

Defining “*El Pecado Nefando Contra Natura*”:

The Construction of the Deviant Sodomite

In Fifteenth- and Sixteenth-Century Spain

James Meagher

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Religion Thesis Advisor: Travis Zadeh

History Thesis Advisor: James Krippner

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Abstract:

This thesis examines the language used by the accusers and inquisitors in the “Proceso contra Cristoval [...] 1560-1561,” a sodomy trial, to demonstrate that through the construction of certain discourses, the ecclesiastical and civil tribunals functioned as instruments of religious and political control for the Spanish Catholic monarchs of the late fifteenth- and sixteenth-centuries. To contextualize the discourses of sexuality explored in this thesis, I also examine major religious and political documents that speak directly about sodomites and the state’s relationship to them. These include the *Siete Partidas* of Alfonso X (r. 1252-1284) and Fernando and Isabel’s *Pragmática* of 1497, among others. I explore how Isabel, Fernando, their royal heirs, and ecclesiastical and civil jurists defined natural and unnatural behaviors and activities through discourses of the body, sin, crime, and masculinity. I draw upon the case of Gaspar and Cristóbal, in particular, for while it is not a “typical” trial of the Inquisition, it reveals how the language of the Catholic Inquisition of Spain was taken up by political and social leaders in their dealings with subjects and inferiors.

Using the case of Cristóbal Gutiérrez and Gaspar Hernández, I explain how the state targeted particular “dangers” to societal norms to purify society and solidify the power of the Church and the monarchy. The leaders of these institutions challenged certain “unorthodox” sexual practices to empower the images and behaviors they envisioned as necessary for a strong Catholic and Spanish Empire. These trial records also provide evidence of the ways in which the monarchy and jurists sought to preserve order in the social body by cracking down on individual bodies with religious language as a tool. Through various discourses (i.e., the discourses of the body, nature, sin, crime, and masculinity), the Catholic kings, their inquisitors, and their moralist allies in the Catholic Church established what it meant to be a good Catholic and a good

Spaniard. Their control over these discourses further asserted their authority as heads of the Spanish Catholic state. Through the ecclesiastical and civil tribunals, the Spanish monarchs sought to create a unified Spanish nation through shared behaviors and ideals. The men and women who diverged from these practices and Christian beliefs threatened the power of these leaders of the Church and of the state. Sodomites menaced society by challenging “orthodoxy;” the Catholic Kings and the inquisitors of the Inquisition of Aragon and the secular courts of Castile, therefore, targeted these men as deviants of their created “ideal” Spanish character.

I. Introduction: *The Sodomite in Catholic Spain*

In 1561, the crew members aboard the *Nuestra Señora de los Clarines el Cornio* executed one of their own. Gaspar Hernández, a black Portuguese cabin boy, paid the ultimate penalty because, according to the captain-general, Pedro de las Ruelas, he had engaged in sodomy, “*el pecado contra natura*,” the “sin against nature.” de las Ruelas had initiated a trial on his ship in response to an accusation made by Cristóbal Gutiérrez, a young page from Seville. According to Cristóbal, Gaspar had attempted to untie his pants, presumably with the intention of having anal sex with him. After a long line of questioning, the captain-general ordered both men to endure various methods of torture to force them to confess to engaging in sodomitical acts.¹ Only once they withstood the pain of all three torture procedures would the captain as inquisitor-general believe that the sin and crime of sodomy had not occurred aboard his ship. Gaspar and Cristóbal both confessed. Once the captain-general had established that anal penetration had taken place, he sentenced both men to death by strangulation. Afterwards, their bodies were to be burned. In the end, however, only Gaspar suffered this fate; the captain-general allowed Cristóbal to appeal his verdict to a municipal tribunal once the ship reentered Seville. Rather than execute the page, this municipal court, the Council of the Indies, prescribed exile from the Spanish kingdoms.²

¹ I use the term “sodomitical” throughout this thesis to refer to certain behaviors and acts associated with sodomites, namely the penetrative act of anal sex.

² Federico Garza Carvajal, *Butterflies Will Burn: Prosecuting Sodomites in Early Modern Spain and Mexico* (Austin: University of Texas Press, 2003), 189. (*Proceso contra Cristoval, grumete de la nao Escorchapin sobre haber cometido el pecado nefando con Gaspar, grumete de la misma nao, 1560-1561* [Archivo General de Indias, Seville. Justicia, 1181, N2, R5] fol. 3r.). I use throughout this thesis a combination of Carvajal’s transcription of the beginning portion of the “*Proceso contra Cristoval*,” his translation of the municipal court’s interrogation of character witnesses, and my own engagement with the primary text itself. In my footnotes I cite where I found the particular transcribed text in Carvajal’s *Butterflies Will Burn*, as well as including in parentheses Carvajal’s pagination from the court documents, as the numbering system of the *Proceso* is not straight forward. I note when I use Carvajal’s translation.

The case of Gaspar and Cristóbal occurred during a time when Spanish monarchs and moralists within the Catholic Church dedicated themselves to the punishment and eradication of deviant sexual behavior. I open with the story of these two crew members because it illustrates the ways in which the captain-general and his crew dealt with the crime of sodomy; their interrogation was greatly influenced by the atmosphere of persecution that in many ways defined the fifteenth and sixteenth centuries in Spain. Captain-General de las Ruelas, I argue, initiated a trial and executed one of his crew members because he felt that it was his duty as a captain of the Spanish bureaucracy to extinguish sodomitical behaviors from his ship and from the Spanish Empire. His reaction to the crime resulted from the hostile feelings surrounding sodomy that had been produced by the Spanish monarchs and ideologues in the Catholic Church. This trial had not been sanctioned by the Inquisition courts of either Castile or Aragon. Rather, it belongs to a specific subsection of the municipal court that tried sodomites in Seville, the Audiencia de la Casa de la Contratación [The Royal Tribunal of the House of Commerce/Trade]. This trial took place in the ocean and not in Seville or any other city on the Iberian peninsula. It commenced at the discretion of Captain-General de las Ruelas, a man who acted on behalf of the royal tribunals of Seville yet remained physically removed from the municipal and ecclesiastical courts who judged sodomy cases on the mainland. The trial documents that he and his fellow inquisitors left behind reveal that even a leader outside these ecclesiastical and civil courts sought to extinguish the Spanish kingdoms of “*el pecado contra natura*.”

Although the trial of Gaspar and Cristóbal took place during the second half of the sixteenth century, the story begins with the ascension of Isabel I of Castile (r. 1474-1504) and Fernando II of Aragon (r. 1479-1516) to the thrones of Spain. Isabel married Fernando on 19 October 1469, thereby making a move to unite the kingdoms of Aragon, Valencia, and Barcelona

with Castile and León. When they came to power, they faced political and economic problems that resulted from disputes between their royal predecessors and the kingdoms' nobles.³ They sought to empower their positions as leaders of their realms by siding with the nobility on certain political and economic issues. With power on their minds, Fernando and Isabel confronted the nobility's distrust of the economic role of Jews by giving up their role of protecting Spain's Jewish communities. This had been a previously accepted function of the Aragonese and Castilian monarchs. They turned their backs on some of their subjects to closely ally themselves with others.⁴ In 1492, they would expel the Jews from Spain, but first they determined to rid their kingdoms of Jewish heresy.

To help them with their goal of rooting out heretics, Isabel and Fernando sought papal sanction to formally prosecute these enemies of the Catholic Church. In 1478, Pope Sixtus IV authorized the establishment of the Spanish Inquisition, an ecclesiastical tribunal created to bring to trial and punish *conversos*, or new Christians who had converted from Judaism. According to the papal bull, the monarchy oversaw the actions of the Inquisition in seeking out and punishing false Christians.⁵ The Catholic Kings, as they became known, soon brought the Inquisition to the Crown of Aragon and their other kingdoms.⁶ After the inception of the Spanish Inquisition, however, the monarchs and their inquisitors became hostile not only to *converso* heretics with divergent religious beliefs, but to other men and women they viewed as dangerous to the Church and to Spanish society. They turned their attention specifically to perpetrators of non-heteronormative behaviors and acts. Municipal courts had already been prosecuting sodomites

3 Henry Kamen, *The Spanish Inquisition* (London: Weidenfeld and Nicolson, 1965), 3.

4 Ibid., 8. Kamen explains that local nobles saw Jews as an economic threat in that many Jews had become the money-lenders of these kingdoms. Jews represented to the nobility a great wealth of capitalism that could potentially be theirs if the monarchy would expel the Jewish communities of the Iberian peninsula.

5 Richard L. Kagan and Abigail Dyer, eds., *Inquisitorial Inquiries: Brief Lives of Secret Jews and other Heretics* (Baltimore: The Johns Hopkins University Press, 2004), 11-12.

6 Pope Alexander VI named them the "Catholic Monarchs" in 1494.

for centuries in Iberia, but these civil tribunals and eventually the ecclesiastical Inquisition tribunals of Aragon began to punish, at an increased rate, men and women suspected of breaking down gender and sexual boundaries.

The Catholic Kings and leading figures of the Spanish state and the Spanish Church viewed sodomy as antithetical to the perpetuation of a kingdom dedicated to God and the well-being of the Spanish Empire. Two types of tribunals, secular and ecclesiastical, targeted sodomites during this period. Beginning in 1524, the Inquisition, an ecclesiastical tribunal, held jurisdiction over the crime and sin of sodomy in the Crown of Aragon. Inquisitors of the tribunal of Saragossa had convinced the *Suprema*, the Supreme Council that oversaw the various inquisitorial tribunals throughout Spain, to obtain sanction from Pope Clement VII to extend the Inquisition's jurisdiction over sodomy in this kingdom. According to the papal bull, however, the inquisitors of these ecclesiastical Aragonese tribunals were to follow local municipal sodomy laws.⁷ These tribunals included Valencia, Barcelona, Zaragoza, and Palma de Mallorca. Sodomy, however, did not fall within the jurisdiction of the Inquisition in the Crown of Castile. There, civil secular tribunals investigated sodomy cases and prosecuted alleged sodomites. These tribunals included Madrid, Valladolid, Seville, Cádiz, and Granada.⁸ In the Crown of Castile, municipal courts tried sodomites. Only in cases where the sodomite had also been accused of heretical beliefs could the Inquisition courts of Castile legally bring to trial the individual in question.⁹

The case of Gaspar and Cristóbal involves an especially unique secular tribunal of Castile, the Audiencia de la Casa de la Contratación. Isabel and Fernando established the Casa

7 William Monter, *Frontiers of Heresy: The Spanish Inquisition from the Basque Lands to Sicily* (New York: Cambridge University Press, 1990), 36.

8 Carvajal, *Butterflies Will Burn*, 7.

9 Christian Berco, *Sexual Hierarchies, Public Status: Men, Sodomy, and Society in Spain's Golden Age* (Toronto: University of Toronto Press, 2007).

de la Contratación in 1503 in an attempt to control colonial commerce and travel between Spain and its colonies. In 1511, the Casa obtained the right to prosecute civil and criminal crimes committed aboard Spanish ships traveling between Spain and the Indies. In 1524, Charles I brought the Audiencia de la Casa de la Contratación under the jurisdiction of the Council of the Indies, a judicial and legislative body under the Spanish crown. Essentially, this signified that individuals tried by this tribunal in both civil and criminal cases could appeal a ruling to the Council of the Indies.¹⁰ In *Butterflies Will Burn*, author and historian Frederico Garza Carvajal asserts, “Almost all of the sodomy cases prosecuted” by the Casa de la Contratación “initially occurred on board ships to or from the Indies or in the harbors that functioned as ports of call.” He continues by explaining that lawyers during these trials oftentimes appealed the sentences provided by the leaders of these investigations to the tribunal in Seville.¹¹ Cristóbal, like the defendants in these other trials, eventually did appeal to the Council of the Indies in Seville once the ship arrived in Spain from the colony of San Ulua.

The case of Gaspar and Cristóbal was one of sixteen cases prosecuted by the Audiencia de la Casa de la Contratación between 1560 and 1698. Each of these cases were initiated by a captain-general who acted upon an accusation or condemnation against a member of his crew.¹² According to the Audiencia, the captain-general of a ship traveling between Spain and the Indies had the power to initiate a trial when a civil or criminal crime had occurred. The captain-general assumed the role of the chief magistrate and judge during the trial; his fellow tribunal members included a scrivener, a court assistant, and other assistants and counselors who served as inquisitors. As chief magistrate, the captain-general could “summon the testimony of witness, preside over the torture sentences, pass sentence, and finally carry out the death penalty” for any

10 Carvajal, *Butterflies Will Burn*, 8.

11 *Ibid.*, 8.

