VIR. Perceptions of Manliness in Andalucia and Mexico 1561-1699
Garza Carvajal, F.

Link to publication

Citation for published version (APA):

General rights
It is not permitted to download or to forward/distribute the text or part of it without the consent of the author(s) and/or copyright holder(s), other than for strictly personal, individual use, unless the work is under an open content license (like Creative Commons).

Disclaimer/Complaints regulations
If you believe that digital publication of certain material infringes any of your rights or (privacy) interests, please let the Library know, stating your reasons. In case of a legitimate complaint, the Library will make the material inaccessible and/or remove it from the website. Please Ask the Library: http://uba.uva.nl/en/contact, or a letter to: Library of the University of Amsterdam, Secretariat, Singel 425, 1012 WP Amsterdam, The Netherlands. You will be contacted as soon as possible.

Download date: 11 Dec 2018
Prologue: Varied Textures

"Madam, language is the instrument of empire".1

In December 1998, I came upon an homage to Felipe II and his reign from 1556-98 appropriately titled Las tierras y los hombres del rey which was exhibited in the newly refurbished Palacio de Villena in Valladolid. In an introductory article in the exhibition catalogue, the recently demoted conservative Spanish cabinet Minister of Education and Culture, Esperanza Aguirre Gil de Biedma, wrote that, "a true understanding of the period and of Felipe II would not be complete without offering an ample panorama of the territories and the persons who comprised his monarchy". Specifically, the former Minister referred to "the men who constituted the instruments of government, the diplomats, the counsellors, the officers of the military, the courtiers, in short, the King's men— all privileged protagonists who had actively participated in a project" initiated by Felipe II.

What's more, continued Aguirre Gil de Biedma, these "privileged protagonists and the monarchy of Felipe II had created the conditions necessary for an intense circulation of ideas and persons". "Italian engineers who worked in America, Spanish artists completely caught up in Italian currents, academicians who studied and taught in Flanders, Italy, Spain and Portugal" had all "witnessed a continuous fruition of intellectual communication, both technical and artistic, which had helped to shape the felipina monarchy". With this homage to Felipe II, the Minister wished "to highlight the richness of a cultural model which transcended the limits of one sole nation".2 Is 'true intent' possible in the representation of history? What about the men not considered wedded to the imperialistic politics of the King? Did they, or women in general, not comprise any part of this early modern undertaking? 'Circulation of ideas', certainly, but specifically which ideas? And can one 'truly' argue that these particular ideas actually held sway in other European or non-European cultures during the 'felipina' epoch?

Aguirre Gil's use of a "diachronic analogy" --'filipinismo' to denote 'a past 'explained' in the images of the present, or in 'past images' fixed to a specific content in the present"-- ironically revealed more about the former
Minister's "own position in society, particularly with respect to ideology" and rather less about so-called 'truths' related to the epoch of Felipe II. Indeed, according to Ouweeneel, one can only begin to "understand" the past, that is, in the form of writing or representing history, if one "can 'understand' the present: not the whole of present-day society, but one's own position" or in the words of Spivak, one's 'positionality' or 'subjectivity' in that society.

Siegel has also referred to visions of an 'objective' history, devoid of ideology, as surreal. Both history's and the historian's discursive practices actually seek to buttress social structures of domination or those structures which confer upon an 'individual' one's own hegemonic status of power. Within this power group, Siegel identified those of a dominant economic class, of a dominant gender, of a dominant 'sexual orientation', of a dominant ethnicity, in short, of a dominant culture. This power group excludes all 'others' and rejects those cultural attributes associated with a 'subaltern'. Gramsci has characterized the subaltern as a category of difference, represented by an unspecified social group, which signified opposition to the ruling classes.

Aguirre Gil's status within such a power group and the Minister's own 'worldview' influenced the ethos emanating from the Valladolid exhibition to such an extent that, no "fact" nor "true understanding" of Felipe II, of his men and that epoch is 'objectively' possible for either a postColonial writer or cultural Minister. It seems like "an illusion" of sorts to suppose that one could ever give a definitive account of the 'felipina' Monarchy and its men, for one possesses no "objective criteria" by which to determine the "truth or falsity" of past representations.

Unlike Aguirre Gil, I shall make no such claims of a 'true understanding' aimed at representing this or that. Instead, the reader will be treated to one 'subjective' interpretation, albeit a 'plausible' explanation of sodomy prosecutions in Spain-Hispania Nova during the early modern period. The construction of sodomie as a 'crime and sin against nature' in the peninsula and in the viceroyalty constituted a discourse fabricated by Monarchs, theologians and other writers.

Vir, interrogates the specific ideas that nurtured the discursive descriptions of, what I will refer to as, early modern 'Spain on Sodomie' or SoS. Although a glimpse of 'sodomitical cultures' will be garnered as this work unfolds, the focus of this study is on those discourses which reflected Spain's imperialist-colonialist politics related to perceptions of 'manliness', of sodomie and not necessarily on the 'historical reality' of our sodomites or our theologians. At the dawn of a new century, the Catholic Monarchs, Isabel and Fernando, began to draft the tone of Spain's new cultural policies.
Their celebrated 1497 Royal Edict exclusively related to sodomy, the first such decree during Spain's colonial epoch, marked a rupture with the libertinism afforded sodomitical practices in the peninsula prior to that year.

