Sonorio. During the interview, she reveals that she loves all of her husbands and that she wedded them because she believes that in order to have sex she needs to be married. She explains the reasons why she wed several men and how they feel about her. Esmeralda is perfectly happy with the way she lives with her five husbands. By the end of the movie, all of her spouses recognize that they are content with her and are comfortable sharing their love.

In this article, I argue that Esmeralda represents the resistance of subjugated discourses and practices that subvert the hegemonic ones put in place by the Mexican State and the Catholic Church. In order to prove my thesis, I will draw upon the theories of Michel Foucault about power, dominance, and control, and upon a study by Wendy Brown about the State and male domination. I will explore power and resistance from the point of view of Esmeralda, her husbands, the Judge, the Law, and a sector of society that wants to embrace a wider recognition of marriage in Mexico.

ESMERALDA AND INSTITUTIONAL POWER

The film begins with Esmeralda Loyden Monroy in bed with her husband Pedro. Next to their bed, the camera takes a close-up of a picture from their wedding day. In these first minutes, the audience learns that Esmeralda is a nurse who works at night, and who is going to cover the night shift of a friend who is getting married. In the next scene, after saying goodbye to Pedro, Esmeralda waits for a taxi. In the meantime, she takes out a small box that is full of wedding bands, removes her ring from her finger, and places it in the box with the others. At this point, spectators realize that she may be married to multiple husbands. Esmeralda’s actions make sense in light of Foucault’s observations on the panoptical workings of power. He says that there is no need for arms, physical violence, material constraints. Just a gaze. An inspecting gaze, a gaze which each individual under its weight will end up interiorizing to the point that he is his own overseer, each individual thus exercising surveillance over, and against himself. ("Power and Strategies" 155)
Esmeralda does not hesitate to remove her wedding band and to place a new one on her finger. The camera takes a close-up of her hands and remains still until she returns the box to her purse. Nobody is around her, and nobody is watching her; nevertheless, in an apparently automatized operation, she oversees her own behavior by expunging any evidence of her heterodox marital life. She knows that she must hide from the outside world the fact that she has multiple husbands.

Another instance in which Esmeralda monitors herself is when her father enters her bedroom and sees that she is dressed in a wedding gown. He says: "Once again dressed as a bride?" His daughter knows that she needs to keep tabs on her behavior, and instead of telling him that she is going to get married once again, she replies: "It is for an experimental movie that some friends are making." She cannot openly tell him of her doings because she knows that her actions are defying hegemonic marital standards. In sum, Esmeralda has internalized the demand of the Mexican State and Church that women marry a single husband. While she appears to have wedding bands from all of her marriages, she cannot wear them comfortably, and must conceal from others the fact that she has "tied the knot" with several men.

As revealed later in the movie, Esmeralda has married five men because she believes that she has to go through the Church in order to have sex. This is confirmed by her second husband, Virgilio, who tells the judge that "[Esmeralda] won't have sex with someone unless she marries him or her doings because she knows that her actions are defying her heterodox marital life. She knows that she needs to keep tabs on her behavior, and instead of telling him that she is going to get married once again, she replies: "It is for an experimental movie that some friends are making." She cannot openly tell him of her doings because she knows that her actions are defying hegemonic marital standards. In sum, Esmeralda has internalized the demand of the Mexican State and Church that women marry a single husband. While she appears to have wedding bands from all of her marriages, she cannot wear them comfortably, and must conceal from others the fact that she has "tied the knot" with several men.

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When the judge asks her if she is a Catholic, she responds that she goes to church every Sunday. Moreover, when her father visits her in jail, he mentions that he taught her since she was a little girl that to marry a man was the most wonderful thing she could experience. By confessing this to Esmeralda, he admits to having initiated her into Mexico's dominant discourse of marriage. He may insist on the institution of marriage because Esmeralda's mother never wanted to legally marry her father. Her mother used to say that "the only valid knot, when speaking of marriage, was the love that united them." The mother's ideas about a marriage contract based on affective bonds diverge from the expectations of legal and religious institutions, and upset the father to the extent that he does not want Esmeralda to hold similar views.

