

Vir
An emasculation of the 'perfect sodomy'
or perceptions of 'manliness' in the harbours of Andalusia and colonial
Mexico City, 1560-1699

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1

In 1698, Magistrate Villaran, pronounced both Bartholome, a twenty-six year old sailor from Sicily, and Giovanni Mule, a native of Palermo, guilty of having committed the "nefarious sin of sodomy" aboard *Nuestra Senora del Carmen*, an Admiral's ship docked in the harbour of Cadiz awaiting to set sail for the Indies in the Americas. The Magistrate condemned Bartholome "to death by fire in the accustomed manner and Juan Mule to public humiliation," or rather, "taken and placed within sight of the execution scaffold then passed over the flames and [thereafter] banished permanently from this Kingdom."¹

Three years later, after a lengthy appeal process, "Bartholome Varres Cavallero with minute difference came out of the prison mounted on an old beast of burthen, dressed in a white tunic and hood, his feet and hands tied." About his neck hung a crucifix of God our Lord." The young boy, about the age of fourteen years, who the Spaniards rebaptized as "Juan Mule, nude from the waist upward, his hands and feet also tied, rode on a young beast of burthen" just behind Bartholome. The procession meandered along the Cadizcan countryside "without having passed in front of a Church or any sacred place until it arrived at a site known as *el Salado*." There, Juan Antonio, the executioner, "tied Bartholome to a pole erected in the ground and after half an hour administered *garrote*² in such a manner" that Bartholome "died a natural death." Bartholome "remained in this state within public view for more than half an hour" after the strangulation. The executioner, then, "covered the entire cadaver with many portions of wood." Juan Antonio lit the fire and "the cadaver burned into ashes all within the eyesight of Juan Mule, whom the executioner passed over the flames."³ How and why did the crown officials justify the power of this ritualistic fiery spectacle?

In his letter of explanation to the King Philip V, Juan de Helguero, the Solicitor General of the Spanish Fleet docked in Cadiz, wrote, "My Lord. . .Bartholome Barrez received *garrote*, thereafter, his entire cadaver burned and reduced to ashes, witnessed by many people of different nationalities [and] I trust this shall serve as an exemplary punishment to them all."⁴ Too, the Solicitor General submitted a copy of the "costs incurred for the execution" to the Lord Ministers of the Royal and Supreme Council of the Indies. The list of costs totaled "*809 Reales de plata*," a substantial amount of money, for which the Solicitor General sought total "reimbursement."⁵

In an earlier letter to the Charles II, Martin de Aranguren y Zavala, the Major General of the Fleet had sought confirmation for the execution. "Respectfully, My Lord, the enormity of this horrific, detestable, and grave crime in the eyes of the God our

Lord, dignifies an exemplary punitive and prompt punishment." The Major General sensed "a great need in this city and harbour of Your Majesty's Kingdom to demonstrate with exemplary punishment" the consequences for having committed a "crime so atrocious and as a warning to those who commit other grave sins of the same species on land or during navigations but who are not punished for lack of evidentiary requirements."⁶ "The aforementioned mariners," concluded the Major General "with little fear of God and their own consciences failed in their obligations, having committed the atrocious, abominable crime and heinous sin."⁷

His Majesty's Attorney General concurred with the Major General's request for a confirmation of the pending executions. In the opinion of the Attorney General, Bartholome and Juan Mule had committed "a crime so horrendous, so hideous and abominable so nefarious that one finds no voices in any tribunal in this Kingdom that can explain such treachery." Both men, argued the Attorney General, "had exercised a very sordid and repulsive crime according to the depositions given by the witnesses."⁸

The witnesses had "found the boy's entire backside soaked, filthy and replete with the viscous smell and the tactile of the semen Bartholome poured had scattered." The witnesses had stood by the boy "horrified" and some had even "turned their faces not wanting to see any more."⁹ "We stood there astonished," recalled one sailor, "having witnessed such a ghastly sight and a sin of sodomy."¹⁰ "Frightful," stated another, "given the scandalous nature of this sin and as such, a grave offense to God."¹¹

Thus, the Attorney General surmised that, "since the aforementioned crime is so abominable and treacherous, its commission indubitably proven, with the depositions of 6 witnesses, the execution should proceed at the place the deformity occurred and as an example to the plethora of other nationals who congregate in those harbours drawn there by commerce and galleons." "Furthermore," wrote the Attorney General, "the stay of execution has impeded the departure of Major General Aranguren from Cadiz to La Havana."¹² The Ministers of the Council of the Indies instructed the Ministers of the *Audiencia de la Casa de la Contratacion* /House of Trade Tribunal to effect the execution of Bartholome. Alverto de Ysasi, the Lord Magistrate of the *Casa's* Tribunal assured the Ministers in Madrid, that he would,

". . .effect an expeditious resolution in this case for there are many prisoners in this prison of different nations inclined toward this species of crime and given their inferior fabrick they entomb themselves at night in the subterranean dungeons, one should dread the abominable consequences of such congregations."¹³

Since Bartholome and Juan Mule had purportedly committed a 'crime' on board a ship, the *Casa's Audiencia*, and not any other secular or ecclesiastical tribunal in Andalusia,

assumed jurisdiction over the case. The Catholic Monarchs, Isabella and Ferdinand created the *Casa de la Contratacion*, in 1503 to regulate colonial commerce and shipping between the peninsula and the Indies.¹⁴ In 1511, *The Casa de la Contratacion*, acquired juridical powers, in the form of an *Audiencia/Tribunal*, to prosecute both civil and criminal crimes committed aboard Spanish ships enroute to and fro the Indies. By 1524, the *Audiencia de la Casa de la Contratacion* fell under the appellate jurisdiction of the Council of the Indies, and thus, a final appeal of both civil and criminal crimes rested with this Tribunal.¹⁵

The Bartholome-Juan Mule case typified the issues pertinent to in the prosecution of 'sodomites' along the harbours of the Spanish peninsula in the early modern period: the codification of sodomy as both a 'crime and a sin' against an emerging State composed of the Monarchy and the Catholic Church; an attempt by the State to construct and mold an image of the new Spanish Man; disseminating the xenophobic belief that only 'other nationals' were naturally susceptible to sodomitical practices; an incessant preoccupation with quantifying the physical aspects of sodomy; and lastly, the use of Science to dignify and buttress the discursive dogma of this new State within the context of its Imperial and colonialist politics. But, notions of sodomy and the perceptions of 'sodomites' evolved and changed in context during the early modern period. In mid-seventeenth century Mexico City, capital seat of the ViceRoyalty of *Nueva Espana*, colonial authorities confronted a new cultural phenomena--'effeminate sodomites' or 'men who dressed as women'--a construct conspicuously absent when authorities referred to sodomy on the Spanish peninsula. The Crown officials also described sodomy as a sort of cancer, one that contaminated and spread its diabolical infestation. This paper is about the processes and the rhetoric through which the Spanish Crown and the Church attempted to mold the image of a new 'Spanish man' in the early modern period and how men both on the peninsula and in New Spain contested or mediated the shifts in this cultural construct. Images of 'manliness' in sixteenth and seventeenth Spain and Mexico reflected how the broader issues of gender, imperial/colonialist rule and Spanish cultural history interacted with each other. After 1492 and throughout the early modern period, in an effort to broaden its politics of intolerance whether against the Moors, Jews, sodomites, or prospective colonial subjects, the emerging Spanish State unveiled and nurtured its construct of the new 'Spanish man,' a concept that embodied stereotypical attributes and xenophobia--resolute, chivalrous, 'ethnically' pure, a collaborator of God albeit fearful of him, and a good Christian.

When I speak of 'man' in early modern Spain, I refer to what theologians of the second Spanish scholastic and the Thomasist scholastic defined as *Vir* or man. These theologians defined man as an associate or collaborator of God. As such, man constituted a continuous process of creation, for it is in him, in his seed, in his semen that harbours the potential for new and future beings. Too, this theological construct, puts forth the notion that the labour of 'woman' in the procreation process is viewed as 'naturally' purely passive and that the sexual act is always oriented towards procreation. Naturally then, the predetermined function of the sexual act is the creation and continuation of new beings. In Thomasist ideology, this was its natural end and the fact that one derived pleasure as a result of the sexual act was irrelevant for it was not necessary nor required for procreation.¹⁶

Colonial authorities subscribed to this notion of man and described men of other 'nationalities,' as the complete retrograde to the idyllic Spanish *Vir*: 'by nature' physically and intellectually inferior, perverted, vile or filthy, lascivious and languorous, and in colonial Mexico City, as 'effeminate.' These stereotypes legitimized, in particular, the sodomy laws of the early modern period both on the peninsula and in New Spain. Although, my focus is the prosecution of sodomy constructed as a 'crime and sin' against the Spanish State in the sixteenth and the seventeenth centuries, I also discuss the politics of culture and gender relations as "inherently intertwined notions of imperial rule."¹⁷ Within the context of colonial Mexico City, issues of Spanish 'manliness' became infused with images of 'effeminate' stereotypes. As such, I too recognize the importance of imperial history for a more complete understanding of 'Spanishness' as a cultural development in Spain and in New Spain. The prosecutions and perceptions of 'sodomites' in Spain in New Spain reflected early modern Spain's embryonic 'nationalist' discourse. In this sense, issues of 'manliness,' or what Mrinalini Sinha has depicted in her book on the 'manly Englishman' and the effeminate Bengali' in the late nineteenth century as colonial masculinity, revealed "the multiple axes along which power was exercised either among or with the colonisers and the colonised as well as between colonisers and colonised."¹⁸ Perceptions of colonial 'manliness' manifested themselves within the context of Spain's attempt to culturally reconfigure its peninsular imperial politics.

2

Perceptions of colonial 'manliness' differed in context in the sodomy cases prosecuted by the *Audiencia de la Casa de la Contratacion*, in the harbours of Andalusia, seat of the colonial "bureaucracy"¹⁹ and those prosecuted by the *Real Sala del Crimen* in

Mexico City, the capital seat of *Nueva Espana*/New Spain, the first and the largest Spanish Viceroyalty in the Indies. In addition to the successful prosecution of the Bartholome-Mule case, the *Audiencia de la Casa de la Contratacion*, located first in Sevilla and then in Cadiz, prosecuted at least nine sodomy cases between 1560-1699. Between 1648-1698, the *Real Sala del Crimen*/Royal Criminal Tribunal, the highest ranking criminal court of the Viceroyalty in Mexico City, prosecuted at least fifteen sodomy cases that inform this paper. As far as I am aware of, they constitute the only known existing accounts of sodomy prosecutions during the "middle period" of the colonial state in New Spain.

At least two types of tribunals--secular and ecclesiastical--prosecuted 'sodomites' between the fifteenth and the eighteenth centuries in Spain and in New Spain. Roughly sketched then, the Spanish Inquisition held jurisdiction over sodomy cases in the kingdom of Aragon which included the tribunals of Valencia, Barcelona, Zaragoza, and Palma de Mallorca.²⁰ Secular tribunals prosecuted sodomites in Madrid and Sevilla, two important metropolises in the kingdom of Castilla. Over the course of the colonial period, both secular and ecclesiastical courts held jurisdiction over sodomy cases and other "sexual crimes" in the Tribunals of New Spain.²¹ The multiplicity of jurisdictions often became blurred and varied from one historical moment to another.