Specifically, my study focuses on the discourses of sodomie that emanated from Andalucía, centre of Spain's colonial undertaking, and México, its first and largest viceroyalty. The archival documents consulted for this study cover the period between 1561, the year of the earliest sodomy prosecutions during Spain's colonial epoch, and 1699, the year that marked the death of Habsburg rule in Spain-New Spain.

A number of questions are central to this study. Why did the Spanish courts prosecute sodomites in Spain-New Spain during the early modern period and what sort of discourses did these prosecutions generate? Can one link perceptions-prosecutions of sodomy to notions of early modern Spanish 'manliness'? Furthermore, can one argue that early modern Spanish perceptions of 'manliness' intertwined themselves with Spain's imperialist-colonialist politics? Finally, can one establish that textual perceptions of sodomie, of sodomites differed in context or even changed in content in the peninsula or in the viceroyalty during the early modern period?

As the early modern period aged, Spain-New Spain functioned as a single colonial space and not as discrete entities, culturally independent of each other. Thus, I have situated my discussion of sodomy prosecutions within the imperial sphere and not within the more discrete charm of 'gender' or 'nation' as the most useful category of analysis. This is in order not to ghettoise the historicity of early modern Spanish sodomy prosecutions as yet another nauseating dosage of "gay, queer identified, transgender" or whatever today's être en vogue signifier inimical to historical inquiry.

Chakrabarty, Dirlik, During and Spivak have all cautioned that recent concessions to 'marginality' studies within the first world metropolitan academy often serve to identify, confirm, and thereby exclude, certain cultural formations as chronically marginal. Sodomy prosecutions in early modern Spain-New Spain functioned as anything but marginal. The discursive descriptions of sodomie and sodomites were firmly anchored within the realm of early modern Spanish imperial politics. These early modern perceptions of sodomy and 'manliness', specific to early modern Spain-New Spain, may or may not have held any conviction in other European or non-European countries during similar historical junctures.

Nonetheless, cultural formations, historical data or representations of history have "no meaningful existence and truth independent of the historian" or any other representor. This is because representors of history attach "meaning and coherence" to their re-presentations as they "work with
gathered data and render it intelligible to themselves" and to their prospective audiences. The historian's 'positionality' and the 'subjectivity' of an historical object of study indubitably contribute to one's own singular interpretation of a given epoch or figure. If one recontextualises Marx or Nietzsche, 'truth' emerges as nothing more than a collective lie manifested by the very sort of repression it generates and perpetuates.

'Description', according to Ahmad "is never ideologically or cognitively neutral". When one 'describes', one specifies a "locus of meaning", one "constructs an object of knowledge" and one "produces a knowledge that will be bound by that act of descriptive construction". Early modern theologians, historiographers and literary writers --otherwise known as 'los moralistas' in the vernacular-- aptly utilized 'description' as one "central" aspect in the "colonizing discourses" of early modern Spain. By assembling a "monstrous machinery of descriptions" --of bodies, of speech acts, of conflicts and desires, of politics, of sexualities--, the early modern moralists' discourses "classified and ideologically mastered colonial subjects" both in the peninsula and in New Spain.

Early modern Spanish theologians, casuists and other writers sequestered a particular vernacular for the narration of sodomie, a language fictionalised or invented to narrate the various tropes associated with the early modern Spanish sodomite. The moralists' discursive descriptions of sodomites within the Spanish realm enabled "the transformation of descriptively verifiable multiplicity and difference into the ideologically felt hierarchy of value". Thus, to say that what one is representing is 'essentially descriptive' is to assert a "level of facticity which conceals its own ideology, and to prepare a ground from which judgments of classification, generalization and value can be made". In the Ahmadian vernacular, early modern SoS is a particular sort of ideology. In my effort to sketch that specific culturally ideological portrait for my study of early modern SoS, I have resorted to a mélange of epistemologies.

A Kaleidoscopic Mélange

This study of early modern SoS adheres to diverse methods of cultural analysis such as 'western' Marxism, postStructuralism, and postColonialism. From 'western' Marxism, I have re-appropriated the notion of a 'national bourgeoisie', a determinate ideological form of cultural production defined as both repressive and bourgeois. In Spain, the ascendancy of an embryonic 'national bourgeois state' and its form of 'cultural nationalism', began to coalesce at the beginning of the sixteenth-century, well into the
reign of Isabel and Fernando. Spanish contemporary political theorists had already begun to speak of 'Spain' as a Universal/World Monarchy to champion Christendom over Protestantism and defend Europe from the threat of the 'despotic' Ottoman Empire.¹⁵

The focus on early modern Spain's repressive ideology makes it possible to interrogate its "cultural superstructures in general and its literary production in particular" as advocated by Anderson.¹⁶ In an effort to avoid reductionist notions often associated with "the analytics of textual reading" I have attempted to identify the "determinate set of mediations" which connected the cultural productions of the early modern moralists with "other kinds of productions and political processes", a central concern of western Marxist cultural historiography with respect to issues of Empire and colony. My discussion of SoS seeks to 'periodize' shifts in the 'ideological ensembles' and in the cultural production of said perceptions in terms of their "eventual determination by rifts in the larger structure of global productions and politics in general".¹⁷