12 *Ibid.*, 129.

crime that he deemed worthy of such actions. Again, the defendant, a convicted sodomite for example, had the power to appeal the verdict to the Council of the Indies in Spain.¹³

In this thesis, I argue that the municipal tribunals of Castile and their ecclesiastical counterparts in Aragon assisted the leaders of the Spanish monarchy, and by extension the Catholic Church of Spain, in defining masculinity and orthodox sexual practice. Beginning with the ascension of Fernando and Isabel and continuing during the reigns of Charles I (r. 1516-1556), Philip II (r. 1556-1598), and Philip III (r. 1598-1621), the Spanish royals, Catholic moralists, and the jurists of the Inquisition of Aragon and their municipal equivalents in Castile developed an ideal Spanish masculinity to which sodomitical behaviors were antithetical.

This study examines the language used by the accusers in the case discussed above, the “Proceso contra Cristoval [...] 1560-1561,” to demonstrate how ecclesiastical and civil tribunals functioned as instruments of religious and political control over the sexual body. To contextualize the discourses of sexuality explored in this thesis, I also examine major religious and political documents that speak directly about sodomites and the state’s relationship to them. These include the *Siete Partidas* of Alfonso X (r. 1252-1284) and Fernando and Isabel’s *Pragmática* of 1497, among others. I explore how Isabel, Fernando, their royal heirs, and their jurists defined natural and unnatural behaviors and activities through discourses of the body, sin, crime, and masculinity. I draw upon the case of Gaspar and Cristóbal, in particular, for while it is not a “typical” trial of the Inquisition, it reveals how the language of this Catholic institution was taken up by political and social leaders in their dealings with subjects and inferiors. These royal

¹³ Ibid., 76.

and judicial writings are “cultural products” of the fifteenth and sixteenth centuries that provide a window into jurists’ perceptions regarding sexuality, sex, and masculinity.¹⁴

In this thesis, I wrestle with the problem of using an anecdote, in this case a court document, to understand the social, political, religious, and cultural atmosphere in which it was written. We cannot understand what is going on within the particular text without first having some basic conception of life in sixteenth-century Spain. The particular anecdote of Gaspar and Cristóbal elucidates, however, many of the themes that historians generally include within texts on Spain during this time period. An examination of both the microcosm of the anecdote and the macrocosm of society teases out certain themes that lead to a better understanding of the image of the sodomite in Spain during this period in time.

Anecdotes generally do not explicitly define what is going on at the center of the world in which they were written. Rather, the authors of these isolated portraits detail events or moments that transpire on the “rim” of that world.¹⁵ Court documents explicating the nature of sodomitical relations aboard Spanish vessels, for example, describe the types of men who inquisitors and their secular counterparts generally targeted as potential offenders. These specific cases exist in a place between the solitary incident and the broader scheme of events. As anecdotes, they fit into the larger picture of the world in which they occurred yet only provide information necessary to understand the particular event. To read the anecdote while also uncovering its context allows for a deeper understanding of what *really* happened.¹⁶ In this thesis, I create what Clifford Geertz calls a “thick description” of an event to fully explain what was really going on below the surface of the physical sodomitical action. Whereas a “thin

14 Barbara Weissberger, “¡A tierra, puto!': Alfonso de Palencia's Discourse of Effeminacy,” in *Queer Iberia: Sexualities, Cultures, and Crossings from the Middle Ages to the Renaissance*, ed. Josiah Blackmore and Gregory S. Hutcheson (Durham, N.C.: Duke University Press, 1999), 292.

15 Stephen Greenblatt, *Marvelous Possessions: The Wonder of the New World* (Chicago: The University of Chicago Press, 1991), 2-3.

16 *Ibid.*, 2-3.

description” provides a very general understanding of an event, the “thick description” unearths for the reader the broader implications of the event.¹⁷ The “thick description” reveals to the reader the “stratified hierarchy of meaningful structures” that contextualize the event and object in question.¹⁸ In essence, the anecdote is “raw;” it provides all of the details necessary to partially, if not fully, comprehend what is going on.¹⁹ By understanding the context of the sodomy case aboard the *Nuestra Señora de los Clarines el Cornio*, we can uncover the implications and subversive meanings of the crime of sodomy; we can arrive at some conclusion regarding why the captain-general sentenced Gaspar to death.²⁰

Geertz explains, “The whole point of a semiotic approach to culture is [...] to aid us in gaining access to the conceptual world in which our subjects live so that we can, in some extended sense of the term, converse with them.”²¹ Geertz discusses anthropologists who study a foreign people living in the present. The observer communicates with these “foreign” men and women. In this project, I too converse with a people distanced from my experiences. I converse with them, however, over space and time. By engaging with the case of Gaspar, a case loaded with phrases and expressions regarding nature, sexuality, masculinity, sin, crime, etc, I determine the implications of their words and their actions. No scholar can completely penetrate the mind of another human being, but by engaging with this document and the royal and religious proclamations that contextualize the case, I present my own interpretation of what actually occurred during this era.

17 Clifford Geertz, “Thick Description: Toward an Interpretive Theory of Culture,” in *The Interpretation of Cultures: Selected Essays* (New York: Basic Books, Inc. 1973), 7.

18 Ibid., 7.

19 Ibid., 9.

20 Richard Godbeer, “‘The Cry of Sodomy’: Discourse, Intercourse, and Desire in Colonial New England,” *The William and Mary Quarterly* 3rd Ser. 52, no. 2 (April 1995): 261.

21 Ibid., 24.

In *Butterflies Will Burn*, a major study on Spanish sexuality, Frederico Garza Carvajal, who writes extensively about sexuality and the Inquisition, discusses the ways in which the early modern leaders of the Spanish Empire of the fifteenth and sixteenth centuries constructed an ideal Spanish male, the Spanish *Vir*, during a period of intense political, social, and economic change. The Spanish *Vir*, an image that Carvajal locates within the Scholastic writings of this period, dedicated himself to the monarchy and to God. Carvajal pays particular attention to early modern “discourses of masculinity” and their importance to the construction of the Spanish state by Catholic moralists and the politically-driven monarchs who turned to their writings.²² He argues that the “idea” of sodomy was constructed by men of power.²³ Carvajal also serves this study in that he is perhaps the only historian who engages with the case I explore throughout this thesis: the case of Gaspar and Cristóbal. Oftentimes I draw on his translation of the trial documents, and I also use a great deal of his contextual information to inform the reader of how this trial and other events fit into the larger historical picture.

Using the case of Cristóbal Gutiérrez and Gaspar Hernández, I explain how the state targeted particular “dangers” to societal norms to purify society and solidify the power of the Church and the monarchy. The leaders of these institutions challenged certain “unorthodox” sexual practices to empower the images and behaviors they envisioned as necessary for a strong Catholic and Spanish Empire. These trial records also provide evidence of the ways in which the monarchy and jurists sought to preserve order in the social body by cracking down on individual physical bodies with religious language as a weapon. Through various discourses (i.e., the discourses of the body, nature, sin, crime, and masculinity), the Catholic kings, their inquisitors, and their moralist allies in the Catholic Church established what it meant to be a good Catholic

²² Carvajal, *Butterflies Will Burn*, 2.

²³ *Ibid.*, 5.

and a good Spaniard. Their control over these discourses further asserted their authority as heads of the Spanish Catholic state. Through the ecclesiastical and civil tribunals, the Spanish monarchs sought to create a unified Spanish nation through shared behaviors and ideals. The men and women who diverged from these practices and Christian beliefs threatened the power of these leaders of the Church and of the state. Sodomites menaced society by challenging “orthodoxy;” the Catholic Kings and the inquisitors of the Inquisition of Aragon and the secular courts of Castile targeted these men as deviants of an ideal Spanish character.

II. *The Discourse of the Body: Shielding Society from the Sodomite’s “Armed Natural Member”*

The Spanish Catholic monarchs during the late fifteenth and the sixteenth centuries sought to create a unified Spanish state by emphasizing certain “orthodox” behaviors and ideals to which true Catholic Spaniards could subscribe. The men and women who diverged from these practices and Christian beliefs threatened the power of the Catholic monarchs by not following their prescribed codes of conduct. The monarchs viewed these men and women as dangerous because they diverged from what the Catholic moralists had begun to define as “orthodox.” By defining orthodox and unorthodox behaviors, these leaders of the Church basically explained what men and women could and could not do with their own bodies. Scholars explained that these individual physical bodies represented the society in which they lived; the ideal Spanish subject, therefore, did not participate in any illicit activities during which he would degrade his body or the body of another person in any way. When men performed illicit sexual behaviors, they infected society with a contagious “disease,” the disease of sodomitical vice. Spanish moralists and theologians, as well as the Catholic monarchs who drew upon their writings, constructed discourses of the body and its actions to limit and define normative sexual behaviors;

in doing so they attempted to further empower the leading religious and political institutions of Spain through their authority over language and praxis.

A particularly important component to this power of the monarchy and their ecclesiastical and civil jurists over the individual body and the social body is the control over sexual practice. Catholic theologians and moralists defined true sex as vaginal intercourse between one male and one female. Sodomy, on the other hand, referred to *any* sexual activity beyond vaginal sex.²⁴ These definitions were greatly influenced by the fifteenth- and sixteenth-century Thomistic scholars following in the vein of St. Thomas Aquinas. Thomistic Scholastics, like the Franciscan theologian Alfonso de Castro (d. 1558), believed that the ideal Spanish male, the Spanish *Vir*, served as a “collaborator of God” in the role of creation.²⁵ During vaginal intercourse, the man essentially implanted his seed into the womb of his female partner. The seed, the male’s semen, provided the means of creation.²⁶ Castro and other influential writers limited sex to its procreative function. Even husband and wife could therefore commit sodomy if procreation were not at the heart of the sexual act taking place. Thus, anal intercourse between two men was doubly heinous in that the participants subverted the natural order of things and wasted the virile seed.

The Penetration of the Page: The Case of Gaspar and Cristóbal

The individual physical body plays a major role in the case of Gaspar Hernandez and Cristóbal Gutierrez. The questions asked to these males regarding the crime and sin of sodomy focused mainly on the physical aspects of the sexual interaction between two virile male bodies.

24 Josiah Blackmore and Gregory S. Hutcheson, eds., *Queer Iberia: Sexualities, Cultures, and Crossings from the Middle Ages to the Renaissance* (Durham: Duke University Press, 1999), 1.

25 Carvajal, *Butterflies Will Burn*, 45. This idea is also explored in: Francisco Tomás y Valiente, “El crimen y pecado contra natura,” in *Sexo barroco y otras transgresiones premodernas* (Madrid: Alianza Editorial, 1990).

26 *Ibid.*, 17, 45.

Also, the captain-general's use of torture to obtain the truth surrounding the physical sexual act reveals that some inquisitors believed that the individual physical body could and should suffer if the well-being of the social body were at stake.

During the trial, Captain-General de las Ruelas asked specific questions focusing on the physical act that took place aboard his ship. He was curious about how many times the two crew members had engaged in the "*pecado nefando contra natura* [the nefarious/abominable sin against nature]" and set out to uncover the extent of Gaspar and Cristóbal's physical relationship. He attempted to uncover which parts of the males' bodies touched to better characterize the circumstances of the encounter. Cristóbal already admitted that Gaspar had attempted to undress him several times and that Gaspar one night "came closer to him as if he were do it to him."²⁷ Here, the "it" refers to the act of sodomitical penetration.

During the interrogation of Gaspar, the captain, as inquisitor-general, demanded precise details and facts to ensure that the offense had occurred. He paid particular attention to the circumstances of the act to decide the plausibility of the crime. The inquisitors focused on accumulating substantial evidence as false accusations often occurred during sodomy trials.²⁸ Captain-General de las Ruelas seems to have believed Cristóbal that Gaspar had certainly intended to have sex with the young page. During his interrogation of Gaspar, the captain-general asked whether he had ever "ridden [*cavalgar (cabalgar)*] Cristóbal in the ass [*culo*]."²⁹ Without the act of penetration, sodomy would not have occurred and a crime could not have

²⁷ Carvajal, *Butterflies Will Burn*, 189. (*Proceso contra Cristoval*, fol. 3r.).

²⁸ Andre Fernandez, "The Repression of Sexual Behavior by the Aragonese Inquisition between 1560 and 1700," *Journal of the History of Sexuality* 7, no. 4 1997: 492. Men were often accused of engaging in sodomy by their enemies for political and economic reasons. A sodomy charge could forever remain connected to the public's view of the defendant.