Going into more depth about the power of religious institutions, let's consider Foucault's conclusions on the subject. In "The Subject and Power," the theorist explains that pastoral power began as a way to save the individual in another world. It is not just a way of imposing an order, and it differs from the sovereign power of the pre-modern State because it requires the sacrifice of the subjects to redeem themselves (783). The modern State wields a new form of pastoral power. According to Foucault, the State wants to control the health, the well-being, and the security of its citizens. In the eighteenth century, the police force was invented to maintain law and order, as well as to secure hygiene, health, and the necessary conditions for the development of commerce (784).

In Esmeralda Comes by Night, one of Esmeralda's spouses, Pedro, follows her to the church where she is going to wed her sixth husband. Pedro sits in the last pew with a policeman who stops the ceremony following the revelation that Esmeralda already has five husbands. Pedro tells the officer: "Arrest her!" The law officer announces that Esmeralda has contracted marriage with Pedro Lugo Alegria, Virgilio Lara Cepeda, Jaime Martinez Cruz, Jorge Luis Vallarta, and Antonio Rosellini. Subsequently, Esmeralda is handcuffed and arrested for breaking the law.

The policeman and Esmeralda's husband Pedro are examples of the different strategies utilized by Mexico's modern State to exert and practice its power. As defined by Foucault, the word strategy is used first to designate the means employed to attain a certain end; it is a question of rationality functioning to arrive at an objective. Second, to designate the manner in which a partner in a certain game acts with regard to what he thinks should be the action of the others and what he considers the others to be his own; it is the way in which one seeks to have the advantage over others. Third, to designate the procedures used in a situation of confrontation to deprive the opponent of his means of combat, and to reduce him to giving up the struggle: it is a question, therefore, of the means to obtain victory. ("The Subject" 793)

Pedro is in fact monitoring Esmeralda's behavior. He is an extension of the State's attempt to control the sex and relationships of its citizens. In "Right of Death" 269). This idea is corroborated in the film by García, the judge's assistant, who tells the secretary Lucita that there are legal aspects that must be clarified. And if she gets pregnant? Who would be the father? That
form of sexuality puts at risk the whole capitalist system based on paternalism. The fidelity of the woman...to ensure that the money accumulated by the father...will not end in the hands of another man's sons.

The State controls the sexuality of women to preserve the patriarchal structure and the economic system it supports. The “modus operandum” of the State, going from death as a method of control and power to the domination of power to foster life, is centered on the body as a machine for economic purposes and as a form to control the population. Esmeralda jeopardizes the interest of Mexico's capitalist regime by having multiple husbands. If she were to become pregnant, the Law would have a difficult time determining the paternity of her offspring.

ESMERALDA AND RESISTANCE

Since the Law tries to regulate the life of all citizens at any given time, Esmeralda must resist it. In “The Subject and Power,” Foucault writes about resistance, explaining that power coexists with resistance and the latter is a form of subverting hegemonic discourses (794). Esmeralda resists the standards of the Church and the State from the moment when she first ignores the law and decides to marry several husbands at the same time, falsifying information and hiding her previous unions from the authorities and the grooms. She is arrested, but while she is in jail, she stands up to the judge's pressure during an interview:

JUDGE SONORIO: But don't you suffer?
ESMERALDA: Just a little when my shoes are too tight.
JUDGE SONORIO: I am referring to your situation, ma'am. And the consequences it may have. Doesn't that worry you?
ESMERALDA: No.
JUDGE SONORIO: Didn't you have to work hard to get where you are now? I forgot that your idea of work is a little bit strange. And your father, does he know the kind of daughter that he has?
ESMERALDA: I am a lot like him.

In this dialogue, Judge Sonorio tries to make Esmeralda feel guilty for having transgressed the law, committing polyandry. Nevertheless, Esmeralda always responds in a humorous way. She disregards and diminishes the severity of the situation and answers that she is not at all worried about her circumstances. Even the audience forgets that she has been arrested and gives in to laughter.

An important visual element of resistance in this scene is the portrait of Sister Juana Inés de la Cruz (1651-1696) shown in close-up at the beginning of the interrogation. This famous Mexican nun defied the power of the Spanish crown and the Catholic Church. In the seventeenth century, social norms placed writing and theological debate firmly in a male sphere open only at great risk to most women. Nuns had to submit to the religious elucidations of men. Sister Juana challenged the institutions and was imprisoned and forced by the Church to burn her extensive collection of intellectual materials. Esmeralda, like Sister Juana, resists Mexico’s hegemonic discourse on marriage and also suffers the punishment of the Law.