Derrida's ideas of 'identity and difference' informed my attempt to posit that early modern Spain 'needed' to constitute the sodomite or Hispania Nova both as its 'other', thereby constituting itself, its own 'subject position' and its notions of the 'perfect Spanish Vir or Man'.¹⁸ My critical reading of Spain's imperialist-colonialist discourses related to notions of manliness, of sodomie supports this idea of constituting identity through difference and the representation of an 'inferiorized other'.¹⁹ Critical 'readings' of texts, wrote Smith can "exploit disjunctures in the operations of colonialist discourse" or they could also "plunder anomalies in the texts, noting displacements, ambiguities and heteroglossic cultural valences". For Smith, "head-hunting", after all "is like 'reading' for someone else's knowledge is returned to the socius for dissemination". Conversely, 'reading' is like 'head-hunting', "in that a 'body' of knowledge is decapitated or severed from its contexts".²⁰

Additionally, Foucault's epistemological juxtaposition of 'archaeology' and 'discourse' —not just things 'said' but also as 'practice' or 'something formed in language'²¹— shaped my interrogation of early modern perceptions of Vir, of 'manliness', by extension of sodomites in Spain and the subsequent variations of those definitions pertinent to Hispania Nova. Hence, my emphasis on cataloguing the numerous names as well as both canonical and non-canonical writings of those who actively nurtured the discursive descriptions of sodomie and of 'manliness'. Narrowing the focus to perceptions of sodomy and notions of 'manliness', as a colonial discourse, helped illustrate how this initial practise generated other discourses linking these perceptions with xenophobia, religion, or catastrophic occurrences in
the peninsula and with anthropophagy, human sacrifices or effeminacy in *Hispania Nova*.22

In my effort to express a different articulation of 'manliness' in early modern Spain-New Spain, I interrogated the archival/literary production of *sodomie*, not by privileging some 'transhistorical right' to same-sex marriages as proposed by Boswell, nor by denying the 'historical reality' of the "sedimentations which gave particular collectivities of people" such as the *sodomite*, the *berdache*, the *Indio* --"real civilizational identities"-- as demonstrated by Trexler's dubious claims on 'sex and conquest'.23 Instead, I strived for a more "rationally argued historical narrativization of the social content and the accompanying historic project" for each particular epoch where sites of sodomy prosecutions have emerged.24 New colonial historians, then, writing on Spain or on *America Septentrionalis* should note that Foucault, in *Discipline and Punish* negated any "integral relationship between Ancient Greek and modern Western Europe", except as Ahmad has noted, that "post-Renaissance Europe began to trace its lineage, in a more or less fantastic manner, from that Antiquity, while reversing most of its prevailing presuppositions".25

Although Foucault later abandoned his 'strict sense' of periodization in the *History of Sexuality*, he nonetheless located the constitution of 'western episteme', historically, in the processes that ranged from roughly the sixteenth to the eighteenth-century, between which, he noted the emergence of bourgeois society which extended from the so-called 'primitive' accumulation up to the first Industrial Revolution.26 Foucault located the rise of discourse --an epistemic construction-- in the sixteenth century. He defined 'discourse', as a "coextensive corollary, a rationalism of the post-medieval kind, alongside the increasing elaborations of modern state forms, modern institutional grids, objectified economic productions and modern forms of rationalized planning".27 I have represented Spain's historic prosecution of sodomites precisely within the context of this new episteme and the rise of discourse in the early modern period.

Lastly, I have located my history of SoS squarely within the field of postColonialism in the sense that postColonial theory and criticism has defended its discursive protestations against 'major' knowledges, and on behalf of 'minor'/deterritorialised knowledges, identified as "quintessentially political and oppositional" by Seth, Gandhi and Dutton. For them, the paradigm of postColonialism remains

"undeniably and necessarily vague, a space for critical dissent and dissection rather than an authoritative voice of what it was to be colonialism, a gesture rather than a demarcation, one that points not towards a new knowledge, but rather towards an examination and critique of coercive knowledge systems concomitantly, in a
committed pursuit and recovery of those ways of knowing which have been occluded-- or, in Foucault's vernacular, 'subjugated'-- by the epistemic accidents of history".28

In the spirit of this new style of analysis, my work also opposes emerging boundaries that cordon off and 'define' *post*Colonialism as a 'safe' discipline within academe especially when the excitement of *post*Colonialism lies precisely in its "desire and determination to theorise those 'dangerous terrains' that academic knowledge feels either too uncomfortable with or unwilling to accommodate". As an analytical tool, historians, amongst others, employ *post*Colonialism to "excavate the marginal, the erotic and the other" thereby "engaging seriously with circuits of knowledge that lie outside the well worn paths of the North American academic market". It means contextualising sodomie into discourse debates sometimes "befriended by Western academics only as ethnographic or anthropologised curiosities", yet employed by others as "authenticating reference points for more worthy academic theses" and used as "footnote fodder in the western academy".29

I embraced the new 'type of promiscuity', proposed by Seth, et. al., as one which breaks through the cordon that separates the anthropological-based cultural studies practiced in relation to 'non-western' societies from the popular culture schools that focus on the popular in the 'West' or a practice designated as an academic "apartheid that leads to a new form of exoticism" because it privileges a method which relies on this divide to make sense of the world. In the process, this practise produces a form of 'intellectual colonialism' that represents cultures from a bipolar perspective. Consequently, the nature of that divide continues to produce certain 'fantasies', or discourses about the 'colonialised other'.30