²⁹ Carvajal, *Butterflies Will Burn*, 189. (*Proceso contra Cristoval*, fols. 10v-11v). Carvajal translates "*culo*" as "cunt." Although the investigators may have intended "*culo*" to signify this female body part to represent a more feminized notion of the "ass" being penetrated by another man, I turn to a more generally-accepted translation of this term. Both, however, support the notion that the interrogators focus on the physical body during their investigation.

taken place. If he had only untied the boy's breeches, no crime or sin would have been committed. The initial interrogation, therefore, provided a space for Gaspar to come clean about his "habits."³⁰ The inquisitor-general, de las Ruelas, asked the following questions to clarify how and when the moment of penetration may have occurred. He asked Gaspar whether he had "placed his armed natural member [*natura armada*] in between the page's legs, wanting to ride [*cavalgar*] him."³¹ Here, the penis is described as armed. This connotes that the interrogator assumed that Gaspar had fully intended to have sex with the page. The term "armed" also speaks to the danger involved in the sodomitical act as the male member in this image serves more as a loaded weapon than a mere appendage of the physical body. If Gaspar's penis had penetrated the "ass" of Cristóbal, then a dangerous act had occurred; I explain in future sections why sodomy had been conceived as dangerous.

During the trial, the captain-general also wished to know whether Gaspar had ever "kissed [*vesar (besar)*] Cristóbal on the mouth."³² Gaspar answered, "Never!," thereby denying that he had performed another illicit behavior with Cristóbal. Cristóbal revealed that "Gaspar had kissed him on the mouth" "under the cover of the blankets."³³ The fact that Gaspar had kissed the page where he could not be seen doing so suggests that this was no ordinary kiss between friends. At this point Cristóbal had not claimed that penetration had occurred, but he did want the captain-general and the other members of this trial to understand that Gaspar had at least intended to have sex with him. Gaspar reasoned, however, that he had slept beside Cristóbal "many times both on the forecastle deck and in the stern" so perhaps "between dreams"

30 Ibid., 189. (*Proceso contra Cristoval*, fol. 3r). The term "habits" had been used in the space in the document in which the scribe recalls why Cristóbal had initially intended to come forward to the captain-general.

31 Ibid., 189-190. (*Proceso contra Cristoval*, fols. 10v-11v).

32 Ibid., 189. (*Proceso contra Cristoval*, fols. 10v-11v).

33 Ibid., 189. (*Proceso contra Cristoval*, fols. 10v-11v).

he may have “placed his leg over” the younger male during one of these nights.³⁴ Gaspar did not deny touching the boy during his sleep, but he did wish to allow himself to defend himself now that Cristóbal had claimed that Gaspar had made some sexual pass on him while the rest of the crew slept. The kiss connotes some physical or intimate connection between the two men; this bond may have been friendly, but it may have signified something grander. Although kissing has changed in meaning over time, the fact that the two may have been engaging in a sodomitical act while also kissing implies that Gaspar’s actions signified something more than masculine friendship. The kiss also changes the meaning of the penetrative act, if it had occurred; Gaspar could have used masturbation to unleash his pent-up sexual frustrations. Rather, he chose to perform these sexual activities with this particular page, which the compiler of the text suggests by focusing on the activities that led up to a potential kiss. To the captain-general, a penetrative act and a kiss reinforced the heinousness of one another; he demanded to know, therefore, whether either action had taken place.

Interestingly enough, the captain-general did not only focus on the actions of Gaspar; he also wanted to know whether Cristóbal had also intended to engage in a sodomitical act aboard the ship. The captain asked Gaspar whether Cristóbal had “taken with his hand” the “natural member of the confessor,” it being outside his pants and erect [*“le tomo a este confesante su natura en la mano fuera de lo los calçones estando arrecho”*].³⁵ Here the captain-general hoped to understand whether Cristóbal had actively participated in the act in case Gaspar eventually owned up to having penetrated Cristóbal. If Gaspar were to confess, the captain-general would turn his attention to Cristóbal and to uncovering his role in the sexual relationship.

34 Ibid., 190. (*Proceso contra Cristoval*, fols. 4r-4v).

35 Ibid., 190. (*Proceso contra Cristoval*, fols. 10v-11v). Here I use Carvajal’s translation of “*su natura*” as “his natural member.”

Following this initial interrogation, the captain-general wished to uncover the actual truth of the events that had transpired aboard his ship through the use of torture, an application encouraged by Isabel and Fernando in their *Pragmática* of 1497.³⁶ Despite the hesitance of some crew members regarding the use of torture during the case, the captain-general went ahead to ensure that Gaspar had or had not sodomized another male crew member. The scrivener “warned Gaspar” that should he “break an arm or leg” or “dislocate some other member or die during the torture,” Gaspar “could not fault” the captain-general.³⁷ Captain de las Ruelas and his assisting investigators were looking out for Spain and Spanish society so any pain suffered by the potential criminal only resulted from a desire to protect the rest of humanity. As an officer serving under the political heads of state, Pedro de las Ruelas put the health of the social body before the health of the individual physical body. Essentially, if Gaspar had wanted to prevent the use of torture he would have had to admit to engaging in sodomy with Cristóbal. Nicolas, a French member of the crew, “tied his [Gaspar’s] arms, one to the other” and “tied him to a ladder, and gave him eighteen turns of the ropes.” As Nicolas “began to squeeze” the mechanism to which Gaspar had been tied, the ropes straightened. When Gaspar still failed to confess, the captain-general demanded that he “be given water,” another form of systematic torture in use during this period.³⁸

Nicolas then “placed a handkerchief over Gaspar’s face and into his mouth and then began to pour in a pitcher of water.” He poured “seven pitchers” into the mouth of Gaspar, who continued to deny ever committing sodomy with Cristóbal or any other member of the crew.³⁹

The investigators had by this time used two of the three main methods of systematic torture on

36 Pope Innocent IV established torture as a useful means of obtaining a confession in 1252. The *Pragmática* of 1497 upheld the notion that torture could be used by the court in attempting to uncover the truth behind the sodomitical act.

37 Carvajal, *Butterflies Will Burn*, 190. (*Proceso contra Cristoval*, fol. 6r).

38 *Ibid.*, 190. (*Proceso contra Cristoval*, fol. 6r).

39 *Ibid.*, 190. (*Proceso contra Cristoval*, fols. 4v-5r).

Gaspar. Guillermo de Cuellar, the crew member who served as “guardian or advocate” for Gaspar during the case, declared that these physical trials had “broken Gaspar” and that “his intestines could leave him” [“*y se le podrian salir las tripas*”] if he were to endure any other form of torture.⁴⁰ Despite these pleas, the captain-general decided that the “enormity and ugliness” [“*el caso ynorme e feo*”] of sodomy signified that he had to do everything in his power to ensure that such a crime and sin had not taken place aboard this Spanish ship.⁴¹

The last method of torture, the pulley, was postponed for a short period of time, but the trial eventually resumed. Nicolas “took Gaspar’s hands, placed them behind his back, and tied the wrists together very well with a piece of linen.” He “weaved a cord made of hemp through the pulley” and used this to lift Gaspar upward. Other crew members exclaimed to the scribe in this trial that they “could very well see Gaspar and the torture” since “the pulley hoisted Gaspar upward and lifted him up high”⁴² Nicolas hoisted Gaspar up, let him fall, and caught him before he hit the ground. The force of this method of torture caused extreme pain and torment. The trial resumed, however, until Gaspar would “tell the truth” [“*declarar la verdad*”].⁴³ When the pain became unbearable, Gaspar, “before God” [“*ante dios*”], admitted that he had, indeed, penetrated the “ass” [“*culo*”] of Cristóbal. He revealed that “Cristóbal had asked to be ridden [“*cavalgar*”] in the ass,” one time “in the harbor of Puerto Rico and another two or three times on board the ship,” where Cristóbal himself “had taken Gaspar’s penis [“*pija*”] in his hand” and “inserted it into his own ass” [“*se la metio el propio por su culo*”]. He claimed that he had “ridden [“*cavalgar*”] his [Cristóbal’s] ass [“*culo*”] three times.”⁴⁴ Once hearing this confession, the captain-general demanded the torture of Cristóbal, who very quickly admitted to having been

40 Ibid., 191. (*Proceso contra Cristoval*, fols. 6r-7r).

41 Ibid., 191. (*Proceso contra Cristoval*, fols. 7r-7v).

42 Ibid., 191. (*Proceso contra Cristoval*, fols. 44r-48r).

43 Ibid., 191. (*Proceso contra Cristoval*, fols. 7v-8r).

44 Ibid., 191-192. (*Proceso contra Cristoval*, fols. 8r-9r).

penetrated by Gaspar. de las Ruelas sentenced both to death by strangulation and for their bodies to be burned where all men aboard the ship could witness the ignominious fate of both sodomites.

Before he died, Gaspar cried out against his accusers and his interrogators. He exclaimed that he had actually penetrated Cristóbal's "ass [*culo*], not three times but seven or eight times!" He added that Cristóbal "had rejoiced when and consented to" the sodomitical act. Gaspar died "naturally" of strangulation on the rack and his body was placed aboard a yawl that floated away from the main ship. His body "burned for more than half an hour" in a spectacle that all men aboard the ship could witness.⁴⁵ The crew had executed Gaspar, and the flames now purified the once disease-ridden body.⁴⁶

Only later after the ship arrived in mainland Spain did a trial by the secular courts of Seville rule that Cristóbal would not suffer the penalty of execution; rather the court sentenced the page to banishment from the kingdom. Although witnesses during this trial argued that the boy was too Christian and pure to commit such a devilish sin, the court symbolically excised the potential sodomite from Spain, perhaps to rid the kingdom of even the possibility of the sodomitical "disease."

The fifteenth- and sixteenth-century Catholic monarchs and their inquisitors lived in a society fascinated by the body and by disease. This was a world greatly influenced by the notion that the individual physical body represented the greater social body. The idea that certain behaviors and mentalities spread as contagion greatly colored the mentality of the religious and political leaders of the Spanish Empire as well. These men and women, including the Catholic

45 Ibid. 192. (*Proceso contra Cristoval*, fol. 19r).

46 In the *Pragmática* of 1497, the Catholic Kings claimed that the "flames of the fire" offer purification in the face of the heinous act.

monarchs, sought to excise the diseased members of the otherwise healthy social body to protect the empire and to prevent the spread of immoral behavior and belief.

In 1265, King Alfonso X had issued the *Siete Partidas*, his code of laws for the Spanish kingdom. In the section entitled “De los que facen pecado de luxuria⁴⁷ contra natura” (“About those who commit the sin of lechery/lust against nature”), Alfonso connected sodomitical activities to the destruction of Sodom and Gommorah and to the “famine, plague, anguish, and other calamities” generated by God as punishment.⁴⁸ By executing the sinner, Alfonso X sought to excise deviancy from the body social and restore the natural order created by the divine. God, Alfonso X feared, could destroy Spain as He had annihilated Sodom and Gommorah. Similarly, the *Pragmática* of 1497 of Fernando and Isabel explained that sexual deviants disrupted the social order and caused famine.⁴⁹ Sex criminals offended the Lord; God responded to these

47 To uncover what “luxuria” or “lechery” and “lust,” would come to signify around the time of the Gaspar case, I turn to the *Tesoro de la lengua castellana o española* (1611), a dictionary compiled by Sebastián de Covarrubias (d. 1613). I explain the role of Covarrubias later in this thesis. In his dictionary he does not explicitly define “luxuria,” but his definition for “vello,” or “hair,” connects “lust” to the theme of masculinity and effeminacy.

The definition explains: “Vello. El pelo delgado que nace al hombre por el cuerpo, distinto del cabello, y unos son más vellosos que otros conforme al más o menos calor natural que tiene. Y por ser de calidad activa y fogosa se dixo de los tales <<Hombre vellosos, o rico o luxurioso>>. Los antiguos romanos trayan descubiertos los braços y piernas y algunos se quitavan el vello, y por esta curiosidad eran tenidos en opinión de afeminados.”

I translate this to mean: “Hair. The thin hair of the body, different from the hair on one’s head, and some persons are hairier than others according to their natural heat. And these persons being of active and spirited quality, they are called “a hairy, rich, or lustful man.” The old Romans made bare the arms and legs and some removed the body hair, and for this they were effeminate.”

Sebastián de Covarrubias, *Tesoro de la lengua castellana o española según la impresión de 1611, con las adiciones de Benito Remigio Noydens publicadas en la de 1674* (Barcelona: S. A. Horta, 1943), 997.