After having read the *procesos*²² of these cases, I attempt to answer whether, in the case of early modern Spain, one can establish a relationship between its 'imperial/colonialist' politics and its perceptions of sexuality. A major emphasis became to examine how colonial 'manliness', in the context of a changing imperial social formation in the sixteenth and the seventeenth centuries, constructed and exploited such categories. The 'honourable Spaniard' and the 'effeminate sodomite' emerged as two products of the ruptures in the political economy of colonialism. Thus, these two constructs were linked to the entire political and economic apparatus that shaped the politics of colonial rule. During the writing of this paper, a narrower focus appeared inevitable: from the history of imperialism /colonialism to the more specific relationship of that history to sexuality and issues of gender. By such specific analysis one can better interpret how Spanish colonialism perceived sexuality or gender in society, and the role of xenophobia in the development and maintenance of an emerging 'bourgeois respectability.'²³ Collectively, the twenty five cases that mold the core of my study, in conjunction with the other sodomy cases prosecuted in Spain, beginning in the mid-sixteenth century and up until the mid-eighteenth century, represent a rupture with the tolerance afforded the practice of sodomy in previous centuries. The prosecution of sodomy as a 'crime and sin' punishable by death,

particular to early modern Spanish thought, also applied to New Spain. Together, the sodomy cases prosecuted by the *Casa* and those prosecuted by the *Sala* revealed the particular sexual ethos Spain deemed appropriate for export and the extent to which individuals contested and changed constructions of sexuality in a colonial context. The contestation and mediation of sexuality took different forms both on the peninsula and in the 'Indies.' Although, on the peninsula, colonial authorities considered sodomy as both a 'crime and a sin', the cultural construct of the 'nefarious sin' acquired a new dimension in meaning and scope between the time the *Audiencia de la Casa de la Contratacion* prosecuted its cases and those prosecuted by the *Sala Real del Crimen* in the seventeenth century. In the Indies, the Spanish State also defined sodomy as a "crime against nature" albeit articulated in "blasphemous and diabolical" and "effeminate" overtones or an infestation that spread like a disease.

3

The seven cases prosecuted by the *Audiencia de la Casa de la Contratacion*, between 1560 and 1605 at the height of the Baroque and the Counter Reformation, initially occurred on ships either en route to Spain or to the 'Indies.' At the very least, the cases involved two individuals. The cases were first prosecuted on The Captain General's ship--called the *Capitana*/Captaincy functioned as the initial tribunal for these prosecutions and any executions of sodomites at sea took place on the Admiral's ship.²⁴ The ship, as an extension, or a 'piece of land' of the Empire, embodied Spanish early modernity. The ship functioned as the metaphor or a symbolic model of what the State deemed appropriate for export: its form of civilization, its 'new' *Vir*, and its version of Catholicism.²⁵ In seven cases, at least one of the individuals prosecuted appealed the Captain General's sentence to the *Casa's* Tribunal in Sevilla. On five occasions, advocates for the defense repudiated the *Casa's* verdicts and further appealed their cases to the *Consejo de Indias* in Madrid. A typical investigation on board ships commenced after a Captain General received denouncement from mariners or ship officials. His assistants brought the witnesses before him and the interrogations enthused, usually followed by the torture sessions and in some instances, a given crew hung the convicted 'sodomites' and then burned them at sea. However, some men fled and escaped before their scheduled prosecutions while others obtained acquittals. Significantly enough, ship officials did not actively pursue the prosecution of 'sodomites' or celebrated orchestrated raids on board the ships. Instead, the prosecution of 'sodomites' occurred only after someone had denounced another to the

appropriate officials. Then, and only then, did the ship officials set the juridical apparatus in motion.

By the end of the fifteenth century, the Spanish authorities defined sexual crimes based, in part, on the theological discourses of Saint Thomas Aquinas. Specifically, they turned to his *Suma contra los Gentiles* and *Suma teologica*. In both works, Aquinas outlined what he described as a hierarchy of the lustful sins.²⁶ Spanish officials also concurred with the writings of others, such as those of Fray Juan Enriquez, a jurist and confessor of the seventeenth century.²⁷ One schematic hierarchy of the gravest lustful sins, from the least to the most gravest, according to the Second Spanish Scholastic included: simple fornication between men and women not united by matrimony; rape by man of a virgin; adultery; incest; sacrilege, above all with nuns; and the gravest of the lustful sins, the 'sin against nature'. This definition, 'against nature' meant that these Spaniards considered sodomy, not just simple fornication outside matrimony or the violation of another sacrament, but as a direct offense to God, and as such his image of creation altered. The 'sin' jeopardized the economy of creation. In the broadest sense, the jurists defined it as any act that produced a sexual pleasure for the *Vir* without the possibility of procreation for man emitted semen, or the seed that ensured the continuation of the creation. Under this rubric, jurists defined three subcategories: sodomy; bestiality; and masturbation.²⁸ Over the course of time, 'sodomy,' became synonymous with three types, again in ascending order of severity: masturbation; anal penetration; and bestiality. One, of free will, committed *sodomia perfecta*/perfect sodomy through anal copulation with an individual, *Vir*, that is, of the same sex.²⁹ However, one committed *sodomia imperfecta*/imperfect sodomy if copulation occurred with an individual of the opposite sex or if copulation occurred somewhere other than in "the natural place--*extra vas naturale*." Thus, penetration, especially anal penetration and the 'wasteful spillage' of semen predominated notions of sodomy.³⁰ The Spanish state also defined sodomy as nefarious, or "indignant, lascivious, of which cannot be spoken without embarrassment. . nefarious sin called such for its lascivious and its obscenity."³¹

The cases prosecuted by the *Casa* involved boys or 'men' between the ages of thirteen and forty. The tribunal appointed 'guardians' or 'advocates' for each accused individual, habitually appealed cases that involved boys younger than fifteen years of age. The Captain Generals granted appeals in all five instances that involved 'minors' or boys under twelve years old. For the most part, the accusations investigated involved boys of similar ages and backgrounds. While some cases revealed engagements between 'older' boys and 'younger' boys--all the boys involved practiced

reciprocal sodomy with each other. That is, they engaged each other in '*cavalgando por el culo*' /penetration of the arse.

But if, in the Bartolome-Juan Mule case prosecuted in the later part of the seventeenth century, an accentuated xenophobia had marked the evolving definition of sodomy, in the early sixteenth century, perceptions of 'sodomites' had already begun to reflect the emerging State's 'nationalist' discursive rhetoric. The Captain Generals who prosecuted the earlier cases repeatedly attempted to quantify the physical aspects of sodomy and equate these 'sodomitical' acts with individuals of 'other nations.' In the case between Pedro, "fourteen years old" and that of a 'filthy and dishonest' purser named Gaspar Caravallo, a 'Portuguese *mulato*,' the Captain General interrogating the young page asked, "Did you ever feel Caravallo scatter semen or did you ever feel wetness?" "One day," stated Pedro, Caravallo had grabbed the page's hand and "placed it on his big member." Having "felt and seen the wetness," Pedro "removed and smelled his badly scented hand."³² "On this God's holy day I must fuck you," Caravallo had later expressed to Pedro.³³ The Captain General's interrogation of Gaspar centered on these two points: the 'filthy and dishonest' *Portuguese* repeatedly kissing, wanting to penetrate the young page and the spilled semen.³⁴ Caravallo denied the accusations, but not withstanding the denials, the Captain General formally charged him of attempting to commit the 'nefarious sin against nature' on board the *Rodrigo Diaz*.³⁵ In his defense Caravallo, a "twenty-seven year old, free native of Maezzan, married, and a resident of Triana"³⁶ in Sevilla argued that,

"Some persons onboard this ship who wish me harm and wish to blemish my honor.³⁷ I am a good man , a good Christian, fearful of God and his conscience, of good repute and family. Such a person could never be thought to have intended to or even committed such an ugly crime of sodomy. I implore your lordship to absolve me and set me free. "³⁸

Often, a Captain General resorted to and "reserved the right to administer the quality and quantity of the torture in order to vigourously obtain the truth" in a dispute."³⁹ The Captain General sentenced Gaspar Caravallo, "to torture on the block and pulley in the accustomed form" known as *garrucha*. A group of sentries took Caravallo to the Admiral's Ship, where the Admiral asked him "once, twice and trice to declare the truth and warned him that should he die or receive a broken arm or suffered other lesions to his body" it would have been at his own expense and not that of the Admiral.⁴⁰ The Admiral, then, had an antennae erected on the ship's deck. Caravallo cried out, "Mother of God come to my rescue Mother of God!" The initial hoist lifted his feet "about the lengths of two palm trees above the deck."⁴¹ The Lord

Admiral asked, "Is it true you kissed and embraced Pedro Merino and stated that you should fuck him. . .and did you press your member up against his cunt in an attempt to fuck him?" Caravallo cried out alot and stated, "No!"⁴² The Lord Admiral commenced the torture session.

The Lord Admiral ordered Caravallo lowered and he ordered de Agustin de la Cruz *negro* to tie a basket filled with iron to the purser's feet. . .Caravallo cried out for he had nothing else to say. . .Agustin hoisted the body with the attached basket and lifted him very high. . .about the length of two palm trees. . .Caravallo cried out Saint Francis of Assisi. . .Jesus. . .had he pressed his member up against Pedro's cunt. . .he cried out it is slanderous and false. . .the Lord Admiral ordered him lowered and had another basket of iron tied to Caravallo feet. . .and ordered him hoisted up high about a yard and a half above the deck. . .I do not deserve this. . .again he cried out. . .The Lord Admiral ordered eight balls of iron tied to Caravallo's feet. . .Mother of God I don't deserve this I shall be broken!. . .he cried out as foam spewed out of his mouth. . .The Lord Admiral had him lowered and read out Pedro Merino's declarations. . .is it true?. . .Never, God.. .The Lord Admiral had the balls of iron removed. . .and had a piece of lead about the weight of two quintalls⁴³ brought to him. . .the truth or else the piece of lead tied to his feet. . .and if you die you are responsible. . .The Lord Admiral ordered another hoist but only with the two baskets of filled with iron attached to his feet. . .Caravallo would not respond as foam spewed out of his mouth. . .and he vomited. . .The Lord Admiral ordered him lowered. . .and as he lay on the deck. . .had the piece of lead attached to his feet. . .another hoist in the air. . .Caravallo spewed out foam. . .another hoist. . .no response. . .apparently suffocating. . .The Lord Admiral cried out Holy Mother of God!. . .and he admonished Caravallo many times over. . .he ordered the removal of the baskets of iron. . .state the truth!. . .Caravallo vomited and would not utter a word. . .and the Lord Admiral had his body lowered.⁴⁴

After the torture session, the Captain General condemned Gaspar Caravallo, to " three hundred lashes" and compulsory labour for a period of ten years in the galleys of His Majesty Our Lord without compensation" and "thereafter, condemned to perpetual banishment from this Kingdom and its domains for the duration of his life." Lastly, Caravallo had to "pay fifty *pesos* of common gold" half of which the Tribunal granted to the "coffers of His Majesty and the other half given to the Convent of Our Lady of Atocha in Madrid."⁴⁵ In July 1591, Gaspar Caravallo, requested and received permission from the Captain General to appeal his case before His Majesty Our Lord and his Royal Council of the Indies."⁴⁶ The fleet arrived in Spain sometime before April 1592. However, His Majesty and his Royal Council never deliberated Caravallo's appeal. Gaspar Caravallo lost himself somewhere between the prison cell in the Admiral's Ship and the fleet's arrival on the peninsula.⁴⁷ Not all suspected 'sodomites' eluded the repressive power of the State.