**On Writing a Different Sort of History**

Discourses, however, should not be understood solely in terms of dominance. This is because the 'margin', or the 'other' "obliquely leaves its trace" in any text and thus, makes it difficult to define the 'margin' using a dichotomy of centre and rim.31 Any "margin of alterity" or "writing about otherness", as my history of early modern 'Spanish' sodomy perceptions-prosecutions will illustrate, "demands writing otherwise". For Mason, "a different style of writing" as "the only way to approach the other by way of a text" means the "juxtaposition of disparate texts" in the representation of historical narratives at a given site of prosecution.32
In my effort to sketch a study for the portrait of SoS, I have sought refuge in the folios of raw archival data kept in dark boxes, stored within the confines of archives in Austin, Mexico City, Sevilla, Granada, Valladolid, Simancas, Madrid and Burgos. Over the course of more than four years, I have read documents related to sodomy and have then painstakingly transcribed and translated their contents. Despite translating many documents into readable English, I attempted to remain faithful to the original language and its meaning in the manuscripts.

Many of the archival descriptions of sodomy will appear here, in print, for the first time since their initial recording in the early modern period. The archival documents for this study included: some 300 procesos or the recorded legal proceedings by scriveners of sodomy trials prosecuted by the Andalusian and Mexican secular High Courts; various court summary reports of these trials; royal edicts; ecclesiastical bulls, sermons, and position papers; correspondence between 'colonial' officials; memoirs or manuscripts written by mariners, soldiers, or the clergy; inventories of personal possessions owned by the accused; and, bills of costs for the torture, strangulation and burning of sodomites.

A proceso varied in length from some one hundred to five hundred folios in total and consisted of the telling denunciations of the accused, the graphic charges put forth by the prosecuting attorneys, the arguments for and by the defense, confessions by the accused and accounts by eye witnesses, lengthy descriptions of the tortures inflicted upon the accused, sentences or appeals, and finally, the justifications and descriptions of the sentences carried out by the different tribunals.

Although written by scriveners supposedly attached to the dominant culture(s), the procesos, albeit "indirect", not only revealed Spain's attempt to "comprehend the other by reducing it to self", but they also afford a glimpse into how individuals, on both sides of the Atlantic, contested and mediated the imposition of gendered constructs. Ginzburg has observed that although one may label a 'source' as not "objective", this, does not negate its usefulness. Consequently, he advocated a conjectural or aphoristic approach to epistemology or building up knowledge of the whole from its parts. In this sense, Ginzburg professed, writing history functions much like medicine, a discipline which "classifies disease to analyse the specific illness of a particular patient". The historian's knowledge, like the doctor's, is "indirect," based on signs and scraps of evidence. Thus, Ginzburg proposed, "even meager, scattered and obscure documentation can be put to good use" and the result of not doing so, is a refusal to "analyze and interpret" data. For Gijswijt-Hofstra, the interpretation of
such data becomes relevant for it allows one to "explain different patterns, maybe even different national traditions, of (in)tolerance."\textsuperscript{36}

In addition to the archival material, I have also combed through the literary production of theologians, casuists, and other writers of the early modern period who were again 'privileged protagonists', and the \textit{intelligentsia} in positions of power and influence, those court and ecclesiastical favourites who directly participated in shaping Spanish imperial politics and who textualised \textit{sodomie} as \textit{el pecado y crimen contra natura} the sin and crime against nature.

Published Latin-Spanish-English dictionaries of the period and their wonderful conservation of the vernacular complemented these sources. My search for archival documents on sodomy specific to early modern Andalucía and México by no means implies an exhaustive perusal of the archives of such material. However, at the time of writing, I have included those known references to the sodomy archival documents catalogued by researchers and archivists alike in the respective archival sites identified both in the Spanish peninsula and in \textit{America Septentrionalis}. The texts re-appropriated for my history of \textit{SoS} as a specific form of discourse of 'manliness', of \textit{sodomie}, as I have indicated above, did not constitute a particular 'corpus' or a genre of 'master texts'. Nor did the \textit{procesos}, which do comprise a significant amount of the archival material presented here, enjoy any privilege over the sermons, vignettes, or other writings of the early modern period.

\textbf{Prosecuting Sodomites}

At least two types of tribunals --secular and ecclesiastical-- prosecuted sodomites between the latter part of the fifteenth and the seventeenth-century in Spain-New Spain. Roughly sketched then, the Spanish Inquisition held jurisdiction over sodomy cases in the Kingdom of Aragón which included the tribunals of Valencia, Barcelona, Zaragoza, and Palma de Mallorca. Carrasco, García Carcel, and Benassar, Monter, Rossello and Bover Pujol amongst others, have aptly presented their findings of these tribunals.\textsuperscript{37} Secular tribunals prosecuted sodomites in Madrid, Valladolid, Sevilla, Cádiz and Granada, all important metropoles in the Kingdom of Castilla y León. Over the course of the early modern period, both secular and ecclesiastical courts held jurisdiction over sodomy cases and other "sexual crimes" in the \textit{Audiencias}/Tribunals of New Spain.\textsuperscript{38}

I have my concentrated my research, in part, on the discourses evident in those 300 cases prosecuted by the secular criminal High Courts in Sevilla,
Cádiz, Granada, and Mexico City as well as those prosecuted by the Audiencia de la Casa de la Contratación/House of Trade Tribunal, located in Andalucía, between 1561 and 1699.