In spite of the fact that Esmeralda must spend time in jail to pay for her transgressions, during her interrogation she continues to justify her actions as a form of confronting the Law. She begins to tell why she married her husbands, how much they required her attention, and how much she loved them. Esmeralda tells the judge: “The five of them needed me. They had a great need for love. They are my children. I love them, and take care of all their needs. I would not have time for others.” This justification simultaneously subverts heteronormative expectations that a woman should have only one husband and reinscribes conservative gender norms for women. Esmeralda insinuates that she has no problem with being with five spouses, and that she is content and capable of satisfying her husbands’ needs. In other words, she is happy to play an apparently subservient role while she is in jail. Yet the Law recognizes only the transgressive facet of Esmeralda’s polyandry. Indeed, it is this aspect of her relationships that predominates at the end of the film, since Esmeralda and her spouses accept each other as equals in a way that clearly undermines traditional patriarchal norms.

Esmeralda’s resistance towards two-person marriage also promotes the refusal of a sector of Mexican society to conform to officially sanctioned marital practices. After the interrogation and before Esmeralda is put in jail, Lucita has a conversation with Esmeralda:

LUCITA: Don’t worry honey.
ESMERALDA: No.
LUCITA: I’m on your side...I’ll help you with the preliminary investigation. And not only me. There is Carmelita and Carbajal. And Mantecoso, and Don Miguelito, of course...For us, you are more important than Frida Khalo.

Lucita sees Esmeralda as a way of taking revenge on men’s infidelities. She says that her husband cheated on her from the moment they got married. Esmeralda has become a more prominent symbol than the painter Frida Khalo (1907-1954), who suffered from the unfaithfulness of her husband, the muralist Diego Rivera (1886-1957). Rivera even committed adultery...
with Khalo's sister. After years of marriage, Kahlo divorced him, a real accomplishment in the Mexican society of the 1930s. Esmeralda is not only a role model for women who have suffered from the infidelity of their husbands, but she is also seen as an example of defying the hegemonic definition of marriage. On the day of her trial, when she is found guilty, and while she is being transported to the penitentiary where she is going to fulfill her sentence, people have banners and signs in support of other forms of marriage. Signs reading "Esmeralda, the future of polygamy" or "Esmeralda your fight is our fight, we love you" show the support of those who are being marginalized by the exclusions of the State and the Church. As Foucault states, there would be no power relationships without situations of insubordination "which, by definition, are means of escape" ("The Subject" 794). Disobedience and non-compliance are means of evading the dictates of the Mexican State and, at the same time, they put into motion the strategies of the Government to exert the power needed to obtain its goals.

The media also take part in this struggle of power. On the one hand, some newspapers support the hegemonic discourse and have headlines like "Once More is Put to the Test and Confronted our Primitive Nature." On the other hand, another newspaper writes: "Multistratification of Women, Objectification, Unpaid Domestic Work and Other Dangerous Distortions." In these headlines, the media exemplify how society is divided over the regulation of marriage. Some Mexicans condemn Esmeralda's behavior, while others use it to draw attention to the subjugation of women in other social and domestic situations. Moreover, Lucita says that Esmeralda's case is all over the internet, as a form of voicing the need to reconsider the definition of marriage imposed by the State. Finally, in an auto-reflexive move by Hermosillo, a famous Mexican film director wants to make a movie about Esmeralda's story, another channel for documenting other forms of sexuality that resist dominant norms.


For Foucault, there must be a hierarchical system where there are clear differences between those who exercise power and those who are dominated ("The Subject" 792). As a representative of the Law, Judge Sonorio exercises the power to detain and cross-examine Esmeralda. He wields privileges granted by the Law to coerce Esmeralda and to punish her for her transgressions. He also perpetrates sexual double-standards for men and women, since when detective García says that it is extremely common for a man to take multiple lovers, the judge does not acknowledge the comment as being true or of any importance. This is evidence that while some Mexican women are prevented from expressing their sexual needs, men's sexual behaviors, including those that are illegal, are considered more acceptable.