In 1561, two young boys, one Christobal, fourteen years old, also a page and another named Gaspar, twenty-one years old, a Portuguese grument" collapsed under the severity of the torture inflicted upon them. Both admitted having committed "the nefarious sin against nature." "Given the flithyness, ugly enormity, and lewdness of this case," the Captain General had sentenced both to water torture and then placed

them on the pulley .⁴⁸ As Gaspar the grument, hung hoisted from a pulley erected on the ship's deck, he admitted that "Christobal had asked him to fuck'm in the cunt." Furthermore, continued Gaspar, "Christobal had fucked him in the cunt three times."⁴⁹ For his part, Christobal admitted that "Gaspar fucked him two times and that he had fucked Gaspar three times."⁵⁰ The Captain General condemned Gaspar to "strangulation until he died naturally and thereafter taken and placed on a board of wood secured so as not to fall and there burned in a way that nothing is left of his person as a punishment to him and as an example to others." Furthermore, he confiscated Gaspar's "goods to pay for this proceeding."⁵¹ Gaspar unsuccessfully appealed the verdict. Instead, the centinels took him to the site of the burning and upon arriving at the site of the rack Gaspar cried out that he had,

"fuck'd Christobal, who consented and rejoiced, in the cunt seven or eight times. . .and then the black grument administered the strangulation until Gaspar died naturally. . .and then placed him in a yawl of naphtha over a board to which fire was set and it burned for more than half an hour."⁵²

The Admiral General issued a similar verdict against Christobal, but Christobal's advocate immediately appealed the sentence of the younger boy having argued that "one cannot prosecute a minor of fourteen years for the aforementioned crime." The advocate and guardian described Christobal as a "minor of good customs and good fame one never accused of the aforementioned crime."⁵³ Other witnesses described Christobal as "a quiet boy of good customs with a reputation on board the ship of being incapable of committing crimes."⁵⁴ Three neighbours testified that they had always known him as a "good and well indoctrinated son, of very good honorable parents and the grandson of good grandparents unaccustomed to committing the crime for which he is accused."⁵⁵ Later that year, the Magistrates of the *Casa de la Contratacion* instead sentenced him to "permanent banishment from the Kingdom."⁵⁶ Although the tribunals sometimes spared the lives of the younger boys, they often found themselves at the mercy of the State.

4

The Spanish State sometimes resorted to the use of science to further quantify 'sodomy.' It subjected some boys to humiliating physical examinations. When Chief Surgeon Fita viewed the external parts of the Juan Mule's anus, he "realized and saw all its parts lacerated and full of sordid ulcers or callous skin." Fita concluded that since the boy exhibited a "loose" posterior, "somebody had, many times before, with the boy, committed the sin of sodomy."⁵⁷ Soares, the surgeon's assistant, concurred with

Fita, having observed that the "boy's backside appeared quite used, loose and blistered." These markings emerged, Suares stated, "apparently as the result of the lad having committed the sin of sodomy and allowing himself buggered numerous times."⁵⁸ The chief surgeon asked the boy, "this is not your first time, is it?" To which the boy had replied, "'tis true."⁵⁹ Despite Chief Surgeon Fita's initial examination of Juan Mule, the Magistrate who presided over the case ordered a second examination. "Naturally impossible that the boy committed the sin against nature," reported the second examinee, "I have seen no signs that demonstrate member penetration."⁶⁰ With two contradictory surgeon reports before him, the Magistrate sought "further clarification" and asked two other surgeons, "to examine Juan Mule and ascertain whether or not the unutterable sin against nature had been committed with him." After the surgeons "very carefully" examined the boy, they found "no initiative or sign with which to presume that someone had, with the boy, executed the sin against nature." Furthermore, they found "no signs of a natural member having penetrated the boy." The boy's posterior revealed "no ulcers, no inflammation, no hemorrhoids, or anything out of the ordinary."⁶¹

The "contradictions in the surgeons depositions" prompted the Magistrate to yet again demand another examination of Juan Mule. This time he ordered "all the surgeons to collectively concur and again examine the boy." In June 1698, Chief Surgeon Fita and the other surgeons "with the greatest care for the boy" effected the final examination of Juan Mule. Fita and his colleagues "executed in anatomical form and with the necessary instruments, an internal examination," of Juan Mule's anus. This time, they found "a troubling sentiment, a scar or corn, both internally and externally, in a state of mediocrity." The men could not see beyond the "troubled sentiment for some sort of inflammation or blockage obstructed their view," but, they could not "probe any further for fear that their instruments would inflict and cause Juan Mule more damage or result in a new illness." The examiners pondered, "whether they should proceed with their examination thus providing His Magistrate with "a much more informed diagnosis?" The men "concurred to continue" the examination and "let the instrument pass through the inflamed part." "Apparently," wrote the scrivener, the instruments "lacerated the blockage." "In their previous viewings" of Mule, Fita and his colleagues, had only conducted "external and not very extensive observations." In their final examination, the men utilized sagacious workmanship which allowed them to perform more complete and revised "final declarations."⁶²

The abuse of these young mariners not only occurred on the part of the State, infact, many of these boys complained of how lower ranked ship officials abused their

positions of power and coerced them into performing sexual deeds. Like ship officials who equated the physicality of the sexual act, with notions of 'nationalist' sentiments, some of the boys also internalized the actions of the 'other' with sodomy . That is, the notion that men of other 'nations' inherently practice 'sodomitical' acts.

In 1562, in the port city of Cadiz, Alonso Prieto, a young page of "twelve or thirteen" years denounced "Anton de Fuentes, the *lombardero*/labourer⁶³ and accused him of having "inserted it into" him. "Hush," Anton had begged, "for the love of God don't reveal me I will give anything you desire." "Were I a moor or an heretic perhaps, but, I have no reason not to tell my Lord the Master," retorted the page. ⁶⁴ But "had he not put his finger into the page's fundament. . .Had he placed his *natura* in Alonso's anus?" asked the Captain General. Had not Alonso loudly cried, "What do you take me for a Moor or a Turk?" Anton de Fuentes, a thirty year old native of Barcelona denied the accusations.⁶⁵ As in the case against Gaspar Caravallo, the purser, the Captain General also condemned Anton to *garrotes* and water torture.⁶⁶ Like Caravallo, Anton resisted "the stoutly torture administered by the Captain General that rendered him a maimed man, deprived of his left arm,"⁶⁷ Thus, officials suspected that some of the mariners had given Anton 'powders' to numb the inflicted pain.⁶⁸ Anton de Fuentes, like many other defendants, attempted to justify his position taking refuge in the fact that he, "married with a wife, had touched Alonso for he had only wanted to cure" the page's injuries.

Witnesses in favor of Anton portrayed him as "an honourable man of good repute, a very good Christian, one fearful of God and his good conscious." Anton, "quite the lady's man often attempted conversation with women." About five or six months earlier, he had married María de los Reyes, a resident of Sevilla. As such, the witnesses, "in fact certainly knew that Anton had not wanted to nor had he committed the crime against nature." Nobody had ever presumed such thing about him..⁶⁹ They too vilified "Alonso as a liar and as a young gossipy boy." The page "worked closely associated with the Ship's Master and as such greatly respected and feared him." Furthermore, the "Ship's Master and Anton didn't get on." On one occasion, "the Ship's Master had quarreled with Anton, grabbed his beard and promised him to deny him passage to the Indies."⁷⁰ On 4 July 1562, the Royal Council of the Indies in Madrid suspended Anton for "two years from the Indies without pay and condemned him to pay all the costs of the case." The Council "absolved Alonso Prieto of all charges and they set him free."⁷¹

5

The coercion of subordinates and power struggles between ship officials sometimes lead to charges of blackmail and accusations of 'sodomy' as a means to depose or diffuse one of power. Sometimes, not even ties to the peninsular elites could mediate the outcome of an accused 'sodomite.' In 1606 in San Cristoval de la Havana, Captain Antonio Gomez Galiano informed Xines del Castillo Cavallero that his *mancevos*/servants had complained about "ugly and dishonest incidents." Given the "enormity of this abominable crime," the Captain General, "submitted the ensign to a rigorous punishment, one dingnant for such an atrocious crime."⁷² Onboard the Galleon *San Bartolome*, the *mancevos* had complained about the Ensign's proclivity for boys. On one occasion he called on Lesmes, a page, ordered him to "come closer, kissed him on the lips" and had asked him "for some tongue." To which, Lesmes had responded, "if it is women you desire I can provide you with many." "No," responded the Ensign, "I have all the women I desire."⁷³ The Ensign had also approached Jua de Oriar, a soldier, and the Ensign had "placed his hand between the soldier's legs and had twice felt his 'natura'." Oriar had reproached the Ensign for "honourable men" did not engage in such acts. Nonetheless, the Ensign had again tugged at the soldier's member. Juan cried out loudly, stood up and stated, "No man should have to suffer nor consent to such indignities!"⁷⁴ Xines had also forced Juan de Meço's hand onto his own private parts for "there the Ensign felt great pleasure." "I don't want to do that filth," uttered Juan. "Keep silent you *picaro* this doesn't matter anyway," insisted the Ensign.⁷⁵ "Would you have consummated these dishonest and treacherous acts had not the other participants denied you access to this abominable, ugly crime and sin?" pondered the Captain General. "Lord have mercy on me," repented Xines, "for I would never commit such enormity." "The world is full of women" rationalized the Ensign, for he had himself, "a sinful man, spent his fortune as he indulged many of them, in this city and in other places, as future testimony about his person" and *bon vivant* ways "would reveal." In fact, continued Xines, "he had often offended God having committed many other sins for which he felt much remorse. . .but not the one in question. . . nor had he intended it, nor executed it, nor had it ever occurred to him."⁷⁶

Nonetheless, the Lord Ministers condemned the Ensign to undergo "the pulley and water torture."⁷⁷ The Ensig's advocate reminded the ministers that "His Majesty the King" had himself granted Xines' appointment. The Ensign from Murcia denied all the accusations and stated that "both the Sarjeant and the Captain General intended to depose Xines of his "flag and tenure, then rewarding the Sarjeant with the spoils."⁷⁸ Xines argued that as such, "they had coerced the other boys with wanton promises to testify against him and his honourable life." In fact, the Captain and the Sarjeant,

oddly enough, uncle and nephew, had cultivated a particular “hatred and vendetta” toward the Ensign. On many occasions, “both had spoken ill of Xines, publicly reproached him, and called him a ‘sodomite’ with the intent to cause him the gravest possible harm.”⁷⁹ Lastly, argued the advocate, “Xines, a very honourable and noble man of good fabrick. . .fearful of God cannot be presumed to have committed this crime.”⁸⁰ Too, a group of dignitaries supported the Ensign's efforts in a letter to the King. Alberto, the ArchDuke of Austria, Duke of Borgoña, The Illustrious Army General Valther Capata, Member of the Royal War Council, and Juan Lopéz of the Royal Exchequer wrote that “since the Ensign had, during varied occasions in the past, well represented the interests of His Majesty,” they felt “compelled to reinstate his rank and set his salary at ten *escudos* every month so he may continue serving in the Spanish Infantry.”⁸¹ Instead, the Ensign underwent a severe torture session that left him broken man and his whereabouts after said session remained unresolved.