Almost all of the sodomy cases prosecuted by the Casa initially occurred on board ships to or from the Indias or in the harbours which functioned as port of calls. The lawyers for the defense in the vast majority of these cases appealed the various sentences to the Casa's land tribunal located in Sevilla and later relocated in Cádiz. The Catholic Monarchs, Isabel and Fernando created the Casa de la Contratación, in 1503 to regulate colonial commerce and shipping between the peninsula and the Indies.39 In 1511, The Casa de la Contratación, acquired juridical powers, in the form of an Audiencia/Tribunal, to prosecute both civil and criminal crimes committed on board Spanish ships en route to and from the Indies. By 1524, the Audiencia de la Casa de la Contratación fell under the appellate jurisdiction of the Council of the Indies, and thus, a final appeal in both civil and criminal crimes rested with this Tribunal.40

I compared the discursive aspects of the Andalusian cases with those evident in the cases prosecuted by His Majesty's Criminal Court in México, capital city of the viceroyalty of Nueva España. Between 1657 and 1658 the Mexican High Court unleashed an unprecedented prosecution of sodomites in New Spain which culminated in the arrest of at least 125 of its metropolitan citizens. Although systematic, the Spanish secular courts had not actively pursued the prosecution of sodomites as did the Mexican High Court in the mid-seventeenth century. In the peninsula, individuals most commonly denounced sodomites. This, and not any form of orchestrated efforts on the part of the courts, set the repressive juridical apparatus in motion.

Unfortunately, no procesos for the Mexican sodomy cases prior to 1699 could be found. One can perhaps attribute this to a motin/uprising that occurred in Mexico City in 1692. The uprising subsequently led to the burning of the viceroy's palace, home to the archives of the viceroyalty. Thus, "very little remains of criminal proceedings before the eighteenth century."41 The findings presented here on the 1657-58 Mexican sodomy cases emanate in part, from the surviving court summaries and lists of indices of the accused which included data on ethnicity, age, and class. Further descriptions of sodomy and sodomites offered by chroniclers, the clergy, viceroys and lord mayors of Mexico City further complemented the court summaries and indices. Sodomy procesos re-appeared in México in conjunction with those cases prosecuted between 1750 and 1850.42

Collectively, the cases prosecuted in Andalucía and in México, in conjunction with the other sodomy cases prosecuted in Spain, beginning at
the twilight of the fifteenth-century and continuing up until the end of the seventeenth century, represented a rupture with the tolerance afforded the practice of sodomy in previous centuries. Perceptions of sodomy, however, changed in context as early modern moralists sought to fabricate just causes for its colonial undertaking in New Spain.

The contents of the sodomy procesos prosecuted in the peninsula typified the issues crucial to moralists' depiction of Vir in the early modern period, a sacriileg that included: the codification of sodomie as both a 'crime against the Monarchy and a sin against God'; the repetitive descriptions of how sodomie and sodomites violated the image of the new Spanish Man; perpetuating the xenophobic belief that only 'other nationals' were 'naturally' susceptible to sodomitical practices; an incessant preoccupation with quantifying the physical, ghastly aspects of sodomy; and lastly, the use of Science to dignify and buttress their discursive dogma.

But, the perceptions of 'manliness', of sodomie and the prosecution of sodomites evolved and changed in context during the early modern period. In mid-seventeenth century Mexico City, colonial authorities confronted a new cultural phenomenon --'effeminate' sodomites or "men who walked, talked, and dressed like women"-- again, a discursive description almost conspicuously absent when authorities and most writers alike referred to sodomites in the Spanish peninsula. After the initial contact between Spaniards and Indios, 'colonial' officials and chroniclers had described an entire people as sodomites, a notion often associated with anthropophagy, human sacrifices, and anything diabolical. In mid-seventeenth-century New Spain, viceroy s and lord mayors likened sodomie to a "sort of cancer, one that contaminated and spread its diabolical infestation" perpetuated by 'effeminate' sodomites.

In all these tribunals, the sodomy cases --second only to heresy prosecutions-- comprised an average of five percent of the total number of cases prosecuted by these courts. The inquests conducted in Andalucía and in Hispania Nova resulted in the burning of some seventy-five men and the interrogation of some five hundred other individuals within a period of one hundred thirty years. However, in Castilla y León, the secular courts burnt close to one hundred percent of all accused sodomites compared to about thirty-eight percent of those accused of heresy.43

While the number of cases and burnings may seem marginal or even minute compared to those prosecuted for heresy this fact alone does not render them of "marginal importance" or warrant their exclusion by historians or "respectable historiography".44 One does well to point to the exorbitant costs involved in garrottting and burning sodomites or to a possible assimilation of the 'perfect man' imago by sodomites as possible
explanations for this dearth. Nonetheless, early modern sodomy prosecutions demonstrated a direct correlation between Spain's imperial politics and its perceptions of 'manliness'.

Over the course of the early modern period and up until 1699, the types of discourses evident in the archival/literary documents have come to symbolize Spain's attempt at a cultural reconfiguration of itself. Siegel identified this phenomenon as a sort of "collective imperial identity crisis" brought about by re-conquest, discovery, dissemination of cultures, in a constant attempt to colonize 'others'. For those in positions of power, their discursive descriptions buttressed and perpetuated their privileged status whether re-represented in terms of ethnic, gender, or religious diatribes. These 'privileged protagonists' and their malediction had sought to "reinvent their core at the expense of marginal others". While the subaltern, such as sodomites, might have exploited their sexual genre to "subvert the social order, to validate their way of life, and to configure collective identities with access to discursive power", they also, "subscribed to notions of the hegemonic --access to imperial and religious forms of power-- in early modern society" and in the process affirmed the 'official discourse' on Spanish manliness.