Another instance of male dominance, also evidence of the design of the Mexican State and its institutions as a male structure, can be seen in the way the judge treats his employees. While Sonorio is a heterosexual man, his secretary is a woman and the officer who works for him is a gay man. Both are constantly reprimanded and mistreated by Sonorio. When Lucita gives him a report, he yells at her and says: "you forgot the effective suffrage not re-election...don't let it happen again." The same occurs with García. On one occasion, the judge prohibits him from displaying toy dinosaurs on his desk because it is childish, especially when one is representing the Law.

In the same manner, the judge humiliates Esmeralda and classifies her as immoral for having multiple partners. In "Panopticism," Foucault states that there is a perpetual assessment and categorization of individuals and that power "objectifies" those on whom it is applied (209). This can be illustrated by the judge's monologue aimed at diminishing and labeling Esmeralda:

> Your little charade is over...Don't you realize that you live in the most absolute promiscuity? You cheated. You cheat. And what you do isn't only immoral, but amoral, too. You have no principles. You are pornographic. Your actions indicate a mental disorder. Your infidelity is a sign of stupidity. People like you undermine the foundation of society. You destroy our family unit. You are a menace to society! Don't you realize you have done a lot of harm with your irresponsible conduct?

Esmeralda answers: "who have I harmed? The days we share are happy days full of harmony, and they harm nobody." She does not acknowledge any of what the judge tells her. The Law has classified her as immoral, amoral, pornographic, mentally ill, unfaithful, and a threat to society, without taking into account that she is perfectly happy leading the life she chooses, and that her spouses feel the same way. Procedural justice overrides emotion. The Law takes into account neither the specific situation of Esmeralda and her husbands, nor their desires and needs. The only important issue at stake is to preserve the principles of the Mexican Revolution, along with their concomitant hegemonic characterization of family and society. Sonorio uses his authority in order to shape Esmeralda's conduct, aspirations, and desires. As the judge attacks Esmeralda's behavior, she starts to get worried. He tells her that she is crazy and that her mental ability "is something the psychiatrist will determine." Sonorio also calls her a prostitute and a tramp. He is perpetuating the patriarchal stereotype that only women of that sort would consider having multiple relationships. Esmeralda becomes concerned as the judge instills fear in her so as to preserve the male structure of the Law and the State.
In her article "Finding the Man in the State," feminist Wendy Brown delineates the relation between State and masculine power stating that if men do not maintain some control over relations of reproduction...if they do not monopolize the norms and discourse of political life, they exercise much less effective sexual and economic control over women...Women's subordination is the wide effect of all these modes of control, which is why no single feminist reform...even theoretically topples the whole arrangement. The same is true of the state—it's multiple dimensions make state power difficult to circumscribe and nearly impossible to injure. (10)

The judge tries to alarm Esmeralda, compelling her to accept her "error." At the same time, he seeks to control her sexual and reproductive life through the Law. He tells her that by the time one of her husbands comes to see her, she "will be behind bars for bigamy, foolishness, and for being detrimental to herself." In addition, she is accused of criminal association, incitement of rebellious conduct, and destruction of private property—for meeting Carlos in a park. Suddenly, Esmeralda says: "What? She even looks like a saint." And when Esmeralda says that being with her five husbands does not hurt anyone, Sonorio contemplates her and reflects: "Unbelievable. The girl looks good. What is her scent? She looks like she just got a shower. Fresh out of the shower. Why would that worry." Esmeralda finally realizes that the power of the Law is a stronger opponent than she had thought. That kind of intimidation experienced by women in a male-dominant society forces them to abide by the State's rules, rather than suffer discrimination, violence, and lack of freedom.

Finally, Esmeralda is sent to jail, despite the fact that the husband who had accused her of bigamy withdraws the charges against her. Pedro does so after Esmeralda has been convicted, but once the sentence is given, it cannot be reversed. Nevertheless, Esmeralda resists the power of the Church and the State. At the end of the film, she says that she learned that she did not have to be legally married to have sex. She may have been convicted, but her rebellious spirit remains intact.