48 Alfonso X El Sabio, *Las Partidas* (Madrid: Confederacion Española de Gremios y Asociaciones de Libreros, 1984).

Alfonso X, “Setena partida, Título XXI ‘De los que facen pecado de luxuria contra natura’” *Las Siete Partidas, Volume 5: Underworlds: The Dead, the Criminal, and the Marginalized (Partidas VI and VII)*, trans. Samuel Parsons Scott, ed. Robert I. Burns, S.J. (Philadelphia: University of Pennsylvania Press, 2000).

Along with Admah and Zeboim, Sodom and Gomorrah were destroyed by God in response to the sins of their inhabitants. Genesis 19 says that Sodom and Gomorrah were destroyed by “sulfur and fire from the Lord out of heaven” (Genesis 19:24-25). Over time, these cities have become associated with rampant sin and lust. The word “sodomy” derives from “Sodom,” perhaps due to the heinous nature of this particular sin against God.

49 Isabel and Fernando, “1497, agosto 22. Medina del Campo. Pragmática sobre como ha de ser castigado el ‘pecado nefando contra natura,’” in *Libro de las Bulas y Pragmáticas de los Reyes Católicos* (Madrid: Instituto de España, 1973).

criminal sins by punishing all of society for allowing these acts to go undisciplined. To strengthen the state and protect their subjects, these rulers were forced to rid the country of these unruly sexual deviants.

The King's Two Heads: The Relationship between the Individual and the Social

Fifteenth- and sixteenth-century scholars explained that individual men and women could potentially disrupt an entire community by engaging in illicit behaviors. These distinct physical bodies composed a social body with the king as the head. Like the physical being, the body social/politic had the potential to become diseased or healthy depending on circumstance and environment. The Catholic monarchs sought to excise the diseased components of the otherwise healthy, powerful community they desired. By the beginning of the sixteenth century, Isabel and Fernando had taken a step towards uniting the kingdoms of Castile and Aragon, had completed the *Reconquista*, which culminated in the conquest of Granada, had expelled the Jews from Spain, and had begun to dedicate themselves to the creation of a global empire. This was a moment of political and religious unification. Isabel and Fernando and their municipal and ecclesiastical jurists intended to create a structured hierarchy of natural versus unnatural practice to be able to aggressively pinpoint the social outsiders they saw as dangerous. Locating sexual deviancy served as a means for the Catholic monarchs and their inquisitors to demonstrate their power and their ability to punish or exterminate those that they saw as diseased members of their society.

Inquisition and municipal tribunal records reveal the high number of men prosecuted and executed for engaging in sodomy. Although these records cover a time period beyond the scope of this thesis, these figures reveal the growing intensity surrounding sodomy cases leading up to

the seventeenth century. Between 1540 and 1700, the three main tribunals of the Crown of Aragon, namely Barcelona, Valencia, and Saragossa, tried over sixteen hundred men and women for either sodomy or bestiality, another deviant sexual behavior under the jurisdiction of these Inquisition courts. These tribunals executed about 320 of those prosecuted.⁵⁰ Between 1567 and 1616, the municipal court in Seville executed at least seventy people for sodomy.⁵¹ Between 1575 and 1620, the court in Madrid executed between 100 and 150 sodomites. These records, among others, reveal that the civil courts of Castile executed more subjects for the crime of sodomy than the Inquisition courts of Aragon, which generally sentenced most sodomites to work in the galleys of Aragonese ships.⁵² In any case, both judicial systems provided for the inquisitors of the kingdoms to excise sexual deviants from the rest of society, either through death or sentencing them to labor in the dark recesses of the monarchs' ships.

These inquisitors functioned in a world greatly influenced by the belief that the individual person could greatly impact the society to which they belonged through deviant and "diseased" behaviors. During the Middle Ages, scholars and theologians explained that the physical body served as a symbol of the natural order of the world. Scholars saw the study of the human body as a means of understanding the greater world around them, predicated on the belief that God had created man and woman just as he had created the universe as a whole. By understanding God's human creation, scholars could somehow understand how the world worked or why God had created the universe.⁵³

50 Byrne Fone, *Homophobia* (New York: Metropolitan Books, 2000), 201.

51 *Ibid.*, 201.

52 Henry Kamen, *The Spanish Inquisition: A Historical Revision* (New Haven, Connecticut: Yale University Press, 1997), 268-269; and Monter, *Frontiers of Heresy*, 289-290.

53 Michael E. Gerli, "Dismembering the Body Politic: Vile Bodies and Sexual Underworlds in *La Celestina*," in *Queer Iberia: Sexualities, Cultures, and Crossings from the Middle Ages to the Renaissance*, ed. Josiah Blackmore and Gregory S. Hutcheson (Durham: Duke University Press, 1999),

Physical bodies also came to serve as representations of the social order, particularly in terms of the king's two bodies. The king, as head of a particular kingdom, served as the head of the body politic while simultaneously existing in his own bodily form.⁵⁴ Like the scholarly attempt to understand the macrocosm through the microcosm, the physical body of the king's subjects served as a means of understanding social or moral depravity. Kings identified the individual body as a site through which they could reconstruct the social order.⁵⁵ In his article, "Dismembering the Body Politic: Vile Bodies and Sexual Underworlds in *La Celestina*," E. Michael Gerli posits that "bodies - but primarily sexually disordered or infirm bodies - could be used to portray and invoke social upheaval and threats to political and moral stability, as well as to challenge the boundaries that defined and maintained order." He continues by discussing the leper, whom society viewed as a sexual degenerate whose decomposed body paralleled his moral depravity. Moralists and church leaders saw the leper's body as a representation of moral disorder and lepers were therefore forcefully withdrawn from society.⁵⁶ All individual bodies within the kingdom composed the body social/politic.⁵⁷ Each body had become the tangible symbol of the community to which they belonged.⁵⁸ Those who were morally and/or physically different from the ideal therefore endangered society. By controlling the individual physical

54 Ibid., 373. Gerli best reveals this notion when he quotes the *Memorias de Don Enrique IV de Castilla*. This text explains "Notorio es señores, que todo el regno es avido pur cuerpo, del qual tenemos el Rey ser cabeza; la qual si por alguna inhabilidad es enferma, pareceria mejor consejo poner las melecinas, que la razon que cree que quitar la cabeza, que la nacion defiende. (*Memorias de Don Enrique IV de Castilla* 2:489).

[Gentlemen, it is well known that every realm may be taken for a body, of which the king is the head; and if that head should, through some indisposition, suffer infirmity, the application of remedies would seem better counsel than following the advice of those who would remove the head, which defends the nation.]" (374).

55 Ibid., 372-373.

56 Ibid., 374.

57 Here I draw upon Michel Foucault's theories on pre-modern societies in *Discipline and Punish*. Christian Berco also discusses the body social in his *Sexual Hierarchies, Public Status: Men, Sodomy, and Society in Spain's Golden Age*.

58 Gerli, "Dismembering the Body Politic," 375.

body, the king attempted to reorder the political and social world.⁵⁹ Sexual deviants as vessels of moral depravity belonged to this category of diseased members of the social body.

Extinguishing the Sodomite and Preventing the Spread of Sexual Sin

Inquisitors of the secular courts and the ecclesiastical Inquisition were greatly focused on the physical act and on the body during this period. These men were greatly influenced by the writings of Spanish moralists and theologians, who believed that each person could easily commit a sin. The act itself did not determine the character of the individual. Every man or woman, therefore, had the potential to engage in sodomitical acts. Court documents from the Inquisition and contemporary secular courts reveal an emphasis on the circumstances and details of the sin as an act rather than on the identity of the person.⁶⁰ The investigators focused on the criminal act rather than on the individual, a reaction greatly influenced by Catholic doctrine, which stated that every person had the potential to commit sin.⁶¹ The job of the Inquisition was to deter deviant actions and beliefs by other community members. Through the *auto de fé* ["act of faith"] and the public execution, the Crown and the jurists joined in humiliating the criminal/sinner and striking fear into the hearts of onlookers.⁶² They cared very little about the reason why the individual had committed the crime/sin of sodomy, given that every male could potentially engage in this act, regardless of whether they lived what is today dubbed a queer lifestyle.

In *Frontiers of Heresy*, his text on sodomy cases during the Inquisition in the Crown of Aragon, William Monter draws attention to a fourteenth-century case in Navarre during which a

59 Ibid., 389.

60 Richter Norton, *The Myth of the Modern Homosexual: Queer History and the Search for Cultural Unity* (Washington: Cassell, 1997), 31.

61 James A. Schultz, "Heterosexuality as a Threat to Medieval Studies," *Journal of the History of Sexuality* 15, no. 1 (2006): 21.

62 Berco, *Sexual Hierarchies*, 120.

person was tried for “committing heresy with his body.” Although this trial moves us away in time and place from the case of Gaspar and Cristóbal and similar cases in the Crown of Castile, the idea of “committing heresy with the body” surely did not develop completely independent from ideologies of the body and sin in Castile.⁶³ The body, that base physical form far removed from the esteemed spirit and soul, was believed to serve as the source for many crimes and sins. The libido, the source of sexual desire, could at any moment force the common man to engage in unseemly acts that the Catholic monarchs and other religious and political leaders viewed as unorthodox, and therefore, dangerous.⁶⁴ Any man or woman could potentially fall into sin, particularly because certain sinful acts were seen as contagious. Individual vice encapsulated within the body of the male or female body could contaminate the bodies of others. The individual physical body could therefore contaminate the social body unless the infirm corrupted member were excised from society.⁶⁵

The notion of contagion had begun to at least be discussed if not widely accepted by Spanish scholars by the fifteenth and sixteenth centuries. In chapter fourteen of the *Lo llibre de les dones* (The Book of Women), Franciscan moralist Francesc Eiximenis (1340-1410) described lechery at length. In his study, he identified sodomy as not only a form of lechery but a particularly heinous and dangerous sinful act. As explained by historian Michael Solomon, Eiximenis believed that when men and women engaging in sodomy “act against the ways of nature, the temperament of these sinners becomes corrupt. Thus corrupted, the air around them

63 Monter, *Frontiers of Heresy*, 280. Monter does not, however, offer the original Spanish translation of this rich quotation.

64 Berco, *Sexual Hierarchies*, 27.

65 Foreigners and other social outsiders were viewed as particularly dangerous in terms of their ability to corrupt society with their infectious sin. Historian Christian Berco explains, “Much like a festering boil that could easily contaminate the body social, people generally watched Italians with extreme suspicion because they immediately assumed that these foreigners freely engaged in sodomy” (Berco, *Sexual Hierarchies*, 118).

becomes contaminated resulting in terrible plague-like condition.”⁶⁶ To Eiximenis, sodomy spiritually defiled the individual physical body but also infected the surrounding landscape and its inhabitants. Sodomy acted as a foreign “agent” or disease that attacked or attached itself to a host body. Moralists connected sexual “otherness,” as Solomon called it, to the notion of infection and communicable disease, particularly in the way that the sodomitical act corrupted the body and putrefied the surrounding air.⁶⁷ Eiximenis and contemporary moralists felt that sexual disease should be sought out in the infected body in order to prevent the spread of sinful sexual otherness. After these harborers of sexual deviancy were discovered, the individual physical bodies plagued by sodomitical drives could then be “controlled, contained” or “eliminated,” depending on the person or persons deciding the individual’s fate.⁶⁸ The Catholic monarchs picked up on this idea and believed that sexual deviancy spread like a disease across the country.⁶⁹ According to the journal of Pedro de León (d. 1616), a local priest, the guards of the Royal Prison of Seville went so far as to isolate sodomites from the other prisoners because they believed that the sin could infect the entirety of the prison’s population.⁷⁰

The King’s Power Over the Individual

The Catholic monarchs of the late fifteenth and sixteenth centuries expressed their power by asserting their will to control the population through established legal practices. Their codified laws formed the legal basis for their authority over the kingdom, their subjects, and the

66 Michael Solomon, “Fictions of Infection: Diseasing the Sexual Other in Francesc Eiximenis’s *Lo Llibre de les dones*,” in *Queer Iberia: Sexualities, Cultures, and Crossings from the Middle Ages to the Renaissance*, ed. Josiah Blackmore and Gregory S. Hutcheson (Durham: Duke University Press, 1999), 277.

67 *Ibid.*, 286.

68 *Ibid.*, 287.

69 Mary Elizabeth Perry, *Gender and Disorder in Early Modern Seville* (Princeton: Princeton University Press, 1990), 123-124.