**Saucy Tales**

My focus on the history of change in the socially constructed meanings of SoS attempts to provide a broader understanding of how some aspects of the dominant and the subaltern responded to perceptions of sodomy. Not only will the disparate texts consulted for this study at times appear "fragmented" or "discontinuous, the intervals between them incomprehensible", but "writing otherwise" will also imply the use of "the language of the other as reported by the known". Noordegraaf detected a similar plight in the writing of social history when he professed the need for more of these different sorts of 'delectable' historiographies. Thus, cultural formations such as, sodomitas, putos, cavalgar por el culo, Negros, Mulatos, las Indias, or América are not always put between citation marks or italicized and they are not represented here to titillate or disturb the reader. Rather, these terms are utilized in the hope of explaining their raw and textually violent use in the early modern period. My discussion of the sodomy discourses, my descriptions of the physical examination of bodies for "scientific proof of the sin & crime" contra natura, or my allusions to the purported sexual habits/acts of individuals might strike some as much too
'perverse' in nature, highly 'erotic', --perhaps even 'pornographic' to others--a saucy tale rather than an historical narrative.

"Really", wrote Pérez-Mallainá in reference to the discursive descriptions contained in a sixteenth-century sodomy proceso, "the dauntless testimonies and the audacious adventures contained therein appeared to have been taken from a pornographic novel, so much so that one could laugh at its contents, were it not for the cruel destiny of its protagonists." In his Hombres del Océano, Pérez-Mallainá decided to protect the reader from representations of sodomies depicted in the procesos for he deemed these descriptions to be much too graphic for a postColonial audience. Instead, Pérez-Mallainá sifted through the language contained in the documents and reproduced the "least lewd and brazen descriptions of sodomy, thereby, not offending too much the sensibilities of the reader". Really? Lewd? Offending sensibilities? Pérez-Mallainá's need to sieve the sources reminds one of a similar problem faced by Van de Port in his study of the relationship between war and unreason in today's Yugoslavia.

Van de Port's discussion of positivism pointed to how "social scientists in their need to classify, to control, to purify are taught the ideal of measurement, if not in the strictly quantitative sense, then metaphorically". Although Van de Port found "nothing wrong with elucidating a subject by ordering material, classifying and structuring mechanisms indispensable to language users and any textualised representation of reality", he nonetheless took umbrage at academe's "passion for tidying up" or sanitizing sources, a process "aimed more at types and degrees of ordering" rather than at providing one with ways of structuring material as a more "valid procedure" of analytical interpretation. When one attempts to "tidy up" or to sanitize sources, "things", argued Van de Port "inevitable get left" which inevitably give rise to "reductionists views" of analytical inquiry.

Consequently, more 'traditional' historians like Pérez-Mallainá risk overlooking important things which have been left out and could prove crucial to cultural analyses, overshadowed by one's own sheer fear of venturing beyond traditional conventions of historical inquiry. Rather, in the process of not directly engaging the totality of one's sources, there is a danger of missing the more global implications represented by the regrettably violent discourses of sodomie and the prosecution of sodomites in Spain-New Spain.

Given these ideological positions on whether or not to sanitize sources and the function of language as discourse, I have resisted the temptation to 'tidy up' the rhetoric of SoS as this would be tantamount to an historical complicity in perpetuating the notion of sodomie, of sodomites as contra natura. It would be as if the early modern moralists, in pure sadistic form,
had succeeded in their efforts to dupe an entire subject population into believing and accepting their repetitive "unutterably vile, nefarious and repugnant" characteristics of 'the sodomitical act'.

Nonetheless, I have not sought to portray sex for sex's sake, with no references whatsoever to a larger global aesthetics or historicity other than to simply offer the reader raw descriptions of naked bodies and assorted acts, aimed specifically to shock, as is often the case in postcolonial studies of gender, artistic installations or photo exhibitions in 'western' homopolitan centres. The reader is kindly asked to check-in any so-called 'sensibilities' at the guardarobe at the end of this prologue and to focus on the vernaculars evident in these Spanish texts to describe a singular textualised phenomenon— sodomie.

Sodomitical acts and sodomites in early modern Spain never constituted anything 'un-natural'. If one had to label anything at all related to sodomy as 'un-natural', I would point to the moralists' attempts to differentiate between distinct types of men purely to champion Spain's political and social gain. The manifestation of their power as reflected by say, the spectacle of torture, becomes even more complex and blurred for that same 'might' veered beyond the scaffold and directly onto the pages of their literary production. In Mason's estimation one's desire "to understand the other by comprehension not only reduces the other to self", it also "deprives the other precisely of the very alterity by which the other is other". My emphasis in writing about how Spain perceived its sodomites is an attempt "to avoid robbing" the sodomite of "its otherness" for the "sexual and the political" language contained in the procesos are the "effects of a discourse which already formed a part of that discourse itself".50

The physical violence inflicted upon the sodomites by their superiors, by the courts, by the doctors, or by their own peers, the textual violence of a repetitive and graphic vernacular employed by the moralists to depict sodomie as contra natura, the violation of the self inflicted by cruel, sadistic 'theatre of tortures'51 or the garrote-burning of sodomitas, and the incessant attempts by early modern moralists to define in the most 'perverse' and 'vile' terms, --the abominableness of a different 'erotic zone'-- all reflected a discourse dominated not by a 'moral' order but rather by a complete lack of one.