RESISTANCE: THE JUDGE AS CITIZEN OF THE STATE

In the previous section, I established Judge Sonorio's role as a representative of the Mexican State's interest in monitoring the behavior and sexuality of Esmeralda. In accord with Foucault's ideas, Sonorio cannot escape the power of the State within which he acts. In "The Eye of Power," Foucault says:

one does not have a power which is wholly in the hands of one person who can exercise it alone and totally over the others. It's a machine in which everyone is caught, those who exercise power just as much as those over whom it is exercised. Power is no longer substantially identified with an individual who possesses or exercises it by right of birth; it becomes machinery that no one owns. (156)

Judge Sonorio and the police force should not only be seen as dominators who exert power over the dominated—i.e., Esmeralda. Rather, Hermosillo's film presents a multifarious construction of relationships of domination. At the beginning of the interrogation scene, the judge coerces Esmeralda and accuses her of quintuple bigamy. Nevertheless, the film shows a transformation of Sonorio's behavior and principles. While he cross-examines Esmeralda, he doubts his accusation and thinks to himself: "Why? She even looks like a saint." And when Esmeralda says that being with her five husbands does not hurt anyone, Sonorio contemplates her and reflects: "Unbelievable. The girl looks good. What is her scent? She looks like she just got a shower. Fresh out of the shower. Why would that worry?" The judge's interactions with Esmeralda challenge his sexist belief that only "loose women" would engage in relations with multiple men. While the judge does not completely abandon his sexist prejudices as a result of this confrontation (he continues to treat Esmeralda as a beautiful object to be possessed), he is compelled to recognize some of the injustices inherent in patriarchal double standards against female sexuality. He begins to realize that he has spent his life imprinting the Law and has been caught in a system that takes into account neither women's sexual desires nor his own needs.

A crucial moment that shows Sonorio's longing to modify his relation to the precepts and the impositions of the Law occurs when he talks to Cepo, the hairdresser:

JUDGE: I need your wise advice.
CEPO: Judge, I am glad you asked me, because I was going to give it to you anyway. You need to change your face. If you are going to change your life, you also need to change your look.

This conversation between Cepo and Sonorio clearly marks the judge's transformation. Cepo tells Sonorio that he had a dream in which the judge was dressed as a concubine. The hairdresser suggests that the dream alluded to Sonorio's feelings of shame, since the judge was covering his face with a veil. Through this interpretation, Cepo indicates that the Judge has never been able to see outside the Law's ruling and has never contemplated any counternormative life options; rather, he has lived in shame and has not been able to lead a satisfying life full of alternative possibilities. Following his contact with Esmeralda, Sonorio finally begins to question and resist the power of the State.

As Foucault points out, "resistance to power does not have to come from elsewhere to be real...It exists all the more by being in the same place
Marriage, Power, and the Law

as power; hence, like power, resistance is multiple and can be integrated in global strategies" ("Power and Strategies" 143). Sonorio represents the convergence of power and resistance. On the one hand, he exercises power, but on the other hand, he learns to question and defy it. The confrontation happens in the very person who exercises the power. It stems from within power and it is authentic and effective. As a form of resistance, the judge organizes a birthday party for Esmeralda in the jail premises. When Esmeralda is about to blow out the candles on her cake, she says that she is going to ask for five wishes, one for each husband. Immediately, the judge asks her to make six wishes. He now considers himself a part of Esmeralda’s life and wants to become her sixth husband. Once the party is over, Sonorio tells her that she has changed him: “I am a new man. I think and act differently.” Esmeralda also acknowledges that she has changed. She says that she does not need to dress in a wedding gown or marry a man to make love to him. The power of the Law is still in place. Esmeralda is convicted, put in jail to do her sentence; however, resistance is also present. The judge and Esmeralda are willing to have a marriage designed on their own terms, and Sonorio accepts Esmeralda’s other five husbands.