The coercion of subordinates also dominated a 1566 case that involved seven pages. The pages denounced a forty years old Boatswain named Juan Fernandez. On numerous occasions the Boatswain had ordered the pages “to make his bed and lay with him for he had a bad leg and suffered from the epilepsy.”⁸² Juan de Sauzedo, sixteen years old and a page on the *San Juan Baptista*, told how Fernandez had then taken the page's “rod in his own hand”⁸³ and “on one of those three nights when Fernandez had felt his rod as he slept,” the Boatswain had masturbated Sauzedo until he had ejaculated “flithyness.” When Sauzedo awoke and witnessed the ejaculated semen, the Boatswain reassured him having stated that, “he had only piss'd” all over himself. “Never in his life” had Sauzedo “committed such a thing.”⁸⁴ All the pages onboard the ship, stated that Fernandez had attempted “the same thing with them.”⁸⁵ Two of the pages confessed their ordeals to the ship chaplain. The chaplain instructed them to “leave the Ship” and should the incidents have occurred again, the pages should have related the particulars of the events to “the chaplain or any other priest or clergy.”⁸⁶ The popular view on the voyage assailed the Boatswain as one who “tempted the rods and private parts of all the pages.” When some pages refused to obey the Boatswain he had “ill-treated and beat” them well within the “public view” of the other pages.⁸⁷ This suggests that abuses or coercion of subordinates was common, perhaps even tolerated, and submission considered a rite of passage, a passing thing--“I will take you to my village, to confer an employment of honour and esteem in arrangement of your marriage,” had promised the Boatswain to one page in exchange for comfort. “I am grateful,” acknowledged the page.⁸⁸ Still other felt it “something that did not matter” as Xines the Ensign had insisted to Meçon. The Boatswain admitted “it

true that he suffered from a bad leg and received comfort from the warmth of another person laying next to him." But after all, he fashioned himself a "jester" and thus, "tickled" the pages, "as boys do until they fall asleep."⁸⁹

On 12 May 1566 the Captain General condemned the Boatswain, to "torture on the pulley" for "having committed the sin against nature with the pages onboard the Master Ship,"⁹⁰ had his salary garnered and ordered the scrivener to grant six *pesos* of silver to the Boatswain's advocate from the confiscated salary in possession of the scrivener.⁹¹ But, if issues of coercion and abuse had overshadowed the particulars of most cases, a sudden turn of events concerning monies contributed to the outcome of this case. In fact monies, functioned as an important incentive in all these cases. In the Bartolome-Juan Mule Case, the city of Cadiz had sought reimbursement for the 809 *Reales de plata* it had spent on the execution. Most of the other individuals prosecuted by the *Casa's* Tribunal had their salaries garnered, their goods confiscated, and held financially liable for all the court costs. The Boatswain's advocate gave notice of how, with the six *pesos* of silver he had received, he had paid another advocate three *pesos* and two *reales* to review the contents of the case in preparation for an appeal. Furthermore, the Boatswain's advocate had, out of his own account, spent a "lot of monies, for which he implored" the Captain General to order "more monies" given to him.⁹² The Captain General "granted the advocate another four *pesos* of silver for a total of ten."⁹³ The Captain General also named Vera, a passenger onboard the ship as his private assessor in the case and he order the scrivener to pay Vera three *pesos* for his services.⁹⁴ Vera stated that "he had presided over two sentences and expected to advise the Captain General on another two" and since the "confiscated monies totaled more than one hundred *pesos* from which they can pay for my services" he implored the scrivener to relinquish the three *pesos* owed him.⁹⁵ The scrivener, too, solicited monies for his services in the case. The Captain General granted him twelve *pesos* for his work in the case.⁹⁶ Despite the monies paid to these individuals, the case remained in a liminal state until the Ship arrived in Sevilla.

The Attorney General of the *Casa de la Contratacion* stated that ". . .in the interest of justice it is necessary to execute the torture sentence" and that despite any appeals, "the Lord Ministers of the *Casa* should only make monies in moderation available to the defense because the State should not have to subsidize this proceeding."⁹⁷ The Lord Ministers ordered the scrivener to bring all monies in his possession to the *Casa's* Treasury Office and admonished him that he risked a jail sentence if he failed to comply with the dictate.⁹⁸ The Boatswain's advocate reminded the Ministers, that "he had proposed an appeal of the torture sentence before His Majesty," thus, he had

“requested monies to present his appeal” yet the scrivener refused to relinquish the silver in his possession.”⁹⁹ The Ministers once again instructed the scrivener to return the monies in his possession to the *Casa's* Treasury.”¹⁰⁰ The monies never came forth, thus, on 20 December 1566, the Ministers ordered the Serjeants at Arms to retrieve the monies from the scrivener or have him arrested and put in prison.¹⁰¹ The King eventually “revoked” the torture sentence, however, the fate of the Boatswain remains unresolved.¹⁰² The cases prosecuted by tribunals on the peninsula often reflected how younger boys, in subordinate positions of power suffered from the abuses inflicted upon them by officials of different ranks on or off the ships. With very few exceptions, the tribunal magistrates tended to absolve young pages, under the age of fifteen years, of any charges levied against them. However, young men in their twenties or older usually did not escape the “discipline and punishment” netted out by the State for suspected ‘sodomites.’

6

The ‘men’ and the ‘boys’ traveling to and fro the Indies demonstrated an awareness of ‘sodomitical’ culture in and around the harbours they docked at. They uttered different words and expressions when they referred to what officials had labeled a ‘sodomite,’ or the ‘nefarious crime and sin against nature.’ These young men instead utilized words such as ‘*puto*’ or ‘*bellaco*’ when addressing a ‘sodomite.’ ‘*Puto*,’ in the context of the early modern period did not refer to a “male prostitute” as some historians have noted elsewhere.¹⁰³ As late 1783, the *Real Academia Espanola* in Madrid still defined ‘*puto*’ as “a man who commits the nefarious sin”¹⁰⁴ and ‘*bellaco*’ as “a bad man of vile respect and of a perverse condition.”¹⁰⁵ In the vernacular of these young mariners, ‘sodomy’ meant simply ‘*cavalgando por el culo*’/penetration of the arse. In 1561, Christobal had turned to Gaspar and uttered, “you *bellaco*, I will tell the ship’s master about your habits.”¹⁰⁶ Have you practiced the profession of ‘*puto*’ for a long time? had asked the Captain General of Gaspar.¹⁰⁷ In 1606, as the galleons of an *armada* stood anchored in San Cristoval de la Havana, a Sarjeant informed the Captain General that Xines del Castillo Cavallero, his ensign is a ‘*puto*’ and that the “hearsay abound is that the ensign has committed and commits the ‘sin’ with the young *mancevos*.”¹⁰⁸ In the Anton-Alonso case, the Pilot had also taken the Ship’s Master aside and stated, “Know thou your Lordship ‘er is a *puto* onboard this ship.”¹⁰⁹ Throughout the early modern period, the construct of the peninsular ‘sodomite’ tended more toward the ‘virile’ albeit individuals usually referred to ‘*putos*’ perjoratively. In reference to the Boatswain, one page had asked another, “Are you aware that you are the most desired

onboard this ship by the meanest man in the world?"¹¹⁰ In colonial Mexico City, however, 'sodomites' became synonymous with notions of 'effeminacy,' the diabolical, an endemic cancer, all sentiments conspicuously absent in the construct of the peninsular 'sodomite.' Colonial authorities began prosecuting 'sodomy' soon after their arrival in New Spain.

The earliest known burning of a 'sodomite's by colonial authorities in Mexico can be traced back to 1530, when secular officials convicted Caltzontzin for "idolatry, sacrifice and sodomy."¹¹¹ Still later, in a letter dated 1596 written to the King Philip II, the Viceroy Count of Monterrey, informed the King that the court officials "merited praise and higher salaries for they had imprisoned and burned "some delinquents for the nefarious sin and other types of sodomy."¹¹² Subsequently, the Viceroy had ordered the apprehension of their known "accomplices in Guatemala" and he ordered the court officials to correspond with and compare their findings to "similar cases in Madrid."¹¹³ However, the Viceroy did not reveal the number of individuals involved nor the particular circumstances concerning the 1596 burnings in Mexico City. Fortunately, that type of documentation does exist for the mid seventeenth century, when in 1658, the Duke of Albuquerque informed King Philip IV that he had apprehended "nineteen prisoners, accused of having committed the 'nefarious sin'." "The idiocies and the circumstances of the nefarious sin are incredible and ancient--some of them have been at it for forty, thirty, twelve, or eight years--it appears that they have all been led astray by ten at the most." The Viceroy devoted the first three pages to the sodomy cases and thereafter, like the Count of Monterrey, argued incessantly for the need to raise the salaries of colonial civil servants.¹¹⁴ In addition to his letter, the Duke of Albuquerque sent three additional documents to the King.