In Chapter One, I explore how one can go about contextualizing a 'close reading'52 of the sodomy discourses produced by the early modern moralists. I also investigate their reasons for having justified or even tolerated some ruptures their 'neatly' defined category of 'gender', especially when these ruptures reinforced their notions of Spanish man --a notion bound to Spain's imperialist ambitions. These men of privilege and power--
theologians, casuists, literary writers, court-appointed scriveners, and historiographers —functioned within the realm of the Spanish Monarchy and its brother concubine— Catholicism. In no way do I imply or believe that this particular 'class' of men constituted a monolith in early modern Spain-New Spain. Rather, I have focused on their ideological writings, their notions of Vir, of sodomie and their disdain for sodomites. Thus, when I speak of 'Spanish' or of 'Spain on Sodomie', I refer specifically to the writings of these early modern writers whose identities and descriptions of 'manliness' and of sodomie will become evident in subsequent chapters.

In my effort to trace the epistemological history of new early modern Spanish 'manliness' I have juxtaposed the vast array of archival documents described earlier to those manuscripts concocted by our learned fellows referred to above, all in an effort to help explain how these writers circumvented the rigidity of early modern 'gender codes' to legitimize some transgressions, on the one hand, and deny that same legitimation to sodomites of any sexo. Finally, this chapter proposes that any notions of early modern Spanish 'manliness', of sodomie, are best understood within the context of an expanding discourse on imperialism and colonialism, both in the peninsula and in the Indias.

Chapter Two portrays an evolving history of sodomy discourses in early modern Spain and specifically in Andalucía, seat of the colonial expansion. I demonstrate how the particular group of writers alluded to above used their narratives to affirm, to privilege or to re-invent their attributes of Vir, of sodomites, of sodomie in their efforts to buttress Spain's imperial undertaking. In doing so, these early modern writers attempted to mold a notion of Spanish Vir as a neatly constructed homogenous category based on distinctions of ethnicity, religion and gender. This chapter has focused particular attention on the descriptive aspects of the colonial narratives and their attempts to define and fix the attributes of a dominant group in juxtaposition to the subaltern.

In early modern Spain, the prosecution of sodomites and the codification of sodomy as a 'nefarious crime and sin against nature', took a nasty turn in 1497 when Isabel and Fernando proclaimed the first Royal Edict of the early modern period related exclusively to sodomie. That Pragmática marked a rupture in the tolerance afforded sodomitical practices during earlier periods in the peninsula. The prosecution of sodomites continued unabated both in the peninsula and in New Spain from the latter part of the fifteenth century until the nineteenth century. Juridico-ecclesiastical perceptions of 'manliness', a misogynistic description of the 'other', xenophobia, and, by the first decades of the seventeenth century —
notions of 'effeminacy', all contributed in their own way to the textual mutation of the sodomite and of *sodomie* in the peninsula.

The findings presented in Chapter Three emanate from the moralists' literary production and from the contents of the peninsular sodomy *procesos* written by scriveners attached to the High Courts and the Casa's Tribunal in Andalucia. This literature, the *procesos* and the other archival material consulted for this study of SoS have enabled me to sketch a more succinct focus of analysis and interpretation, ranging from the history of imperialism /colonialism to the more specific relationship of that history to sexuality and issues of gender. I have attempted to explain whether, in early modern Spain, one can establish a relationship between its imperialist-colonialist politics, its perceptions of 'manliness', of *sodomie* and its prosecution of sodomites. In this chapter, I have sought to demonstrate that perceptions of the newly constructed early modern Spanish *Vir* and reconstructions of 'manliness' changed within the context of Spain's evolving imperialist-colonialist formation. Consequently, I propose that early modern imperialist-colonialist Spanish politics "altered and exploited" the categories of *Vir*, of the sodomite, and of 'manliness'. Textual constructs such as the 'honourable Spaniard' or the sodomite, and indeed the notion of an *effeminate sodomite* emerged as products of "ruptures in the political economy of colonialism". Discursive descriptions of *sodomie*, of 'manliness', formed an inherent linkage to the entire political and economic apparatus that shaped the politics of imperial-colonial rule in early modern Spain and in one of its viceroyalties --New Spain.

Chapter Four illustrates how the 'just causes' of Spanish imperial rule, its perceptions of 'manliness' and by extension its perceptions of sodomy, prompted changes in the representations of sodomites in *Hispania Nova*. In New Spain, colonial officials, jurists, theologians historiographers and chroniclers began to associate sodomy with notions of effeminacy, the diabolic, anthropophagy and inebriation, but a few of the signifiers linked with perceptions of the *pecado nefando*/nefarious sin. In early modern New Spain, chroniclers and theologians alike assumed an inherent linkage between these multiple cultural constructs and sodomy. This power of 'letters', a repressive mechanism, provided the Spanish Monarchy with one more 'just cause' for the permanence of colonial rule in the *Indias*. As in the peninsula itself, Spain's imperialist-colonialist politics significantly influenced perceptions of *sodomie* in early modern *Hispania Nova*.