70 *Ibid.*, 123.

punishment of these subjects.⁷¹ In *Discipline and Punish*, Michel Foucault examines pain and torture through the lens of the Ancien Régime, or the social world of France that began during the fourteenth century and ended with the French Revolution during the eighteenth century. He argues that during these centuries, the sovereign and the judges of the court asserted their power over the state through their judgment. The sentence delivered by these chief members of the state defined knowledge and truth. The judges wished to obtain proof to convict the defendant, and through judicial torture they were able to extract a confession from the “patient” and produce what the court deemed “truth.” If the defendant failed to confess at the hands of the court he robbed the magistrate of his right to sentence him to death. If he confessed, however, the judge called for a public execution. Foucault emphasizes that the body of the victim witnessed torture both before and after the conviction. Before the sentence, torture served as a means of investigation, and afterwards, torture punished the body and asserted the power of the monarch. This public execution replayed the moments of the confession in order to connect the truth of the crime to the sentence. The secular arm of the kingdom revisited the symbols of the criminal act during the public punishment in order for witnesses of the spectacle to understand that the court had the power to reverse the crime through its power to punish. The body provided an outlet for the monarch’s attack against crime, which he viewed as an assault against his authority. This attack on the social order was indefensible. Torture, therefore, “justified justice” in that through

71 The production of law codes was involved in the rise of “nations,” a subject explored by Benedict Anderson. During the sixteenth century, heads of state and “dynasts” had at their disposal the capital and the printing technologies needed to produce texts. These codes and texts firmly established a language that defined the region over which these leaders had political power. Printed materials, therefore, aided in the creation of an “imagined community,” a people united by commonalities, in this case a language. Anderson discusses these ideas in “Imagined Communities.” Benedict Anderson, “Imagined Communities,” in *Nations and Identities*, ed. Vincent P. Pecora (Malden, MA: Blackwell Publishers Ltd, 2001).

the public spectacle of punishment the monarch asserted that the wrongs had now been corrected under his guidance.⁷²

Foucault demonstrates the ways in which the powerful produced subjects. He begins with an account of Damians, a French subject condemned to be publicly executed, drawn, and quartered. The report explains in detail the gruesomeness of the event and the blunders that occurred at his expense. This document illustrates how performed punishment served as a public spectacle in Old Regime France. During the Old Regime, the intensity of the public torture horrified witnesses in order to instill general fear of the monarch's omnipotence. Foucault reveals the state's motives to prevent crime, and perhaps sin, through the very public spectacle of executions; by inflicting pain and then death upon the individual criminal body, the leaders of the state warned their subjects.⁷³

I share this account of the "tortured body" to propose that the leaders of the burgeoning Spanish state similarly punished individual subjected bodies to assert their control over Spanish society.⁷⁴ Similar to the French monarchs' subjects, those under the close watch of the Spanish monarchy served the state and also the Church, which had become closely aligned with the monarchical courts, as "productive" bodies remaining subservient to the monarch.⁷⁵ The individual performed his or her duty to the Crown, the Church, and Spain by working and by upholding the laws created by those in power. Men who engaged in sodomitical acts, such as Gaspar and Cristóbal, did not perform their duty to the Spanish Empire as they exhibited immoral, unchristian, and unmanly behaviors. They existed as beings outside the realm of the ideal Spanish male and therefore endangered society. As representatives of the greater social

72 Michel Foucault, *Discipline and Punish*, trans. Alan Sheridan Hurley (New York: Vintage Books, 1977), 68.

73 Ibid., 11.

74 Ibid., 14.

75 Ibid., 26.

body, these diseased individual physical bodies were excised, either through death or banishment. By labeling these individuals and others as dangerous, the Spanish monarchs demonstrated their power while also continuing in their efforts to create an empire unified in belief and orthodox behavior.

III. *The Discourse of Crime Versus Sin: Preserving the Natural Order*

Gaspar and Cristóbal had betrayed both God and the Spanish state when they committed the “nefarious” sin of sodomy. The captain-general initiated the trial of Gaspar and Cristóbal because he felt compelled to understand whether a particularly heinous sexual act had occurred aboard his ship. After all, this was a vessel sailing in the name of the Spanish monarchy and the ever-growing Spanish Empire. The trial records do not refer to this act merely as “sodomy.” Rather, the interrogators, or at least the scribes of this case, refer to the sodomitical act as “*el pecado nefando contra natura*,” or the “nefarious sin against nature.”⁷⁶ Rarely do records make explicit that the sexual act in question referred to sodomy, the “unmentionable vice.”⁷⁷ Rather, scribes, like the moralists and theologians who wrote unceasingly about sodomitical sin, worried that even the mention of “sodomy” could spread the “disease.”⁷⁸

The court records of the Gaspar trial reveal that the captain-general had initiated the investigation to “inform himself of a certain crime committed on board the ship.”⁷⁹ In these initial pages, the interrogators and the scribes describe sodomy with the words “sin” (*pecado*) and “crime” (*delito*), two terms that these royal agents use interchangeably. This is not an

76 Carvajal, *Butterflies Will Burn*, 189. (*Proceso contra Cristoval*, fol. 2r).

77 Michael Goodich, *The Unmentionable Vice: Homosexuality in the Later Medieval Period* (Santa Barbara, California: Ross-Erikson, Publishers: 1979).

78 Mark D. Jordan discusses the medieval belief that the sodomitical sin could spread by the mere mention of the word “sodomy” in his text, *The Invention of Sodomy in Christian Theology*. Mark D. Jordan, *The Invention of Sodomy in Christian Theology* (Chicago: The University of Chicago Press, 1997).

79 Carvajal, *Butterflies Will Burn*, 189. (*Proceso contra Cristoval*, fol. 2r).

isolated incident, as a large number of sodomy trial documents of both ecclesiastical and secular tribunals also describe sodomy as a sin at one moment and a crime the next.⁸⁰ The interrogators saw these actions as both sinful and criminal, but there never appears to exist any line distinguishing sin from crime.

Fernando and Isabel, symbolic figures of the growing unification of the Spanish state with the Catholic Church, married “sin” and “crime” as they focused on creating a politically and socially stable society. Through Inquisition courts, the monarchy attempted to assert its role as the defender of the Catholic faith by rooting out heretics against the Church. They focused on actions that they believed both weakened the state and disregarded the law of God; sexual acts, in particular, subverted the hierarchies they developed and the “natural order” the Christian monarchs believed to have been established by the divine. Church Fathers emphasized marriage, family, and “orthodox” religious practice and belief as the foundations of social order.⁸¹ The languages of crime, sin, and nature developed as theologians and moralists asserted their authority over issues of the body. Late fifteenth- and sixteenth-century Catholic monarchs and the Spanish moralists who wrote about sodomy and the body defined “orthodoxy,” and thereby structured a society where certain behaviors were rewarded and others were punished.

The terms “sin” and “crime” or “religious” and “secular” are not as mutually exclusive as they have become over recent centuries. Fernando and Isabel did not act as “secular” rulers, with “secular” here referring to a more modern understanding of political or social rule rather than a focus on the divine. They were the Catholic Kings, chosen by God to rule in His name on earth. During this period, monarchs united political, social, economic, and religious motivations and

80 Monter’s *Frontiers of Heresy* and Carvajal’s *Butterflies Will Burn* detail various sodomy records in which the scribe moves back and forth between the terms “sin” and crime.”

81 Eukene Lacarra Lanz, ed. *Marriage and Sexuality in Medieval and Early Modern Iberia* (New York: Routledge, 2002).

generally did not distinguish these from one another. Expanding the empire, for example, served as a means of increasing the power of the monarchy (political) as well as glorifying the divine Creator who had bestowed power upon these leaders (religious). After the conquest of Muslim Granada, Fernando proclaimed, “After so much travail, expense, death and bloodshed, we have won for the glory of God, for the exaltation of our Holy Catholic Faith, and for the honor of the Apostolic See, this Kingdom of Granada, occupied for 780 years by infidels.”⁸² To Isabel, Fernando, and their heirs, they served God as his agents on earth.

When discussing fifteenth- and sixteenth-century conceptions of “crime” and “sin,” it is necessary to locate what the terms meant, at least to those using them at that time. Sebastián de Covarrubias (d. 1613), a Spanish scholar of language who worked closely with the monarchy and the Church, compiled a dictionary, his *Tesoro de la lengua castellana o española* (1611). Within this text he used the terms “sin” and “crime” interchangeably when defining the words “sin” and “crime.”⁸³ He never distinguished the terms from one another, but rather, he used the one to describe the other. Similarly, trial records of sodomy cases described the sodomitical act as a crime against the state and a sin against God.⁸⁴ The language of sin and crime contained within these trial documents fit into a broader political and religious discourse, as evidenced by the discussion of sodomy as both a sin and crime in the writings of Fernando and Isabel.

82 Quoted in Carvajal, *Butterflies Will Burn*, 39.

83 de Covarrubias, *Tesoro de la lengua castellana o española*, 450, 858.

Here he defines “delito” and “pecado.” “Delito - Latine delictum, peccatum, a delinquo, is, quod qui peccat delinquit officium suum; que si tomamos el vocablo en sumo rigor vale omisión, quando uno faltó en hazer lo que devía. Pero delictum y peccatum, todo sinifica una cosa. Delinquir, cometer delito” (450).

“Pecado - Latine peccatum, quod significat omnem deviationem vel eclinationem a rectitudine operi debita sive in naturalibus sive in moralibus, ut docet sanctus Thomae ... Lo demás se remite a los doctores escolásticos. Pecar. Pecador algunas vezes le tomamos por el hombre que sabe poco y dezimos; Es un pecador, quia omnis peccans est ignorans. Pecante se toma en la misma acepción” (858).

84 Rafael Carrasco transcribes a document, “Declaraciones de Bartolome Juarez, sodomita quemado en Valencia el 24 de junio de 1574,” in which the scribe moves back and forth between the terms “sin” and crime.” “Declaraciones de Bartolome Juarez, sodomita quemado en Valencia el 24 de junio de 1574” quoted in Carrasco, Rafael *Inquisición y Represión Sexual en Valencia: Historia de los Sodomitas (1565-1785)* (Barcelona: Laertes S. A. De Ediciones, 1985).

In the *Pragmática* of 1497, Fernando and Isabel likened the sin to the crime of heresy (*el crimen de herejía*) and the crime of high treason (*el crimen lesa majestatis*). This connotes a worry about the state of earthly society as well as a concern to rid the world of those who offended the divine. In his definition of “state,” Covarrubias began to untangle what moderns would call “secular” from the “religious.” He explained, “In the republic, there are diverse states, those that are secular (*seglar*) and those that are ecclesiastic (*ecclesiástico*).” According to Covarrubias, each participant of this state had his or her own “state.”⁸⁵ The word “state” functioned as a means of conceptualizing society as a republic, but it also referred to a way of being or living. Just as a person could sin at any moment, a person’s moral or social status could rise or fall at will. The key to this definition is the differentiation between secular and ecclesiastic. While “ecclesiastic” refers to “all that pertains to the Church,” “secular” speaks only of “that which does *not* pertain to the ecclesiastical or monarchical state.”⁸⁶ There existed, therefore, some understanding of the functioning of a state in terms of both its “religious” or “ecclesiastical” components and its “secular” components. Scholars, Covarrubias at least, connected the monarchy to the ecclesiastical state, perhaps due to the role of monarchs as God’s agents on earth.

Gaspar and Cristóbal: The Nature of Sodomitical Activity Aboard the Spanish Vessel

The case of Gaspar and Cristóbal provides a window to see how interrogators approached the “sin against nature” and the ways in which sexual deviancy was handled in judicial cases. Once the ship on which Gaspar and Cristóbal had allegedly engaged in the sodomitical act had returned to the Iberian mainland, Juan Bautista, the guardian of Cristóbal, appealed to the Royal

⁸⁵ Covarrubias, *Tesoro de la lengua castellana o española*, 561.

⁸⁶ Covarrubias defines “*ecclesiástico*” on page 491 and “*seglar*” on page 932. Emphasis added.