They all described in greater detail the incidents of the 1658 sodomy trials. The first document, a concise two page letter written by Juan Manuel de Sotomayor, a Magistrate of the *Real Sala del Crimen* in Mexico City, erroneously depicted biblical history and graphically described diabolical images of 'sodomites' in epidemic proportions. In the process of his investigations, Sotomayor concluded that 'sodomy' or, what he defined as an "endemic cancer" had "extensively contaminated these provinces." "The mortal and nefarious vice" had even "infested and spread amongst prisoners held captive by the Inquisition in their particular jails and the ecclesiastical officials had also begun their own inquires." Not once, since his arrival as judge "twelve years earlier," had Sotomayor realized the "extent of the contamination." But, he consoled his King and himself having remembered, "as some saints had professed, that all sodomites died when Jesus Our Lord was born."¹¹⁵ Sotomayor conflated the

birth of Christ with the biblical city of Sodom, destroyed by fire and brimstone by Yahweh because of the supposed illicitly sexual activities of its inhabitants.¹¹⁶

The story of Miguel de Urbina, in particular, captivated Sotomayor's imagination. Urbina, an '*indio ladino*' of "good reason became rabid" one day after he had engaged "in a carnal act with his woman." Since Urbina customarily did not "communicate with her nefariously" but rather did so "with a man, in a fit of rage, he grabbed a burning candle and ignited, with fire, a statue of Blessed Baby Jesus that stood on an altar next to his bed." The statute, confiscated by the court and introduced as evidence against Urbina, "bore burnings on its face and its backside, its arms swelled and, its body filled with welts." The effects of the fire on the statue "caused the same effects on it as it would have caused on human flesh." Urbina had ventured beyond established boundaries. He had engaged in carnal relations outside the sacrament of marriage. And, he did so with another man. He had committed blasphemy when he torched the statue of Jesus. The human-like welts that "appeared" on the statue served notice of God's omnipresence and his disdain for the evils of sodomy. While the swells and the welts fascinated Sotomayor, 'cross dressers' had initially prompted the whirlwind of accusations that led to Urbina's arrest and imprisonment. In reference to the 'endemic infestation,' "My Lord," concluded Magistrate Sotomayor, "I had attempted to eradicate it unsuccessful until the twenty-seventh of September when I received notice that a woman had seen two men along the walls of the city's countryside committing the nefarious sin. . . I have had the happy prognosis of arresting this complicity and have begun to attack this rampant and extended cancer."¹¹⁷

An eight page summary report, written by a scrivener, silhouetted the particulars of the cases that included an index of the convicted or accused suspects.¹¹⁸ The index listed in alphabetical order the names, ethnicities, and the occupations of the over one hundred individuals sought by the Royal Criminal Tribunal.¹¹⁹

On Friday, 27 September 1658, recorded the Tribunal's scrivener, Magistrate Sotomayor, ordered Juana de Herrera, a '*mestiza*' laundress to appear before the Tribunal and to declare her findings.¹²⁰ "Last Thursday" stated Juana, "two men had approached her as she washed some clothes along the wall, outside the city, in the vicinity of San Lazaro." The two men, in a great haste, loudly cried out and encouraged her to, "Go see some men playing like dogs." Juana, "stood up and walked some distance until she saw two men, without breeches, one on top of the other, committing the nefarious sin." The "top man's cape" covered the "man on the bottom."

Thus, Juana had only recognized the “top man” as Juan de la Vega, ‘mulato’, “the one on the bottom looked like a ‘mestizo.’”¹²¹

Juan de la Vega had occupied quarters at a boarding house in the neighbourhood of *San Pablo*. But, by the time Sotomayor visited the area, Vega had moved on. Nonetheless, the Magistrate interrogated several persons at the household, and in particular Tomas de Santiago, an ‘indio,’ who knew Vega and described him as an “effeminate ‘mulato’ also known as *Cotita* which is the same as *mariquita*.”¹²² Vega walked with “over affected delicacy,” stated Santiago. “The ‘mulato’ twisted,” or sashayed “his waist, from one side to the other and he ordinarily wore a scraf or *melindre*, usually worn by women, on his forehead.” Too, Vega “wore many pendants.” The ribbons “hung from the openings of his white jacket sleeves.” When he “sat on the floor to receive his guests,” Vega assumed “the disposition of a woman.” He addressed his guests, usually “young boys or *mozuelos*” as, “My Dears, My Soul, or My Love.” The guests “sat and slept with him in the quarters.” Vega “felt offended” if his guests did not address him as *Cotita*. *Cotita* also “washed, prepared tortillas and little cakes.”¹²³ Santiago had on one occasion slept in *Cotita*’s quarters and on that night, with the help of moonlight, Santiago had witnessed Joseph Duran, ‘mestizo’ and Geronimo Calbo commit the ‘nefarious sin.’ Sotomayor eventually located Vega’s new abode. When he entered the quarters, he found Vega, Duran, Calbo, Miguel Geronimo ‘mestizo’ and Simon Chaves ‘indio’, together in the nude.” Sotomayor ordered their apprehension and had them taken to the Royal Prison.¹²⁴ With the exception of Miguel Geronimo, the other four individuals all “confessed to having committed the nefarious sin an infinite number of times and with many persons.” They related the place, time, day, month, year and other circumstances of these occurrences. They all testified against Miguel Geronimo.¹²⁵

These confessions also lead to the arrest of an “old *mestizo*,” named Juan de Correa of “over seventy years of age.” Initially, Correa denied all the accusations but later confessed that he had committed the ‘nefarious sin’ for “over forty years with many persons or since the age of seven years old.” Correa lamented the past. He “applauded” the fact that “the present century soon drew to a close” for not as many “took pleasure with him in this present century as they had in the past century, before the great inundation of the city when he still esteemed himself a beautiful girl.” Correa had then “dressed as a woman with other men as they pleased themselves having committed the ‘nefarious sin’.” Correa had taught his skills to other young boys and the others accused in these proceedings. He had hosted them in his house and he had spent his goods on them. Correa told the boys that although “he was old he was still a

beautiful little girl” and reminded them that “one should eat like a frog--from the waist downwards.”¹²⁶ Correa and other older men congregated in another house in the city where they received the frequent visits of other young and older men. At these gatherings, the “men acted like women” having addressed each other as 'girl' or by "the names of the most beautiful ladies in the city.” The men referred to “Miguel Geronimo as ‘*la Cangarriana*’¹²⁷ for he was quite promiscuous just like a very common prostitute that had lived in the city.”¹²⁸ The men knew Correa as ‘*la Estanpa*’ the name of a very beautiful lady that had lived in the city. At these frequent ‘parties,’ the men presented themselves as “gifts and they committed the ‘nefarious sin’ with each other.” Correa, “his cape lowered and worn around his waist, sayshased from side to side as he danced with the others then complained he felt sickly for he was with child.” “My Love, My Soul, “uttered the others as they presented Correa with “chocolate to ease his pain.”¹²⁹ The men also frequented the home of an ‘*yndio*’ named “Juan Currador in observation of the feast day of Saint Nicholas, where many men congregated in the oratory of the house danced like women.” There, they would cite themselves by word of mouth for future gatherings at different locations. Correa functioned as the courier who provided the men with the particulars of future gatherings, which usually coincided with religious feast days.”¹³⁰

The accused too denounced “Nicolas de Pisa, ‘*negro*’, seventy years old, with whom they had jealously quarreled with, over his *guapo*--"the name used by these men to refer to those with whom they committed these vile acts with.”¹³¹ The interrogations too revealed that Cristoval de Vitoria, “a Spanish man of over eighty years old, missing one eye, half blind of the other, small in stature, bald and humpbacked admitted to having committed the nefarious sin with his *guapo*, the twenty-three year old Geronimo Calbo ‘*mestizo*’.” Furthermore, declared Cristoval, he had “continuously committed the nefarious sin in this city since the great flood over thirty years ago.” He had however “lost count of the number of persons he had taught, as had Correa, to commit this harmful sin.”¹³² The accused also inculpated Benito de Cuebas ‘*mulato*’. The day before his arrest, as he “prayed with his beads at night, a very handsome, spruce and well built man with a good plight of a body, a gallant whom he had not seen before, went to his house and instructed him to ‘flee the city because his friends had been imprisoned accused of being ‘*putos*’.” Instead, the next day, Benito went to mass at the Cathedral where he again prayed with his beads and implored the assistance of Our Lady the Virgin of *Guadalupe* for he had sought “liberation from this sin.”¹³³ The interrogations of Benito and the others led to the arrests of nineteen men. Despite the

pleas of the advocates for the defense, the Royal Tribunal convicted fifteen of the nineteen prisoners and had their goods sequestered.¹³⁴

In that same 1658 letter to the King, the Viceroy Duke of Albuquerque Francisco Fernandez de la Cueva, surmised that the "actors and patients" had "without the need to submit them to torture, confessed the incredibly vile circumstances of their nefarious sin." "Two surgeons, of great and indisputable repute," continued the Viceroy had "examined each of the nineteen sinful bodies." "Indeed," declared the surgeons, "they had found the bodies very used and corrupted."¹³⁵ The Viceroy had "never, in the history of mankind ever heard of such complicities." However, reassured the Viceroy, His Majesty should not despair, for "no men of their fabrick nor those of the black cloth had been among the convicted who had all been *mestizos, indios, mulatos, negros* and all the rife-rafe of this Empire and city." Alas, The Royal Criminal Court had sentenced fourteen of these to burn at the stake.¹³⁶ Too, the Tribunal convicted Lucas Matheo, the lone fifteen years old boy, to 200 lashes and six years of mortar labour¹³⁷ And "on that given day," officials led the fifteen men to the site of the execution and burned them in the presence of Lucas as he received his lashes."¹³⁸ The interrogations of the nineteen men also led to the arrest of an additional one hundred others. Unfortunately, the fate of these men remains unresolved.

7

While the Major Generals in Andalusia prosecuted their cases having focused on the sailors' sexual object of desire--another boy or, on erotic style--penetration of the arse, Crown officials in Mexico City confronted what Marjorie Garber has identified as a "cultural fact"--transvestitism.¹³⁹ *Cotita* and *la estanpa*, as modes of self construction questioned the cultural representations of 'gender' and religion. For them, the borderline between 'male and female' became permeable and permitted the 'border crossings' from one category to another. The cross dressed '*mestizas*' functioned as marks of 'gender undecideability' and forced a category crisis that caused the colonial official to experience cultural anxiety. The presence of the transvestite in seventeenth century Mexico City signaled a category crisis for colonial officials. *Cotita* and *la estanpa* as symbols of over determination became mechanisms of displacement. They deconstructed the binary pole of male-female and in the process put in doubt the national binaries and power relations of early modern Spain and colonial Mexico.¹⁴⁰ The self-perception of 'effeminacy' facilitated a challenge, however limited and contradictory, to the dominance of the colonising Spaniards: for the emasculation of 'Indians' was also the basis for challenging specific colonial policies. On the other hand,

however, the anomalies in gender politics and the cross-dressed '*mestizas*' struggle for legitimacy in colonial Mexico City, also revealed what Partha Chatterjee has labeled the "paradox of the subalternity" and Sarkar has suggested--that is, that on the one hand, the self-perception of effeminacy is itself an expression of "hegemonic aspiration"¹⁴¹ The 'cross dressed *mestizas*' both accepted and resisted the colonial politics of manliness that cast them in the unenviable position of 'effeminate sodomites.'