A PERSPECTIVE ON MARRIAGE AND LAW FROM ESMEERALDA’S HUSBANDS

Before Judge Sonorio becomes Esmeralda’s sixth husband, she is married to five other people. Consequently, the protagonist’s full legal name is Esmeralda Alegria-Lara-Martinez-Vallarta-Rosellini. Her first spouse is Pedro Alegria. Pedro meets his wife at the hospital after suffering a car accident. He is her most traditional husband, a stereotypical Mexican cowboy and male chauvinist. Pedro is the husband who follows Esmeralda to the church where she is going to marry Carlos and makes a police officer interrupt the wedding ceremony and arrest her for bigamy. Even though he is responsible for pressing charges against her, the film shows a transformation in Pedro. In one scene he goes to the police station where his wife is detained and serenades her. He even says that he is going to drop the accusation; however, when he does so Esmeralda has already been convicted of quintuple bigamy and goes to prison. At the end of the movie, when all of Esmeralda’s spouses celebrate her birthday in jail, Pedro toasts with his wife’s Italian husband, dances with Esmeralda, and shares the dance with the other five companions. It is clear that his evolution undermines hegemonic Mexican machismo.

Another stereotypically characterized husband is Antonio Rosellini, an Italian romantic who shows immeasurable passion and love for Esmeralda. He never takes the charges against his wife seriously, stumps into the police station to insult the officers, and claims that the legal system is corrupt. Ironically, Rosellini contributes to this corruption when he attempts to bribe the police in order to spend the night with Esmeralda in jail. He sings to her with a tenor’s voice and makes love to her in the cell.

Virginio, Esmeralda’s third husband, is an older writer. While dying in the hospital, his last wish is to marry the nurse. Esmeralda accepts his proposal, and her love and care allow him to recover from his illness. When Judge Sonorio interrogates him, Virginio says that he suspected that she had other men, but he did not care about it. One of Virginio’s comments helps to define Esmeralda. He explains that she is incapable of sleeping with anyone unless she has previously gotten married. This observation confirms the pressure of normative marital standards in Esmeralda’s life and influences the audience to take Esmeralda’s side and participate in her resistance.

One more husband worth mentioning is Jorge Luis Vallarta, a bisexual engineer who lives with Antonio, the gardener. Esmeralda knows about the men’s relationship and helps Jorge Luis to conceal his homosexual needs from his mother. This relationship introduces an interesting perspective on sexuality into the film, since Esmeralda and her husband are not constrained to accept only heterosexual relationships. Jorge Luis knows that Esmeralda has other husbands, while she is aware of his male lover. Esmeralda, Jorge Luis, and their other partners have a marriage that escapes the normative structure of the legal institution. The film stresses that the Law and the State are the ones who have a problem with their relationships, but not themselves. They ignore the hegemonic discourse and become a point of resistance. Jorge Luis is able to defy heterosexist prejudices that had previously compelled him to hide his homosexual desire when he dances with Antonio in front of all the guests at the party that concludes the film.

CONCLUSION

Foucault’s studies of power, knowledge, and the body in modern society are a helpful theoretical framework for feminism. They identify mechanisms that perpetuate male dominance in heterosexist societies, and they provide feminists with tools to resist those mechanisms. Power does not “belong” to any single individual or group. Judge Sonorio is also a victim of the power he exercises. Esmeralda resists the coercion of the Law and its attempt to regulate her sexuality and relationships. In the process, she must confront the diluted web of institutions and tactics, and spend time in prison for her transgression. Not even the judge, her new husband, can grant her freedom. The “modus operandi” of the State, its deployment of power to foster life, is centered on the body as a machine for economic purposes, as seen when detective García tells Lucita that the State needs to make sure that the capitalistic system distributes wealth to legally-recognized offspring. Esmeralda challenges this endeavor. She has multiple husbands and the paternity of her children could become problematic. Esmeralda is constantly watched, by her husbands, herself, her father, and the Mexican State in which she lives. Bio-power, the
control of the body through surveillance; pastoral power's guidance and care; and liberalism, where "freedom" is a tactic designed to ensure the power of government, are fundamental forces confronted by Esmeralda. She and her husbands do not accept that the laws are just because they are laws. They subvert hegemonic marital practices and make a place for resistance in the complicated and tangled net in which power is exercised.