Council of the Indies in Madrid. This municipal body had jurisdiction over the trials of the Casa de la Contratación. He presented to this tribunal a record of the “wrongful nullities” that categorized the trial aboard the ship. Bautista argued that the Council should revoke the captain-general’s sentence because “a trial of law had not rendered the decision” and because “a boy under the age of fourteen should not have stood trial under Spanish law or received torture.”⁸⁷ He also believed that Captain-General de las Ruelas had acted unjustly by not providing an adequate explanation of the circumstantial proof to Cristóbal during his trial. Lastly, Bautista felt that Cristóbal could not have been able to defend himself as a result of his status as a minor. Due to the circumstances of the case, particularly the overwhelming lack of “evidentiary requirements in conformity with the laws of the kingdom” to try Cristóbal aboard the ship, the peninsular court reexamined the case against the young page.⁸⁸ Secular tribunals tried sodomy cases in Castile. Unlike its Inquisitorial counterpart in Aragon, the secular court did not keep information surrounding the case secret during the trial of an accused sodomite. The tribunal provided to the defendant the identity of participating witnesses as well as the accuser. The secular courts of Castile also provided a lawyer for the accused and allowed him or her to list any persons who would potentially hinder the case through false testimony due to a general hatred for the defendant.⁸⁹

When pleading on behalf of Cristóbal, Bautista referred to the boy as “a minor of good customs and good fame, one never accused of such a crime.” During the trial by the peninsular tribunal, witnesses spoke about the character of Cristóbal. The mariner Ludovico argued that Cristóbal was “a good and publicly timid boy.” Sebastian, another crew member, explained that the page was “a quiet boy of good customs with a reputation on board the ship of being incapable

87 Carvajal, *Butterflies Will Burn*, 96. Carvajal’s translation. (*Proceso contra Cristoval*, fols. 24r-25v).

88 *Ibid.*, 96. Carvajal’s translation. (*Proceso contra Cristoval*, fols. 24r-25v).

89 *Ibid.*, 76.

of committing crimes.”⁹⁰ These mariners reasoned that he could not have or would not have committed the “*pecado nefando*” as he was too timid or too good of a person to do so. Three witnesses from Cristóbal’s local community of Triana, a neighborhood in Seville, also provided testimony that portrayed the page as a good Christian boy. One neighbor, Catalina Bernal, explained that she knew him well “because, since his birth, they [Cristóbal and his parents] had lived next door to her.” The neighbors “knew both him and his mother very well,” and they had “always known Cristóbal, the boy, as a quiet, good, well-indoctrinated son of very good honorable parents and the grandson of good grandparents unaccustomed to committing the crime.”⁹¹ These neighbors could not fathom the boy committing the sin of sodomy as he had descended from good stock; both his parents and his grandparents were too honorable to have given birth to a sodomite. Sodomy, it appears, was against his nature due to his “honorable” status.

The trial documents also provide the testimony of the magistrate of the Royal Prison of Seville where Cristóbal was held. This magistrate, Hernando Maldonado, asserted that “after the incarceration of Cristóbal, six French prisoners fled and the door of the prison remained open until the next morning.” Rather than run away, Cristóbal “beckoned the magistrate to come see the open door and told him that the Frenchmen had fled.” Maldonado further elaborated, “On another occasion, three other men imprisoned for thievery fled through a hole.” When these thieves had made their way to the “patio of the Casa, Cristóbal and Juan Vásquez, another prisoner, both cried out, saying that some prisoners intended to flee.” As a result of these cries, the magistrate “came out and reapprehended the prisoners.” Maldonado reported to the tribunal that Vásquez had explained to him, “Cristóbal had first seen the escapees and had then informed

90 Ibid., 96. Carvajal’s translation. (*Proceso contra Cristoval*, fols. 45r).

91 Ibid. 96. Carvajal’s translation. (*Proceso contra Cristoval*, fols. 47r-49r).

him so they could together cry out for help, for Cristóbal, only a boy, feared the Frenchmen would kill him.” The French thieves had “wanted to take him with them.” He did not flee with them because he wanted to “be set free by the courts,” rather than implicate himself for a crime he had not committed. Maldonado also explained that Cristóbal’s fellow prisoners understood him to be “simple, innocent, and covetous.”⁹² The magistrate himself described Cristóbal as “a simple boy with little understanding.”⁹³ As a result of this evidentiary testimony, the tribunal banished Cristóbal from the kingdom rather than execute him as the crew aboard the *Nuestra Señora de los Clarines el Cornio* had done to Gaspar.

The attestations made by the crew members, Cristóbal’s neighbors from Triana, and the magistrate of the prison in Seville all discuss the character of Cristóbal. This testimony speaks of Cristóbal as an exemplary subject of the Spanish kingdom. All appear to be skeptical that the page would have engaged in the sodomitical act with Gaspar as he was a good child, a good neighbor, and even a good prisoner from an honorable family. The question is, however, why did the witnesses and the inquisitors of the Casa de Contratación believe the act of sodomy was against his nature? As these observers explained why he *would* not have committed the crime, they also appear to have suggested that he even *could* not have committed the crime due his “good” nature. The references to his family in particular demonstrate that these men and women connected the boy’s background and upbringing to his “natural,” or even instinctive, behaviors.

92 Ibid., 97. Carvajal’s translation. (*Proceso contra Cristoval*, fols. 54r-54v).

93 Ibid., 97. Carvajal’s translation. (*Proceso contra Cristoval*, fols. 53r-53v).

Defining the “Sin Against Nature”: Ideologies of the Catholic Moralists and Spanish Monarchs

The prosecution of Spanish sodomites like Gaspar and Cristóbal did not occur as an isolated incident in history. Leading Church Father Augustine (d. 430), for example, discussed certain actions as contrary to nature. He asserted:

Disgraceful acts (flagitia) against nature are everywhere and always to be detested and punished, as those of the Sodomites were; if all people did these, all would be held guilty of the same crime by the divine law, which did not make human beings that they should use each other in this way. Indeed the society that we ought to have with God is violated when the nature of which He is the author is polluted by perversity of lust.⁹⁴

During the seventh, eighth, and ninth centuries, theologians and Church Fathers generally ignored or shied away from the theme of sexual deviancy. Some early medieval penitentials, however, detailed penance for sodomites. Penance varied in length depending on the ages of the sexual partners and the number of times the sexual act had occurred. Generally, penance involved fasting of certain food or behaviors. The penitential written by Irish missionary Columban (d. 615), for example, detailed a penance of fasting and abstention from meat and wine.⁹⁵ Non-ecclesiastical authorities, however, established laws that sought to exterminate sodomitical behaviors rather than merely ask sodomites to abstain from alcohol. In the Iberian peninsula, the Visigoths sentenced those engaging in anal sex and other forms of sodomy with castration.⁹⁶

As time continued, religious and municipal writings and laws grew more explicit about what constituted proper sexual behavior. The polemical penitentials and biblical commentaries of the Gregorian reform movement of the eleventh century portrayed sodomitical sin as completely

94 Jordan, *The Invention of Sodomy in Christian Theology*, 148.

95 James A. Brundage, *Law, Sex, and Christian Society in Medieval Europe* (Chicago: The University of Chicago Press, 1987), 166.

96 *Ibid.*, 149.

abhorrent and worthy of physical punishment.⁹⁷ A leading Christian writer, Peter Damian (d. 1072), drew upon the writings of Augustine and other Church Fathers when discussing the “sin against nature” in his *Book of Gomorrah* (c. 1050). His ideas, however, did not resonate with most of his contemporaries as Damian called for the ultimate penance, death.⁹⁸ By the late twelfth century, canonists and theologians increasingly focused their attention to the “unnaturalness” of sodomy. For these writers, sexual behaviors had become signifiers of a Christian’s ability or inability to adhere to Catholic doctrine and orthodox Catholic thought.⁹⁹

During the twelfth and thirteenth centuries, Catholic moralists and canonists generally wrote very little about deviant sex, but those that did wrote commentaries that clearly defined what set these behaviors apart from male-female vaginal intercourse. Canon lawyer Gratian (d. c. 1160), differentiated between “natural” sex and “unnatural” sex in terms of the appropriate use of the male and female sexual organs. According to Gratian, male-male sexual intercourse fell outside the bounds of “natural” sex because the penetration of the penis into the anus of another male defied God’s “natural law.”¹⁰⁰ The Catalan canon lawyer Raymond of Peñafort (d. 1275), too, defined “natural” sexual intercourse as sex “between man and woman using the appropriate organs.”¹⁰¹ Also, the Third Lateran Council (1179) prohibited “that incontinence which is against nature” and targeted clerics and laymen engaging in this “unnatural” vice. According to the prohibitions issued by the Council, Church leaders should strip clerics of their status and excommunicate laymen charged with sodomy.¹⁰²

It was in this environment that one of the leading theologians of Catholic Church turned his attention to sodomy and sexual sin. Thomas Aquinas (d. 1274) expanded upon the reasoning

97 Goodich, *The Unmentionable Vice*, xv.

98 Brundage, *Law, Sex, and Christian Society in Medieval Europe*, 213.

99 Ibid., 313.

100 Ibid., 241.

101 Ibid., 398.

102 Ibid. 399.

of Augustine and other writers of the patristic tradition when calling for the extermination of sodomitical activity in his *Summa Theologica* (1265 – 1273). In this text he explained:

Just as the order of right reason is from man, so the order of nature is from God himself. And so in sins against nature, in which the very order of nature is violated, an injury is done to God himself, the orderer of nature (2-2.154.12 ad 1).¹⁰³

According to Aquinas, sin was antithetical to nature. In committing an “unnatural” sexual act, the individual acted against God.

Late thirteenth-century Europe saw an increase in civil laws dealing harshly with sodomitical behaviors. The Bologna municipal statutes of 1288 pronounced that sodomites were to be burned alive. The *Siete partidas* (c. 1265) of Alfonso X (r. 1252-1284) and the Portuguese laws of the same period decreed castration and hanging by the legs until death as penalty for sodomy.¹⁰⁴ King Alfonso X assembled his *Siete Partidas*, his code of laws for the Spanish kingdom. In the section entitled “*De los que facen pecado de luxuria contra natura*” (“About those who commit the sin of lechery/lust against nature”), Alfonso X decreed that “when one man desires to sin against nature with another ... both [were to] be castrated before the whole populace and on the third day after be hung by the legs until dead, and that their bodies never be taken down.”¹⁰⁵ He also defined sodomy as “the sin which men commit by having intercourse with each other, against nature and natural custom.” Both the passive person and the active person must be punished for engaging in the act. He connected these sexual activities to Sodom and Gomorrah and to the “famine, plague, anguish, and other calamities” generated by God as punishment. By executing the sinner, Alfonso X sought to restore the natural order created by the divine. God, Alfonso X feared, would destroy Spain so he, as a Christian king, sought to defend

103 Jordan, *The Invention of Sodomy in Christian Theology*, 146.

104 Brundage, *Law, Sex, and Christian Society in Medieval Europe*, 472-473.

105 This particular translation comes from Byrn Fone’s *Homophobia*. Byrn Fone, *Homophobia* (New York: Metropolitan Books, 2000), 144.

Christian morality by targeting sexual sinners. By displaying the corpse, all of society would learn from the behavior of the criminal. This would prevent future subjects from engaging in illicit behaviors that could and would also endanger the public order established by the Creator.

Beginning in the fourteenth and fifteenth centuries, writers of both municipal and canon law focused more intensely on marriage and orthodox and deviant sexual behaviors.¹⁰⁶ In 1497, Isabel and Fernando issued their *Pragmatica*, a royal decree in which they identified sodomy as an “offense against God” more so than as a menace to the state. The two dedicated themselves to defending the Catholic religion while strengthening the Spanish state through a unified faith. By recognizing the act as both sin and crime, the Catholic Kings asserted their role as God’s agents on earth. Their responsibilities to both the Church and the state relate to the writings of theologian Alfonso de Castro, who believed in and expanded the language of man as “collaborator with God.”¹⁰⁷ The monarchs explained that “secular and ecclesiastical law should join forces to punish the nefarious crime, one not worthy of name, destroyer of the natural order, thus punishable by divine justice.” Here the religious and socio-political functions intertwine in that they cannot separate society from the “natural order” produced by God. They pronounced that:

because the penalties previously decreed have not sufficed to eradicate and definitely punish such an abominable crime, ... and because the laws previously passed have not provided a sufficient remedy, we establish and order that any person of any estate, condition, preeminence, or dignity who commits the wicked crime against nature, being convicted by that manner of proof that according to the law is sufficient for proving the crime of heresy or treason, shall be burned at the stake.¹⁰⁸

¹⁰⁶ Brundage, *Law, Sex, and Christian Society in Medieval Europe*, 546.

¹⁰⁷ Carvajal, *Butterflies Will Burn*, 44-45.

¹⁰⁸ Isabel and Fernando, “1497, agosto 22. Medina del Campo. Pragmática sobre como ha de ser castigado el ‘pecado nefando contra natura.’”

The flames offered purification for an act that the kings had likened to heresy, an ultimate sin against God. By attacking sodomites they appeased their divine Savior while repressing the subjects they deemed to have endangered both natural order and the state.

When Isabel and Fernando expressed their roles as God's intermediaries on earth, they, like Aquinas, viewed sodomy as one of the greatest offenses against God. At this point moralists had begun to associate sodomy with the sin of heresy; this connection between sodomy and the ultimate sin against the divine only increased the desire to punish and even exterminate the act from Spain.¹⁰⁹ They identified sodomy as both an "offense against the Lord our God" and a menace to the state.¹¹⁰ They believed that they had responsibilities to both the Church and to their kingdoms so to them it only made sense for secular and ecclesiastical law to unite in the prosecution and punishment of those committing "*el pecado nefando*," the nefarious crime of sodomy.