Sixteenth and seventeenth century perception of manliness cannot be understood from the framework of discrete 'national' cultures; instead, they must be understood in relation to one another, and as a constitutive of each other. To do so is to understand the importance of imperialism in the construction of 'national' Spanish and 'colonial' Mexican politics of 'manliness'. Benedict Anderson recognized that 'nation' derived its identity from its inherence in a system of differences. "In the same way that man and woman define themselves reciprocally, but not symmetrically," nation "is determined not on the basis of its own intrinsic properties but as a function of what it is not."¹⁴² The nation ineluctably constructs itself by "what it opposes."¹⁴³ The Spanish 'nation' at the beginning of the sixteenth century coalesced around its persecution of "others"--Jews, Moors, 'sodomites,' and 'Indians.' The secular and ecclesiastical tribunals in part, satisfied Spain's "insatiable need to administer difference through violent acts of segregation, censorship, economic coercion, or physical torture."¹⁴⁴ I too recognize, as Homi Bhabha's work on nationalism suggests, that there is no privileged narrative of the nation--no "nationalism in general" such that any single model could prove adequate when one attempts to reconstruct its "myriad and contradictory historical forms."¹⁴⁵ Or as Etienne Balibar wrote, "nationalisms do not work everywhere the same way: in a sense they must work everywhere in a different way, this is part of the national 'identity.'"¹⁴⁶ My emphasis has been on the imperial constitution of the politics of Spanish 'manliness', and therefore, marks a point of departure from such pioneering works on sodomy prosecutions in early modern Spain as Raphael Carrasco's *Inquisicion y Represion*. Carrasco primarily focused on the repressive power of the Catholic Inquisition to explain the marginalisation of sodomites in early modern Valencia. Unlike Carrasco, my focus is much more on a broader historical specificity of colonial 'manliness.' Such a focus helps to refine the traditional historical writings on gender in early modern Spain/Mexico. For a historical understanding of 'Spanish manliness' from the perspective of the political, economic, and ideological developments of the early modern period requires extending the "exclusive national frame of reference to recognise its location in a larger imperial social formation."¹⁴⁷ My discussion of the

politics of colonial 'manliness' is meant to challenge the more traditional interpretations of early modernity in Spain or Mexico. Heretofore, much of the research on 'homosexuality' in colonial Mexico often mirrors literal interpretations of colonial documents. In this historico-literary account of 'homosexuality' in Mexico since the arrival of Hernan Cortez in 1521, Salvador Novo, a twentieth century Mexican writer, narrated the most sensational incidents of the 1658 sodomy trials in Mexico City.¹⁴⁸ Novo's preoccupation with the macabre obfuscated the complexities of the colonial institutions, as mechanisms of social control that fueled a repressive state apparatus, bent on constructions of sexuality. Decades later, Serge Gruzinski, addressed the contents of these same texts. However, his quantitative analysis is void of a broader frame of reference by which to contextualize the sodomy trials. Too, Gruzinski ignored important cultural nuances indicative of a vibrant and particular form of "subordinate" 'sodomitical culture in Mexico City.¹⁴⁹ If one focuses on colonial 'manliness' as the site for understanding the organisation of power in colonial Mexico, therefore, the analysis is not confined to the gender politics of colonial rule; rather, the focus is on colonial 'manliness' to attempt a fuller understanding of the multiplicity of domination and subordination in colonial Mexico.

Recent feminist scholarship has moved beyond an analysis of the 'sex-gender system' to understand much more than simply the history of women and sexuality. Gender is defined as a 'useful category of analysis' for explaining the many ways in which relations of power are constructed and represented in society. Gender was an important axis along which colonial power was constructed, and that, at the same time, the category of gender itself was never distinct from national, class or ethnic categories. Kumkum Sangari, Sudesh Vaid, and Sandra Bem have argued that all aspects of reality are gendered and that gender must serve as a mode of questioning all efforts at historical reconstruction; but, at the same time, they argue that since the experience of gender itself is implicated in other categories such as class/caste, race, nation and sexuality, an exclusive focus on gender can never be adequate for a feminist historiography.¹⁵⁰ Examples in which the politics of gender was complicated by its intersection with other categories is discussed within the narratives above devoted to the politics of ethnicity and xenophobia.

I have attempted not to privilege gender or any one of the other categories of analysis over another in the construction of the colonial politics of the 'peninsular sodomite' and the 'effeminate sodomite' in Mexico. The different cases discussed reveal the multiple scaffolds employed by the State for the construction of 'manliness' in the colonial period. Whereas my discussion of Bartolome-Juan Mule highlighted

xenophobic politics as an important context for early modern issues of 'manliness', the Mexican narratives exposed gender identities or the role of class and ethnic identity as the important contexts for colonial 'manliness'.

In the popular early modern imagination 'sodomitical' practices were associated with the favoured 'manly', or 'virile' fellows rather than with an 'effeminate sodomite', the object of colonial derision. The colonial focus on 'effeminacy' to distinguish the Mexico City 'sodomite' from the sexually virile peninsular 'sodomite' exposed the contradictions of a discourse that attempted to link sodomitical practices with a distinct homosocial personality defined in terms of "effeminacy and lacked of manly virility."¹⁵¹ These multiple attributes of 'colonial effeminacy' often disregarded, result in a neglected historical analysis of colonial contradictions.

The transformation of sodomy occurred as the institutions of social control--the State--Crown and alter--sought to institute a new society neatly categorized along nationalist, ethnic, and sexual boundaries. One commonly held assumption of colonial Latin American society is that post-Conquest institutions and values crystallized at the end of the sixteenth century and remained stable until the middle of the eighteenth century, a period often referred to as the "mature colonial period" or the "baroque era." The institutions of social control and cultural values of colonial Spanish society both altered significantly during the seventeenth century. The prosecution of 'sodomites' during the Spanish colonial period formed part of this new and embryonic state whose rupture with the tolerance afforded different forms of sexualities in previous centuries changed in context during the later part of the fifteenth century. But so too, did the definition of intolerance over the course of the early modern period as delineated by the various sodomy cases that have informed this paper.

Notes

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- ¹ *Cadiz ano de 1698 causa escriptta de oficio de justicia contra Juan Mole, Bartholome Barres, Juan Baptista Pino, y Phelip Esmirle, sobre decisse, aver cometido todos, el pecado de sodomia con el dicho Juan Mole. Archivo General de Indias. Escribania, 1105 B, 80-81. [Hereinafter cited as AGI] Unlike the Mexico City sodomy cases, archivists in Sevilla, have only recently catalogued those prosecuted by the *Audiencia de la Casa*, thereby providing researchers with some of the earliest accounts of sodomy prosecutions during the Spanish colonial period. The contents of the majority of these texts, unlike other known sodomy cases prosecuted by secular and ecclesiastical tribunals in Spain during its early modern period, remain shelved within the confines of the *Archivo General de Indias* in Sevilla. As of late, writers have fairly well documented the history of colonial elites, of the family, and of 'heterosexual men and women.' However, the historiography of early modern Spain and colonial Latin America reflects a lapse in the written histories of individuals considered on the liminal fringes of past societies.*
- ² *Garrote*. Se llama tambien la muerte que se ocasiona de la compresion de las fauces por medio del artificio de un hierro. In, *Diccionario de la lengua Castellana, en que se explica el verdadero sentido de la*

voces, su naturaleza y calidad, con las frases o modos de hablar, los proverbios o refranes, y otras cosas convenientes al uso de la lengua. Tomo Quarto. (Madrid: Imprenta de la Real Academia Espanola, 1734), p. 29

- 3 AGI. Escribania, 1105 B, 95i-96i.
- 4 AGI. Escribania, 1105 B, 101-101i.
- 5 AGI. Escribania, 1105 B, 101-101i.
- 6 AGI. Escribania, 1105 B, 52-52i.
- 7 AGI. Escribania, 1105 B, 1-3.
- 8 AGI. Escribania, 1105 B, 78.
- 9 AGI. Escribania, 1105 B, 5-5i
- 10 AGI. Escribania, 1105 B, 9.
- 11 AGI. Escribania, 1105 B, 10i.
- 12 AGI. Escribania, 1105 B, 52-53i.
- 13 AGI. Escribania, 1105 B, 58-58i.
- 14J . de Veitia Linaje, *Norte de la contratacion de las Indias occidentales* (Sevilla, 1672); R. Antunez y Acevedo, *Memorias historicas sobre la legislacion y gobierno del comercio de los espanoles cons sus colonias en las Indias occidentales* (Madrid, 1797); Chaunu, *Seville et l'Atlantique*, viii, I, pp. 182-4.
- 15 In Sevilla, the Tribunal consisted of a *letrado*/a judge with a formal degree in law, a public prosecutor, two scribes and other pertinent officials. On board ships, the Tribunal consisted of: the Captain General, who assumed the duties of judge; a court assistant; a scribe; and other assistants or counselors. The sole judge on land or at sea rendered the verdict. One could appeal a guilty verdict on board ships to the Tribunal on land. See, Juan Lopez de Velasco, "De la Casa de la Contratacion de Sevilla, y cosas proveidas para la navegacion de las Indias," In *Geografia y descripcion universal de las Indias* (Madrid: Atlas, 1971), p. 45. On the Spanish colonial legal system see, E. Schafer, *El Consejo real y supremo de las Indias.*; and, Mario Gongora, *El estado en el derecho indiano*. Every ship sailing between Sevilla and the Indies registered its voyage with the *Casa de la Contratacion*, which kept a record containing a detailed account of the ship, its company, and the contents of its cargo. The *Casa* regulated trade but it did not collect the *almojarifazgo* or customs collected at the Spanish and the American ends of the trade. The *Casa*, an administrative agency charged with regulating commerce between the peninsula and the new continent, controlled the fleets, shipments, and personnel involved in trade and colonization. For further discussion see, John Lynch, *Spain 1516-1598*, pp.232-236.
- 16 Francisco Tomas y Valiente, 'El crimen y pecado contra natura', in F. Tomas y Valiente, B. Clavero, A.M. Hespanha, J. L. Bermejo, E. Gacto and C. Alvarez Alonso (eds.), *Sexo barroco y otras transgresiones premodernas* (Madrid: Alianza Universidad, 1990), pp. 33-56.
- 17 Mrinalini Sinha, *Colonial Masculinity: The 'manly Englishman' and the 'effeminate Bengali' in the late nineteenth century* (Manchester: Manchester University Press, 1995), pp.1-24.
- 18 Ibid.
- 19' Bureaucracy,' in a broad and generic sense, connotes a delegated form of legitimate authority. For a discussion on the form of government transplanted to the 'Indies' by Spain see, Mario Gongora, *Studies in the Colonial History of Spanish America* (Cambridge: Cambridge University Press, 1975); J. H. Elliott, *Imperial Spain, 1469-1716* (London, 1963); Ernesto Schafer, *El Consejo real y supremo de las Indias: Su historia, organizacion y labor administrativa hasta la terminacion de la casa de Austria*, 2 Vols. (Sevilla, 1935-47).
- 20 On Spain and its prosecution of sodomities and other sexual transgressions see: Rafael Carrasco, *Inquisicion y repression sexual en Valencia: historia de los sodomitas 1565-1785* (Barcelona: Laertes, 1985); Ramon Rossello and Jaume Bover Pujol, *El Sexe a Mallorca: Notes Historiques* (Palma de Mallorca: Miquel Font Editor, 1992); Ricardo Garcia Carcel, *Herejia y sociedad en el siglo XVI: La inquisicion en Valencia 1530-1609* (Barcelona: Ediciones Peninsula, 1980); William Monter, "'Sodomy': The Fateful Accident," in Wayne Dynes & Stephen Donaldson, eds. *History of Homosexuality in Europe and America*, Vol. V (New York: Garland, 1992), pp. 276-299; Mary Elizabeth Perry, *Gender and Disorder in Early Modern Seville* (Princeton: Princeton University Press, 1990); Jaime Contreras,