Notes
1 Same-sex marriages have been legal in Mexico City and Cahuila since 2009. However, as of 2011, there are 28 other states that have not recognized the validity of same-sex marriages or civil unions, and the Supreme Court has not yet forced these jurisdictions to legalize them (Avilés Allende 1).
2 Hermosillo is a prolific Mexican filmmaker. He has directed twenty-one films since 1971, the latest of which is Amor, released in 2006 (Martínez Torres 679).
3 Poniatowska is a famous Mexican writer and journalist who was raised in France. Outside of Mexico, she is mostly known for The Night of Tlatelolco (1971), a book in which she narrates the government massacre of students and civilian protesters in 1968 and presents the disparity of information provided by the press (Schuessler 167).
4 Hermosillo's film has also been studied by David William Foster in Mexico City in Contemporary Mexican Cinema. Foster contrasts Esmeralda Comes by Night with Doña Herlinda y su hijo (1984), another of Hermosillo's films. Francisco Manzo Robledo presents a detailed summary of the film's plot in a review in the journal Chasqui.
5 Foucault's ideas apply well to Mexico. In Cartographic Mexico: A History of State Fixations and Fugitive Landscapes, Raymond Craib explains how the "abstract" Mexican State had intermediaries such as the police force that served the State in order to centralize control over resources and citizens before and after the Mexican Revolution.
6 Polyandry refers to a form of marriage in which a woman has two or more husbands at the same time. See Polyandry: Who, What, Where by Jessica Haver.
7 See Sor Juana, or, The Traps of Faith by Octavio Paz.
8 In Mexican society, "male adultery remained legal and women's adultery remained criminal, well into the twentieth century" (Molyneux 23). Frida's husband was unfaithful to her but she did not tolerate it. Being an influential painter of Mexican society, she was able to disseminate her views about gender roles in Mexico. In Frida Kahlo: Pain and Passion, Andrea Kettenman mentions Kahlo's portrait "The Two Fridas" (1939) and states that "shortly after her divorce from Diego Rivera, Frida completed a self-portrait composed of two different personalities. In [the] picture she processes the emotions surrounding her separation and marital crisis. The part of her person which was respected and loved by Diego Rivera is the Mexican Frida in Tehuana costume [who] holds in her hand an annulet bearing a portrait of her husband as a child, while the other, the new Frida, wears a rather more European dress"(52). It seems that after her divorce, Kahlo leaves behind certain Mexican traditions of how a wife must behave and embraces a less conservative image.
9 According to Foucault, there is a "system of differentiations which permits one to act upon the actions of others: differentiations determined by the law or by traditions of status and privilege; economic differences in the appropriation of riches and goods, shifts in the processes of production, linguistic or cultural differences, differences in know-how and competence, and so forth. Every relationship of power puts into operation differentiations which are at the same time its conditions and its results." ("The Subject"
10 In Gender and the Mexican Revolution: Yucatan Women and the Reality of Patriarchy, Stephanie Smith states that during the Mexican Revolution (1910-1920), the military government under Salvador Alvarado (1880-1924) "adhered to the notion that a woman's primary place should be within the home and with her family [because] after all, a group of homes form a town, and a group of towns form a nation—and it was the woman who was at the center of every home" (127). Smith also explains that the "ultimate goal of the revolutionary officials was to protect the sanctity of family life—especially women's roles as wife and mother within the home" (126).

Works Cited
Marriage, Power, and the Law


Betsy Dahms

Staging Gender Trouble:
Sabina Berman’s “The Mustache”

Theater is often a site of social critique. The stage creates a representational distance from reality and at the same time offers a fertile and relatively safe territory for analyzing and deconstructing societal ills. Mexico has seen a resurgence in popularity and support of socially minded theater in the last thirty years. Despite its long history of Catholicism and patriarchy, many of Mexico’s most successful recent playwrights have been women. Critics such as Linda Hutcheon have noted that it should not be surprising that Mexican women playwrights have enjoyed such success on stage, and that it is precisely because women have inhabited a marginal position in Mexico, especially in national politics, that they are able to be so daring in their critique (cited in Bixler “Power Plays” 83). In effect, it can be argued that women in their current situation in Mexico have little to lose in speaking up and criticizing national government and other official discourses. According to critic Jacqueline Bixler, these dramatists “have provided a steady stream of postmodern plays that parody, ridicule and otherwise attack Mexico’s most sacred heroes, icons, and institutions” (“Power Plays” 83). Within her