Throughout the text of the *Pragmática*, Fernando and Isabel picked up on the language of their religious and political predecessors. As revealed in the *Pragmática*, Fernando and Isabel, like Alfonso X, believed that sexual deviancy offended God and that He responded to these acts by punishing the societies that allowed these sins/crimes to continue. They hoped to end "pestilence and other torments" by ridding society of the men and women who angered God. The prosecution of sodomites would please Him and therefore would allow the Spanish state to continue moving forward during this period of social and political growth. Fernando and Isabel focused on "natural order" throughout their document as they believed deviants who subverted the social order were dangerous to the perpetuation of their kingdom and their rule.

109 Monter, *Frontiers of Heresy*.

110 Isabel and Fernando. "1497, agosto 22. Medina del Campo. Pragmática sobre como ha de ser castigado el 'pecado nefando contra natura.'"

Unlike the sodomites of Castile, those accused of the “nefarious sin” in the Crown of Aragon were tried by ecclesiastical Inquisition tribunals. An examination of Aragonese sodomy cases provides, therefore, an expanded understanding of the religious ideologies at work surrounding sodomitical behaviors during the sixteenth century in Spain. Legal documents and judicial records from the Castilian civil courts and their ecclesiastical counterparts in Aragon included a similar line of argumentation and religious language. On February 24, 1524 Clement VII issued a papal bull in which he provided the Inquisition in Aragon the right to try those engaging in sodomy and deviant sexual behaviors. In the bull, Clement VII declared:

To prevent the further spread of such a nefarious crime [*pecado nefando*], we order and commend you to proceed against each and every lay and clerical person(s), from whatever order and dignity who appear to be suspects of this horrendous crime, through legal means, in accordance with secular laws and municipal statutes.¹¹¹

During this period, the Inquisition began the quest of rooting out sexual immorality while emphasizing the importance of Christian marriage.¹¹² He provided the inquisitors in Aragon a means for prosecuting and punishing the men and women who damaged the causes of Catholicism and the Spanish Crown through their sexual deviancy. Once the papal bull of 1524 placed sodomy under the jurisdiction of the Inquisition of Aragon, the Church assumed political and judicial authority over these crimes of the body. The Inquisition would eliminate this behavior by focusing on the sinful nature of the act and convincing the community of each city to assist in the extermination of these sources of sexual sin.

Pope Clement VII brought sodomy under the jurisdiction of the Inquisition in Valencia, Barcelona, and Saragossa because political and religious leaders in the Crown of Aragon were particularly worried about the prevalence of deviant sexual acts and interracial mixing in their

111 Christian Berco, *Uncovering the Unmentionable Vice: Male Homosexuality, Race and Class in Spain's Golden Age* (Diss. University of Arizona Ann Arbor: UMI, 2003), 104.

112 Carla Freccero, *Queer / Early / Modern* (Durham: Duke University Press, 2006), 302-303.

districts. Sodomy cases followed behind condemnations of heresy as the most prosecuted crime in these religious tribunals.¹¹³ Records reveal that periods of intense persecution and execution arose during times of plague and pestilence.¹¹⁴ Because the Church identified these afflictions on humanity as results of sinful acts, it is quite possible that more community members came forward to condemn their neighbors during these periods to appease God and relieve themselves of His blight against humanity.¹¹⁵ Executions served society by intimidating potential sinners from engaging in these acts, thereby restoring order on earth.¹¹⁶ The individual answered for his violent act “against God” and His “natural laws.”¹¹⁷

According to inquisitors throughout the Iberian peninsula, sodomy endangered the natural order of the world because sex, which moralists conceived as created by God to perpetuate the human race, had become less about procreation and more about physical pleasure. Thomas Aquinas and Scholastic theologians had greatly influenced the religious thinkers of the Iberian Peninsula. Aquinas and his Scholastic successors, particularly the vocal Spanish theologian Alfonso de Castro, argued that God had made man his collaborator on earth. By penetrating the female and implanting his seed through his semen, the Christian male brought forth new life just as God had done during the first days of Creation.¹¹⁸ Sodomy, or any sexual act outside non-procreative vaginal intercourse between one male and one female, prevented the creation of new life and therefore removed man away from his role as God’s earthly partner.¹¹⁹ Sodomy, especially anal intercourse between two men, further endangered the order established

113 Carvajal, *Butterflies*, 7

114 Fone, *Homophobia*, 201.

115 *Ibid.*, 201.

116 *Ibid.*, 203.

117 Fernandez, “The Repression of Sexual Behavior,” 481.

118 Carvajal *Butterflies* 45.

119 *Ibid.*, 52.

by the divine by endangering the “image of God.”¹²⁰ For Alfonso de Castro, God had made man out of his own image; for a man to engage in anal sex meant that he did not adhere to this godly image.¹²¹ To moralists and the Catholic monarchs who picked up on their language, the ideal Spanish *Vir*, who was very much created in the image of God the Father would never have conceived that this form of non-procreative sexual pleasure and gender inversion were possible.

Moralists, theologians, and the political and religious leaders who drew upon their writings viewed sodomy as dangerous in that it subverted gender norms and could therefore also endanger other hierarchies that had begun to define Spanish society. These monarchs and other leading religious figures of Spanish society believed that this order had been determined by God. For a person to engage in sodomy meant that he was undermining the divine.

IV. The Discourse of Masculinity: Constructing the Ideal Spanish Male during an Era of Empire-Building

The monarchy emphasized the importance for men to maintain their masculinity. Manhood and masculinity were important during this time of Spanish imperialism; through physical prowess and fortitude, qualities that had become gendered male, the leaders of the state intended to increase their power on a regional and global level.¹²² The male must assert his manhood at all times, even when having sex. Sex and sexuality provided the opportunity for men and women to fulfill their gender roles and therefore to endorse the increasingly more rigid social hierarchy that defined Spain during this period. These gender roles were, after all, believed to have been designated by God as part of the natural order of the world. The fear of sexual deviance relates to an anxiety of the “inversion of gender roles” and therefore the social

120 Ibid., 53.

121 Ibid., 53.

122 Carvajal, Federico Garza, *Vir: Perceptions of Manliness in Andalusia and Mexico 1561-1699* (Amsterdam: Stichting Amsterdamse Historische Reeks, 2000), 8.

hierarchy that sustained society.¹²³ Sodomy was a problem because although one male asserted himself and his manliness, the other was forced to or volunteer to “play the passive ‘female’ role.”¹²⁴ Men who could not fulfill their manly duties or who engaged in feminine acts and behaviors endangered society by acting as something other than what the state or Church identified as orthodox. Sodomites inverted societal norms and existed beyond the bounds of orthodoxy. They were, therefore, to be excised from the community in order to reestablish order.

The captain-general of the *Nuestra Señora de los Clarines el Cornio* identified the sodomitical act that occurred aboard his ship as an inherently dangerous and evil event in that it involved two males. By executing Gaspar, he attempted to reorder something that had been inverted by the fact that the nefarious sin had taken place aboard a ship sailing in the name of the Spanish monarchy. This was, after all, an era of Spanish imperial empowerment. Ships sailing between Spain and the Indies represented Spain, the Catholic Church, and the monarchy. By engaging in sodomy aboard one of these ships, two men had defiled the mission of the ship. As members of a hyper-masculine crew that had set out to overpower foreign societies and collect land and wealth for the Spanish Empire, they had agreed, in a way, to act as manly as possible. For a man to act “manly” was to live life as the Spanish *Vir*, the man dedicated to the Church and the Spanish State. Their “male” objective was to culturally and politically penetrate foreign cultures and lands, and not to physically penetrate the body of their fellow male crew members, who too should have placed their allegiance to the state before their sexual desires

During the trial the inquisitors asked Gaspar if he had “ever ridden [*cavalgar*] Cristóbal in the ass [*culo*]” as they attempted to understand what physical member entered which

123 Christian Berco, “Social Control and Its Limits: Sodomy, Local Sexual Economies, and Inquisitors during Spain’s Golden Age,” *Sixteenth Century Journal* 26, no. 2 (2005): 344.

124 Joseph Perez, *The Spanish Inquisition* (New Haven: Yale University Press, 2005), 125.

orifice.¹²⁵ Already I have explained in section one that these questions symbolize the attempt of the inquisitors to conceptualize the event and to understand the physical relations that Gaspar and Cristóbal shared on board the ship. Throughout the trial the questions continued to focus on the moment of penetration. The inquisitors asked if Gaspar had placed “his armed natural member [*natura armada*] in between the page’s legs, wanting to ride [*cavalgar*] him.”¹²⁶ Before his death, Gaspar again returned to this moment, or rather moments, when he exclaimed that Cristóbal has asked to be penetrated “in the ass [*culo*],” and that Cristóbal “had taken Gaspar’s penis [*pija*] in his hand” and “inserted it into his own ass” [*se la metio el propio por su culo*”].¹²⁷ The trial consistently returns to the penetrative act. Without this specific moment, a sin and crime never would have occurred. A trial would not have been necessary if one man had not dominated another man, a man who took on the role of the idealized female, the passive sexual partner, who was to be penetrated by the virile male.

According to Carvajal, the Spanish vessel was no mere ship but “a piece of land belonging to the empire.” Besides carrying the general goods to be traded in the colonies, the ship packed “an ethos that Spain deemed appropriate for export - its form of civilization, its technological advances, its new *Vir*, and its Catholic dogma.”¹²⁸ The Spanish vessel, therefore, served Spain by exporting Catholic morals and Spanish virtues while also setting out to conquer the world in the name of Spain. One could even suggest that the Spanish ship penetrated into the wild, armed with everything necessary to bring Spain to the “other.” The ship also provided a space in which the male crew members could understand what it meant to be the *Vir*, the ideal

125 Carvajal, *Butterflies Will Burn.*, 189. (*Proceso contra Cristoval*, fol. 4r).

126 *Ibid.*, 189-190. (*Proceso contra Cristoval*, fols. 10v-11v).

127 *Ibid.*, 191-192. (*Proceso contra Cristoval*, fols. 8r-9r).

128 *Ibid.*, 84.

Spanish male. This was a time for them to follow orders given to them in the name of the Spanish monarchy.

Spanish moralists of the period had constructed the *Vir* as a “collaborator with God.”¹²⁹ Every male had a duty to impregnate his female counterpart with his sperm, the seed of life. Similarly, the masculinized ship set out to impregnate foreign lands with the gift of Spanish life. Crew members on board these ships arriving in the Indies oftentimes carried goods that symbolized exactly how these men were to behave, namely as God-fearing Catholic men. A report compiled regarding the objects found on a ship traveling to the New World between 1572 and 1600 reveals that the books found amongst the possessions of the crew members included devotional materials (i.e. “prayer books, the lives of saints, and histories of the popes”) as well as chivalric tales of valiant men.¹³⁰ These books detailed Christian and masculine virtues; for male crew members to have brought with them these texts suggests that these ideals were important on these ships, or at least among the majority of the Spanish Catholic males who ventured across the ocean for Spain.

The Construction of the Perfect Spanish Male and the Politics of Expansion

As the state and the Church increased their hold over Spanish society during the fifteenth and sixteenth centuries, a social and economic hierarchy began to define society. Frederico Garza Carvajal explains that the “Spanish intelligentsia,” particularly theologians, magistrates, monarchs, and their contemporaries emphasized political and economic expansion. In a society that increasingly focused on empire-building, colonial expansion, and the power of the monarchy, men and women witnessed increased stratification along racial, class, and religious

¹²⁹ Ibid., 17.

¹³⁰ Ibid., 86.

lines. These moralists, or *moralistas*, tied to their imperial goals the construction of the ideal, perfect Spanish *Vir*.¹³¹

Scholars and other members of the Spanish intelligentsia openly published works that depicted how the ideal male performed masculinity. In his 1477 *Crónica de Enrique IV*, Alfonso de Palencia (d. 1492), Queen Isabel of Castile's chronicler, identified King Enrique IV (r. 1454-1474), the queen's brother and political predecessor, as an impotent fool. Throughout the text, Alfonso illustrated the unmanly and unchristian behaviors of the king, particularly his inability to maintain a healthy sexual relationship with his wife. At times, Alfonso went so far as to reprimand Enrique for his "abominable iniquities" [*nefandas iniquidades*] (I: 73), "all sorts of licentiousness [*toda suerte de libiandades*] (I:52), "disgusting /infamous vices" [*vicios infames*] (I:83), and "innumerable abuses, ruinous for the kingdom, and whose enumeration makes me blush and pains me" [*innumerable abusos, ruinosos para el reino, y cuya enumeración me sonroja y me apena*] (I:83).¹³² These insults accentuate Alfonso's point that Enrique IV not only failed to fulfill his manly duties by controlling his wife and producing heirs (nobles claimed his second wife, Juana, had committed adultery and that his children with Juana had been fathered by other men), but that he also lived the life of a sexual deviant.