- El Santo Oficio de la Inquisicion de Galicia: Poder, sociedad y cultura* (Madrid: Akal-Universitaria, 1982); Bartolome Bennassar, *Inquisicion Espanola: poder politico y control social* (Barcelona: Editorial Critica, 1984); F. Tomas y Valiente, B. Clavero, A. M. Hespanha, J.L. Bermejo, E. Gacto, C. Alvarez Alonso, *Sexo barroco y otras transgresiones premodernas* (Madrid: Alianza Universidad, 1990); Adelina Sarrion Mora, *Sexualidad y confesion, La sollicitacion ante el Tribunal del Santo Oficio, siglos XVI-XIX*, (Madrid: Alianza Universidad, 1994); and, Alberto Garcia Valdes, *Historia y presente de la homosexualidad* (Madrid: Akal Editor, 1981).
- ²¹ Solange Alberro, et. al., *El placer de pecar y el afan de normar: ideologias y comportamientos familiares y sexuales en el Mexico colonial* (Mexico: Planeta, 1986); Asuncion Lavrin, ed., *Sexualty and Marriage in Colonial Latin America* (Linclon, University of Nebraska Press, 1989); Michael Lee Penyak, "Criminal Sexuality in Central Mexico, 1750-1850," Ph. D. Diss. (New Haven: University of Connecticut, 1993); France V. Scholes & Eleanor B. Adams, eds. *Proceso contra Tzintzicha Tangaxoan el Caltzontzin formado por Nuno de Guzman, Ano de 1530* (Mexico, 1952); Sergio Ortega, ed., *De la santidad a la perversion o de por que no se cumplia la ley de dios en la sociedad novohispana* (Mexico: Editorial Grijalbo, 1986); Salvador Novo, *Las locas, el sexo y los burdeles* (Mexico: Editorial Diana, 1979).; Fernando Benitez, *Los demonios en el convento: Sexo y religion en la Nueva Espana* (Mexico: Ediciones Era, 1985); Guilhem Olivier, "Conquerants et missionnaires face au 'peche abominable,' essai sur l'homosexualite en Mesoamerique au moment de la conquete espagnole," *Cahiers du Monde Hispanique et Luso-Bresilien Caravelle*, No. 55, 1990, pp. 19-51.; and, Juan Leiva and Nicolas Montoya, *La cana rota, La confesion de un confesor sel siglo XVIII* (Berriozar, Navarra: Editorial Azagaya, 1995); and, Richard C. Trexler, *Sex and Conquest: Gendered Violence, Political Order, and the European Conquest of the Americas* (Oxford: Polity Press, 1995).
- ²² The recorded legal proceedings of a given case. They varied in length from 100 to more than 500 folios per case.
- ²³ George L. Mosse, *Nationalism and Sexuality: Middle Class Morality and Sexual Norms in Modern Europe* (Madison, Wisconsin: University of Wisconsin, Press, 1985).
- ²⁴ The Captaincy formed part of a group of Spanish galleons sailing back and forth in the Atlantic Ocean. On board, it housed its crew, soldiers, their supplies, and their military equipment. The Captaincy guided the entire fleet either into or out of the harbours and ports as it sailed ahead of the Admiral's Galleon. For further descriptions of the galleons see, Carla Rahn Phillips, *Six Galleons for the King of Spain* (Baltimore and London: John Hopkins University Press, 1986). On patterns of immigration see: Auke Pieter Jacobs, "Migraciones laborales entre Espana y America. La procedenica de marineros en la carrera de Indias, 1598-1610," *Revista de Indias* LI, 193 (Septiembre-diciembre, 1991): 523-543.; and, Idem, *Los movmientos migratorios entre Castilla e Hispanoamerica durante el reinado de Felipe III, 1598-1621* (Amsterdam & Atlanta: Rodopi, 1995). Juan Lopez de Velasco, "De la Casa de la Contratacion de Sevilla," p. 46.
- ²⁵ I owe this point to Arij Ouweneel.
- ²⁶ Sergio Ortega Noriega, "El discurso teologico de Santo Tomas de Aquino sobre el matrimonio, la familia y los comportamientos sexuales," In Solange Alberro, ed., *El placer de pecar & el afan de normar* (Mexico: Contrapuntos, 1987.), pp. 17-78.
- ²⁷ Fray Juan de Enriquez. *Questiones practicas de casos morales*. Madrid, 1665.
- ²⁸ Antonio Gomez, *Ad Leges Tauri commentarium absolutissium*, Matriri , MDCCLXXX, a la Ley LXX, Nos. 32-25, pp. 704-708. "si alguien realiza un acceso carnal que no esta ordenado al coito natural y a la generacion dentro de su especie, comete delito y crimen contra natura." In 1550, Antonio Gomez a Castillian jurist wrote "One commits the crime and sin against nature if one realizes carnal access other than natural coitus."
- ²⁹ I do not imply that 'women' did not engage in 'sodomitical' practices. This issue, however, is beyond the scope of this paper. The historical texts are riddled with references to 'women sodomites'. I refer to those instances in another chapter of my up upcoming dissertation.
- ³⁰ R. Carrasco, *Inquisicion y repression sexual en Valencia*, pp. 31-32. Sodomy meant three things: in the formal sense--a sin of lust; in a more general sense--it became synonymous with sin against nature including bestiality; and thirdly--a trope or metonym depicting the image of fornication through the

"filthiest orifice" between men.

- 31 *Diccionario de Autoridades*, Vol. II (Madrid, 1963), p. 658 b. "Nefando: indigno, torpe, de que no se puede hablar sin empacho. . . Pecado nefando. Se llama el de Sodoma, por su torpeza y obscenidad." R. Carrasco, *Inquisicion y repression sexual en Valencia*, p. 32. In the vernacular, it meant 'sodomita, sodomista, sodomitico, sometico,' all derivatives of 'sodomite,' as well as "bujarron, puto, marica, maricon".
- 32 **Proceso contra Gaspar Caravallo mulato despensero de la nao de Rodrigo Diaz por suzio y desonesto y aver querido cometer el pecado nefando contra natura con unos pajes del la nao. 1591.**
AGI. Contratacion, 5730, N.8, R. 4. 1-4vto.
- 33 AGI. Contratacion, 5730, N.8, R. 4., 7vto-8.
- 34 AGI. Contratacion, 5730, N.8, R. 4., 9-12vto.
- 35 AGI. Contratacion, 5730, N.8, R. 4., 13.
- 36 AGI. Contratacion, 5730, N.8, R. 4., 9.
- 37 Ibid.
- 38 AGI. Contratacion, 5730, N.8, R. 4., 14-14vto.
- 39 AGI. Contratacion, 5730, N.8, R. 4., 20vto.
- 40 AGI. Contratacion, 5730, N.8, R. 4., 21.
- 41 AGI. Contratacion, 5730, N.8, R. 4., 20 vto.
- 42 AGI. Contratacion, 5730, N.8, R. 4., 21 vto.
- 43 a quintall or hundred weight
- 44 AGI. Contratacion, 5730, N.8, R. 4., 22-24.
- 45 AGI. Contratacion, 5730, N.8, R. 4., 25.
- 46 AGI. Contratacion, 5730, N.8, R. 4., 26.
- 47 AGI. Contratacion, 5730, N.8, R. 4., 27-32. His Majesty's Sollicitor General at *La Casa de la Contratacion* in Sevilla held the Master of the ship, Juan de Lambarri responsible and in contempt of the law for not having accounted for the whereabouts of Gaspar Caravallo as the fleet docked in the harbour.
- 48 *Proceso contra Cristoval, grumete de la nao Escorchapin sobre haber cometido el pecado nefando con Gaspar, grumete de la misma nao, 1560-1561*, AGI. Justicia, 1181, N.2, R. 5, p. 1vto-10vto.
- 49 AGI. Justicia, 1181, N.2, R.5, p. 8-8vto.
- 50 AGI. Justicia, 1181, N.2, R.5, p. 14.
- 51 AGI. Justicia, 1181, N.2, R.5, p. 18.
- 52 AGI. Justicia, 1181, N.2, R.5, p. 19.
- 53 AGI. Justicia, 1181, N.2, R.5, p. 24-25vto.
- 54 AGI. Justicia, 1181, N.2, R.5, p. 45.
- 55 AGI. Justicia, 1181, N.2, R.5, p. 47-49.
- 56 AGI. Justicia, 1181, N.2, R.5, p. 57-65.
- 57 AGI. Escribania, 1105 B, 16vto.
- 58 AGI. Escribania, 1105 B, 18.
- 59 AGI. Escribania, 1105 B, 16vto.
- 60 AGI. Escribania, 1105 B, 25-25vto.
- 61 AGI. Escribania, 1105 B, 25vto.-27.
- 62 AGI. Escribania, 1105 B, 27vto-28.
- 63 Soldier who fired the Lombardy guns.
- 64 *Sevilla. Ano de 1562. Proceso criminal fecho por el ilustre Senor Pedro Menendez de Aviles General de Armada contra Anton de Fuentes y Alonso Prieto sobre el pecado nefanda y haver intentado cometer el pecado nefando en la misma embarcacion.* AGI. Justicia, 855, N. 11, sn.
- 65 AGI. Justicia, 855, N. 11, 6-6vto.
- 66 AGI. Justicia, 855, N. 11, 10-22. Campos is fifty years old and Fernandez is over thirty years of age. See Appendix One for a list of the sequestered list of inventory. The Captain General ordered Miguel de Santa Maria, the custodian of the sequestered possessions to pay the following fees from Anton's deposits: 3 ducados to Alonso de Segura, the scrivener of this case; 1 ducado to Juan de Alva, the Royal Costable for the imprisonment of the goods; 1 ducado to Jualian de Guadalajara, the

executioner who went to the Captaincy and tortured Anton; 2 ducados to Alonso Ortis, the pursurer on the Captaincy who cooked for Anton while he remained imprisoned. Furthermore, he had to pay 10 ducados to Juan Martinez, His Majesty's Royal Scrivener, who took the prisoner from the Captaincy to the Casa's jail in Sevilla. The total costs equaled 17 ducados or 187 reales.

67 AGI. Justicia, 855, N. 11, 32-33.

68 AGI. Justicia, 855, N. 11, 17vto-19vto. [The executioner placed the nude Anton, his hands tied, on a trow mill. Also known as horse or burro. A machine on which sawyers saw their boards and timbers. An indented wheel which puts the machine in motion that twists and reels silk. He received nine rotations of the small ropes or *garrotes* that had been tied about the brawny part of his arms and the shinbone of his legs. The executioner again repeated the same sequence of the inflicted torture. He then placed a woolen cloth over Anton's face and poured six jugs of water into his mouth and thereafter poured some more water into Anton and added even more small ropes about his muscles.]