This chapter also examines how the discourses of those who directly participated in the colonization of the *Indias* between 1492 and the 1657-58 sodomy prosecutions in Mexico City --the last such prosecutions in Habsburg New Spain-- represented and affirmed the image of a recurring
Habsburg New Spain—represented and affirmed the image of a recurring 'effeminate sodomite' on the historical landscape as just another motive for colonial domination. Depictions of sodomites and of sodomie in Hispania Nova are found in the writings of the clergy who wandered about the Mexican countryside or in the accounts written by Hernando Cortéz and other 'conquistadores'. Official royal historiographies, sodomy trial records, post-Colombian manuscripts written by 'indigenous' chroniclers and the correspondence of colonial officials, all comprised the archival sources of material for the findings presently discussed in this chapter. The authors of these manuscripts all directly participated in or had some strong affiliation with the 'discovery, conquest and colonization' of the Indias. The reading of these sources has evoked my interpretation of the way in which an evolving Spanish 'imperial formation' distorted perceptions of sodomy in early modern México for purely political or religious advantage. In the midst of this distortion, these sources, especially the reports written by colonial scriveners, offer the reader a glimpse of how 'sodomites' in the metropole of México contested, mediated and usurped Spain's early modern sexo-político paradigm.

---

1 The response uttered by humanist Antonio de Nebrija in 1492 upon presenting his Spanish Grammar to Queen Isabel who asked, what use she, who spoke Spanish already, could have for such a work. See Pagden, Spanish Imperialism, pp. 57-58.
2 The former minister's remarks titled, 'El triptico de grandes exposiciones' appeared as the introductory article in the exhibition's catalogue.
4 Ibid. G. C. Spivak, 'Can the Subaltern Speak?' pp. 271-279. On forms of writing history and the use of different 'non-traditional' paradigms see, Ouweenel, 'Platgetreden paden'.
5 R. Siegel "La autobiografia colonial", p. 8.
6 A. Gramsci, Selections from the Prison Notebooks. G. C. Spivak, "Can the Subaltern Speak?"
8 Numerous examples abound, especially in the North American academic market. See, S. O. Murray, Latin American Male Homosexualities, Oceanic Homosexualities, Islamic Homosexualities and the much awaited North American Homosexualities. The reader is also referred to the following interview of an American art historian lecturing in Amsterdam. See, M. Hemker, "Oppervlakkige openheid is te prefereren boven oppervlakkige koelheid. Jonathan Katz wil homoseksualiteit weer politiek maken", p. 11. P. Bustos-Aguilar provides one with a biting critique of these sorts of works in "Mister Don't Touch the Banana. Notes on the popularity of the ethnosexed body south of the border".
10 A. Ouweenel, Shadows over Anáhuac, p. 27.


13. Ibid.


15. A. Pagden, Spanish Imperialism, pp. 1-12.

16. P. Anderson, Considerations on Western Marxism. See Chapter four.

17. A. Ahmad, In Theory, p. 5., p 320, footnote five.

18. J. Derrida, Of Grammatology, pp. 141-165.

19. A. Ahmad, In Theory, p. 182.


24. A. Ahmad, In Theory, p. 11.

25. M. Foucault, Discipline and Punish. A. Ahmad, In Theory, pp. 10-11. For a critique of 'power' in Foucault as a captivating and mystifying category that allowed him "to obliterate the role of classes, economics or the role of insurgency and rebellion" see, Said, The World, the Text, the Critic, p. 243. For a critique of the History of Foucault's 'Subject' as the Subject of the European tradition see, G. C. Spivak, "Can the Subaltern Speak?" pp. 280-308; or W. Friehoff, "Foucault Reformed by Certeau"; M. J. Valdés, "Answering Foucault"; and I. Maclean, "The Process of Intellectual Change".


27. A. Pagden, Spanish Imperialism.


29. On sodomie as 'footnote fodder' see S. Stern, The Secret History of Gender.


32. For a discussion of alterity, its borders, the incarnation of the other, the imaginary and myths, all inextricably bound up with desire, and other types of alterity, the reader is referred to, P. Mason, Deconstructing America, pp. 1-12.

33. P. Mason, Deconstructing America, p. 3.


35. C. Ginzburg, The Cheese and the Worms, xvii.


40) 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 counsellors. 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 López de Velasco, "De la Casa de la Contratación de Sevilla, y cosas proveidas para la navegación de las Indias", In Geografía y descripción universal de las Indias, p. 45. On the Spanish colonial legal system see, E. Schafer, El Consejo Real y Supremo de las Indias.; and, M. Góngora, El estado en el derecho Indiano. Every ship sailing between Sevilla and the Indies registered its voyage with the Casa de la Contratación, 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.

42) L. M. Penyak, "Criminal Sexuality in Mexico".
44) F. Egmont, "In Bad Company", pp. 1-5. 1991. 1986. 8. Egmont's dissertation was later published as, Underworlds: Organized Crime in the Netherlands, 1650-1800. For a discussion of the "obscure, marginal, or unusual cases, the relevance of the well-documented exceptional cases or on 'regular' cases" that could be used to "throw light on more general sociocultural issues", see, Egmont and Mason, The Mammoth and the Mouse, pp. 1-36.

46) P. Mason, Deconstructing America, p. 3.

50) P. Mason, Deconstructing America, pp. 3-7.
51) On 'sovereign torture' see M. Foucault, Discipline and Punish. On Foucault's insights see, P. Laughlin, "Foucault on the Visibility and Invisibility of Power".

52) J. Derrida, Of Grammatology, pp. 9-88.
53) The recorded legal proceedings of a given case. They varied in length from 100 to more than 500 folios per case.