69 AGI. Justicia, 855, N. 11, 26-47vto.

70 Ibid.

71 AGI. Justicia, 855, N. 11, 62.

72 1606. *Proceso criminal fulminado de oficio de la Real Justicia contra El alfez xines cavallero del castillo sobre acusarle que yntento el pecado de sodomia.* AGI. Contratación 72. N1, R2. sn.

73 AGI. Contratación 72. N1. R2. 1.

74 AGI. Contratación 72. N1. R2. 2-5.

75 AGI. Contratación 72. N1. R2. 6-6vto.

76 AGI. Contratación 72. N1. R2. 23vto.-24.

77 Ibid.

78 AGI. Contratación 72. N1. R2. 31-31 vto.

79 Ibid.

80 AGI. Contratación 72. N1. R2. 54.

81 AGI. Contratación 72. N1. R2. 165vto.

82 *Sevilla Año 1566 El fiscal de S.M. con Pedro Fernandez grumete Sobre que le acusa haver cometido el pecado nefando.* AGI. Justicia, 882, N.2, 8vto.

83 AGI. Justicia, 882, N.2, 1-1vto.

84 AGI. Justicia, 882, N.2, 2.

85 AGI. Justicia, 882, N.2, 1 vto.

86 AGI. Justicia, 882, N.2, 5vto.

87 AGI. Justicia, 882, N.2, 4vto-5.

88 AGI. Justicia, 882, N.2, 7-7vto.

89 AGI. Justicia, 882, N.2, 12-12vto.

90 AGI. Justicia, 882, N.2, 20.

91 AGI. Justicia, 882, N.2, 29-31.

92 AGI. Justicia, 882, N.2, 34-39.

93 AGI. Justicia, 882, N.2, 39vto.

94 AGI. Justicia, 882, N.2, 40.

95 AGI. Justicia, 882, N.2, 42.

96 AGI. Justicia, 882, N.2, 43-43 vto.

97 AGI. Justicia, 882, N.2, 48-48vto.

98 Ibid.

99 AGI. Justicia, 882, N.2, 49-49vto.

100 AGI. Justicia, 882, N.2, 50.

101 Ibid.

102 AGI. Justicia, 882, N.2, 1-12.

103 Ramon Gutierrez, *When Jesus Came the Corn Mother Went Away* (Stanford: Stanford University Press, 1991).

104 *Puto.* El hombre que comete el pecado nefando. In, *Diccionario de la lengua Castellana en que se explica el verdadero sentido de las voces, su naturaleza y calidad, con las frases o modos de hablar, los proverbios o*

- refranes, y otras cosas convenientes al uso de la lengua. Vol. V. (Madrid: Real Academia Espanola, 1737), p. 443.
- ¹⁰⁵ Ibid. Vol. I. p. 589. *Bellaco*. El hombre de ruines y malos procederes, y de viles respetos, y condicion perversa y danada.
- ¹⁰⁶ AGI. Justicia, 1181, N. 2, R. 5, p. 2--2vto.
- ¹⁰⁷ AGI. Justicia, 1181, N.2, R.5, p. 4 vto.
- ¹⁰⁸ AGI. Contratación 72. N1, R2. sn.
- ¹⁰⁹ AGI. Justicia, 855, N. 11, 10.Melchior de Campos, 15 years old and the pilot 30 years old both provided additional testimony. See folios 4-5.
- ¹¹⁰ AGI. Justicia, 882, N. 2, 4vto-5.
- ¹¹¹ France V. Scholes and Eleanor B. Adams, eds., *Proceso contra Tzintzicha Tangaxoan el Caltzontzin formado por Nuno de Guzman, Ano de 1530* (Mexico, 1952).
- ¹¹² *Carta del Virrey Conde de Monterrey, 4 noviembre 1596*. AGI, Mexico 23, N 60. On the life and administration of Gaspar de Zuniga, Count of Monterrey see, Lewis Hanke, ed., *Biblioteca de Autores Espanoles, Los Virreyes Espanoles en America durante el gobierno de la Casa de Austria, Mexico, Vol. II* (Madrid: Atlas, 1977), pp. 125-130.
- ¹¹³ Ibid.
- ¹¹⁴ *Carta del Virrey Duque de Alburquerque, 15 noviembre 1658*. AGI Mexico 38, N 57. For bigraphical information on the Duke of Alburquerque see, Lewis Hanke, ed., *Biblioteca de Autores Espanoles, Los Virreyes Espanoles en America urante el gobierno de la Casa de Austria, Mexico, Vol. IV* (Madrid: Atlas, 1977), pp.
- ¹¹⁵ *Carta del Alcalde, 19 noviembre 1658*. AGI, Mexico 38 N 57A.
- ¹¹⁶ Vern L. Bullough and Bonnie Bullough, *Sin, Sickness and Sanity: A History of Sexual Attitudes* (New York: Garland Publishing, Inc., 1977), p. 25.
- ¹¹⁷ AGI. Mexico 38, N 57 A. 2. *A su Magestad, Mexico 19 de noviembre 1658, Don Juan Manuuel de Sotomayor, Mayor Alcalde del Crimen*.
- ¹¹⁸ *Testimonio de las causas, 14 diciembre 1658*. AGI, Mexico 38, N 57B.
- ¹¹⁹ *Memoria de los ajustisiados por haver cometido el pecado nefando, 14 diciembre 1658*. AGI, Mexico 38, N 57C.
- ¹²⁰ AGI. Mexico 38, N 57 B. 29
- ¹²¹ Ibid.
- ¹²² Ibid. “. . . y su merced fue a la casa de doña melchora de estrada que es al barrio de San Pablo y se havia mudado della Juan de la Vega y recivio en ella ynformacion de las personas que vivian en dicha casa de quien era Vega y se averiguo que hera mulato afeminado que le llamaban Cotita ques es lo mesmo que mariquita.”
- ¹²³ AGI. Mexico 38, N 57 B. 29-30. “. . . y que el mulato se quebrava de cintura y traia atado en la frente de hordinario vn pañito que llaman melindre que vsan las mugeres y que en las aberturas de las mangas de vn jubon blanco que traia puesto traya muchas cintas pendientes y que se sentava en el suelo en un estado como muger y que hacia tortillas y lababa y guisaba y le visitavan vnos mozuelos aquienes llamaba de mi alma mi vida mi corazon y los susodichos se sentavan con el y dormian juntos en vn aposento, y Vega se ofendia sino le llamaban Cotita.”
- ¹²⁴ AGI. Mexico 38, N 57 B. 30.
- ¹²⁵ Ibid.
- ¹²⁶ AGI. Mexico 38, N 57B. 31.
- ¹²⁷ *Gangrenarse*. Padecer alguna parte del cuerpo de gangrena. Algunos escriben Cangrena o Cangrenarse. Termino de Cirugia. Principio de corrupcion en las partes carnosas, que las va mortificando y quitando la sensacion.
- ¹²⁸ AGI. Mexico 38, N 57 B. 31.
- ¹²⁹ AGI. Mexico 38, N 57 B. 32.
- ¹³⁰ AGI. Mexico 38, N 57 B. 31-32. The majority of the accused had replicas or images of Our Lady and other Saints in their oratories.
- ¹³¹ In today's vernacular, *guapo*, literally handsome, probably referred to a form of 'friend', 'partner', or 'lover'.

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- 132 AGI. Mexico 38, N 57 B. 32.
- 133 AGI. Mexico 38, N 57 B. 32-33.
- 134 AGI. Mexico 38, N 57 C. The list included: Juan de la Vega; Geronimo Calbo; Miguel Geronimo; Joseph Duran; Simon de Chaves; Juan Correa; Nicolas Pisa; Christobal de Vitoria; Benito de Cuebas; Domingo de la Cruz *yndio*; Matheo Gaspar *yndio*; Juan Martin *yndio*; Miguel de Vrbina *yndio*; Juan de Ycita *yndio*; and Lucas Matheo *mestizo*
- 135 AGI. Mexico 38, N 57 B. 35.
- 136 AGI. Mexico 38, N 57.
- 137 *Mortero*. Una machina de guerra bien conocida, para disparar bombas y otros artificios de fuego.
- 138 AGI. Mexico 38, N 57 B. 34.
- 139 Marjorie Garber, "The Occidental Tourist: M. *Butterfly* and the Scandal of Transvestism," In Andrew Parker, et. al., *Nationalisms and Sexualities*, pp. 121-146. Also see, Idem, *Vested Interests: Cross Dressing and Cultural Anxiety* (New York: Routledge, 1992).
- 140 M. Garber, "The Occidental Tourist," pp. 125-130.
- 141 T. Sarkar, 'The Hindu Wife and the Hindu Nation: Domesticity and Nationalism in Nineteenth-Century Bengal', *Studies in History*, 8:22 (1992), 219-220.
- 142 Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1983), 15-16. See also, Andrew Parker, Mary Russo, Doris Sommer, and Patricia Yaeger, eds., *Nationalisms & Sexualities* (New York & London: Routledge, 1992), p. 5.
- 143 Perry Anderson, "Nation-States and National Identity," *London Review of Books*, May 9, 1991, p. 3, and John Breuilly, *Nationalism and the State* (Chicago: University of Chicago Press, 1982), p. 380.
- 144 Cf. Khachig Tololyan, "The Nation-State and Its Others," *Diaspora*, 1, 1 (Spring 1991), p. 6.
- 145 Homi K. Bhabha, ed., *Nation and Narration* (New York: Routledge, 1990).
- 146 Etienne Balibar, "Racism as Universalism," *New Political Science*, 16/17 (Fall/Winter 1989), p. 19.
- 147 M. Sinha. *Colonial Masculinity*. p. 3.
- 148 Salvador Novo, *Las locas, el sexo y los burdeles*. Novo conflated the histories of secular and ecclesiastical tribunals. Both held prominence at the time in the Viceroyalty of New Spain. However, between 1521 and 1698, sodomy records exist only for secular tribunals. This evidently changed for, between 1750 and 1850, only the Mexican Inquisition prosecuted sodomy cases as well as other forms of "sexual crimes." On the Mexican Inquisition and sodomy see, Michael Lee Penyak, "Criminal Sexuality in Central Mexico, 1750-1850."
- 149 Gramsci's described "subordinate classes" as a culture in juxtaposition to a "dominant class" in power without relegating the former to paternalistic connotations of "inferiority." See, Antonio Gramsci, *Selections from the Prison Notebooks of Antonio Gramsci*, trans. and ed. Quentin Hoare and Geoffrey Nowell Smith (New York: International Publishers, 1972). Serge Gruzinski, "Las cenizas del deseo. Homosexuales novohispanos a mediados del siglo XVII," In Sergio Ortega, ed., *De la santidad a la perversion o de por que no se cumplia la ley de dios en la sociedad novohispana* (Mexico: Editorial Grijalbo, 1986), pp. 255-281.
- 150 Sandra Lipsitz Bem. *The Lenses of Gender*. (New Haven: Yale University Press, 1993.)
- 151 M. Sinha. *Colonial Masculinity*. p. 19.