These remarks dealt such a devastating blow to the memory of the king because they called into question his sexual character. The term "abominable," in particular, serves as a euphemism for the act of sodomy, or any sexual vice that falls outside the bounds of vaginal intercourse between one male and one female. Alfonso initiated a long trend in which chroniclers emphasized Enrique's failures in the bedroom with each of his two wives while

131 *Ibid.*, 16.

132 Palencia, Alfonso de *Crónica de Enrique IV* Trans. A. Paz y Melia. 3 vols. Biblioteca de Autores Españoles 257, 258, 267 (Madrid: Real Academia de la Historia, 1970-74). This text is discussed in Weissberger's article "'¡A tierra, puto!': Alfonso de Palencia's Discourse of Effeminacy," in *Queer Iberia*.

drawing attention to his relationships with male members of his court. Their focus on his “infamous vices,” “abominable sins,” and “ruinous abuses” gesture towards sodomitical activity. Alfonso and other pro-Isabelline chroniclers living during the queen’s reign conjured the emasculated image of Enrique IV within these histories to connect the failures of the king to his sexual misdemeanors, namely his sodomitical relations with other men. By portraying the king as something less than a masculinized male, Alfonso and other pro-Isabelline chroniclers convincingly located the source of the political and social disorders that had begun to plague the Spanish kingdoms.¹³³ Alfonso attacked Enrique as a weak male in order to turn the reader’s attention to the power and strength of Isabel and her husband, King Fernando of Aragon.

Moralists, inquisitors, and members of the intelligentsia were fundamental to the development of the ideal Spanish *Vir* as they defined men by the behaviors they engaged in. Jurists, for example, recorded in legal documents the poisonous terms and titles they used when referencing sodomites. At one point in the trial of Gaspar and Cristóbal, for example, the captain-general asked whether Gaspar had “practiced the role of *puto* for a long time with Cristóbal and with other persons.”¹³⁴ The 1783 Real Academia Española in Madrid “defined ‘*puto*’ as ‘a man who commits the nefarious sin.’” A man who engaged in such behaviors was a “*bellaco*,” or “a bad man of vile respect and of a perverse condition.”¹³⁵ Here it is evident that these terms were used to characterize men by their predilection for certain sexual behaviors. The inquisitors wished to uncover whether Gaspar had engaged in sodomy this one time or with other men in his past. Because he engaged in sodomitical behaviors with other men, he was not an upstanding subject of the Spanish state. The intelligentsia referenced effeminate men and those who committed sodomy with a number of powerfully disdainful terms. A “*maricón*” or

133 By this point in time Enrique IV had lost some control over his territories to competing nobles.

134 Carvajal, *Butterflies Will Burn*, 190. (*Proceso contra Cristoval*, fols. 10v-11v).

135 *Ibid.*, 190.

“*marimaricas*” was an “effeminate man who is inclined to do the activities/things of women.”¹³⁶ An “*afeminado*” was “a man of womanly condition, inclined to do what women do and speak their [women’s] language in a delicate tone.”¹³⁷ He could have also been referred to as an “*horadado*,” or “something that has holes used derogatorily in reference to a man, as it means sodomite, and for a woman it connotes a lack of virginity, if not worse”¹³⁸ Other words that roughly meant “sodomite” include *bujarrón*, *sodomita*, *putillo*, *bugre*, and *garzón*. These terms were all used derogatively.¹³⁹

In terms of imperial goals, the leaders of the Spanish state sought to accumulate a great deal of wealth and power by invading foreign lands and imposing Spanish politics and the Catholic religion. Part of this overall project was the construction of a sense of Spanish manliness; through such a project the monarchy could rouse desires to conquer in the name of Spain. Colonizers gendered the native people of these new colonies as female, oftentimes explaining that these women and men were weak and in need of Spanish rule.¹⁴⁰ To the monarchs and their officers, the colonized were begging to be overpowered by the politically, economically, religiously, and culturally superior Spaniards. It is realistic to believe that each member of the Spanish ship was somehow absorbed into this system of gendering the other.¹⁴¹ The captain of the ship and his superiors at home expected these men to take part in the process

136 Covarrubias, *Tesoro de la lengua castellana o española*, 790. “*Maricón - El hombre afeminado que se inclina a hazer cosas de muger, que llaman por otro nombre marimaricas.*” This term is referenced in Henry Kamen’s *Inquisition and Society in Spain in the Sixteenth and Seventeenth Centuries*: Henry Kamen, *Inquisition and Society in Spain in the Sixteenth and Seventeenth Centuries* (Bloomington: Indiana University Press, 1985), 113.

137 Ibid., 46. “*Afeminado - El hombre de condición mugeril, inclinado a ocuparse en lo que ellas tratan y hablar su language y en su tono delicado.*” It is also referenced in Kamen’s *Inquisition and Society in Spain in the Sixteenth and Seventeenth Centuries*, page 113.

138 Ibid., 698. “*Horadado - La cosa que está agugerada, y suélese tomar en mala parte, quando se dize a uno horadado, porque vale bujarrón, y a la muger la nota de no virgen por lo menos.*” I use Kamen’s translation of this definition, which is found in his *Inquisition and Society in Spain in the Sixteenth and Seventeenth Centuries* on page 113.

139 Kamen, *Inquisition and Society in Spain in the Sixteenth and Seventeenth Centuries*, 113.

140 Carvajal, *Butterflies Will Burn*.

141 Ibid., 33.

by assisting in the penetration of the new and exotic lands while also adhering to Spanish notions of manliness. Again, this was defined by allegiance to the Spanish state and the Catholic Church. Men engaging in the sodomitical act offended both God and the state by subverting the natural order of things. Because men aboard Spanish ships were expected to engage in the political goal of overpowering the foreign other, two or more men committing sodomy betrayed the goals of the crew.

The Passive Male as the Defiler of Gender and Social Hierarchies

I explained earlier that sodomy referred to any sexual activity beyond vaginal intercourse between one male and one female. For two men to engage in sex, one male would have to take on the role of the passive female. Sodomy, therefore, subverted sexual hierarchies. The state and the Church believed that gender inversion threatened social order. The Council of Trent defined marriage, family, and “orthodox” religious practice and belief as the foundations of social order.¹⁴² These topics were on the minds of the political and religious leaders of Spain and other Catholic kingdoms. The works of Christian Berco explain that male-male sexual behaviors threatened the social order in that every person within Spain had a prescribed role depending on class, social rank, age, race, and gender. Men, as the dominant members of the species, were to have control over women. When engaging in sodomy, a male sexually dominated another male; the subversion of the gender order meant that other hierarchies could also be subverted. This was a period during which the leaders of the state and of the Church defined gender roles so any action that undermined these hierarchies threatened the power that the leaders of these institutions wielded.

¹⁴² Lanz, *Marriage and Sexuality in Medieval and Early Modern Iberia*.

Fifteenth- and sixteenth-century moralists constructed a *Vir* completely set apart from men who were not Christian. The *Vir*'s duty, after all, was to wholeheartedly support the Catholic Church in Spain as well as a monarchy dedicated to upholding Catholic principles. Jews and Muslims were racial, ethnic, and religious "others," and they could never fit the mold of the idealized Spanish male because they could never or would never understand what it meant to be a Christian. These non-Christian communities had erred by not believing in the divinity of Jesus Christ. In a land ruled by monarchs devoted to a Christian God and the expansion of the Catholic faith, new Christians who could not distance themselves from their Jewish and Muslim pasts would never be able to join in on the Catholic mission. In 1516 following the accession of Carlos of the Habsburg dynasty, the monarchy intensified its goal of defending and spreading Christian values.¹⁴³

Gender hierarchies are problematic in that they were further distorted along lines of race, class, ethnicity, and religion. Historian of sexuality, Katherine Crawford, like many others in her field, emphasizes the importance of understanding sexual interactions as something greater than mere physical sex. Sexuality and gender do not exist in opposition to one another. Individuals engage with one another in multiple ways across both of these concepts. Crawford explains that sex serves as a means of exchange. She emphasizes the importance of "intention" when examining sexual relations because this allows for a study of the multiple ways individuals and peoples interact across categories. These include circumstances (when and where an exchange occurred and who it involved in terms of race, ethnicity, class, and social order), the specific sexual acts in which the individuals engaged, and the meanings attached to an act by the

143 Ibid., 21-22.

individuals involved.¹⁴⁴ Overall Crawford believes that a scholar can read a sexual act in multiple ways.

Men and women performed gendered roles through physical acts, symbolic actions of penetration or submission. Power relations are an especially vital component of the sexual act. In the context of Spain, race, ethnicity, and sexuality became bound up within the dominant-submissive relationships that either reinforced or subverted the social order, depending on who was involved.¹⁴⁵ Modern scholarship reveals the ways in which xenophobia influenced the monarchy and the religious and political leaders of Spain in terms of their focus on sexuality and sex laws. Carvajal, for example, has written that “early modern moralists described men of other ‘nationalities’ as the complete opposite to the idyllic Spanish *Vir*.”¹⁴⁶ Spaniards saw sodomy as a foreign disease brought to the Iberian peninsula by Italians and men and women native to other countries. Isabel and Fernando had united Castile and Aragon, had wrestled control of Granada from its Muslim rulers, and had expelled the Jews out of the kingdom. This was an era during which leaders of the Spanish kingdoms expanded and defined their borders. One way in which the monarchy, with the help of moralists, attempted to define their territories was to differentiate the Spanish subject from his foreign neighbors. In this context, sexual deviance became not a Spanish vice, but a foreign sin that endangered Spanish society.

Spanish society viewed the man being sodomized, the “passive” partner, as feminized and subjugated; it saw the more dominant male as taking away the passive’s manhood by penetrating him and thereby treating him as a woman.¹⁴⁷ Members of Spanish society felt threatened by the ability of certain men of lower rank to be able to assert their power through

144 Katherine Crawford, “Privilege, Possibility, and Perversion: Rethinking the Study of Early Modern Sexuality,” *The Journal of Modern History* 78, no. 2 (June 2006): 414.

145 Blackmore, *Queer Iberia*, 11.

146 Carvajal, *Butterflies Will Burn*, 30.

147 Berco, *Sexual Hierarchies, Public Status: Men, Sodomy, and Society in Spain’s Golden Age*, 9.

sexual dominance. Historian Christian Berco's research focuses on this societal fear. Muslims and men of lower social status had the capability to sodomize Christian men and women and thereby implicate Christians in the nefarious sin, a sin against God and a crime against the state. Berco demonstrates that Spanish Catholic communities feared the "potential threat to social order evinced in a social inferior's accrual of masculinity, and therefore status, at the expense of a feminized adolescent."¹⁴⁸ He continues by explaining, "the world of homosexual desire could easily subvert social order because its internal dynamics inherently carried the potential for the breakdown of public hierarchies through the constant possibility of sexual misalliance."¹⁴⁹ This was particularly the case for a city like Seville in that it was a metropolis and a space for intermingling between people of various backgrounds. By 1568, the Casa de la Contratación in Seville had begun to limit the number of non-Spanish crew members allowed on Spanish ships. Still, the number of foreigners that actually served as crew members remained relatively high. Records reveals that close to twenty percent of shipmen were foreigners. About fifty percent of these non-Spanish seamen were from Portugal.¹⁵⁰ Gaspar was a black Portuguese male who had presumably sodomized a younger crew member from Seville. The act of penetration, therefore, crossed ethnic boundaries in that a foreign black man had dominated over a "good" Christian Spaniard. Gaspar had subverted ethnic and racial hierarchies during a time when moralists and monarchs sought to empower the images of Spain and the ideal Spaniard.

Although many of the cases Berco examines reveal the oftentimes harsher punishment for the gender-bending penetrated partner, this trend is not as definitive as might be expected. In the case of Gaspar and Cristóbal for example, Gaspar, the penetrator or dominant partner died at the hand of the ship's tribunal. Although Cristóbal would have died in a similar fashion if his

148 Ibid., 9.

149 Ibid., 10.

150 Carvajal, *Butterflies Will Burn*, 89-90.

caretaker aboard the ship had not appealed the sentence, the fact of the matter is he did not die. The Casa de la Contratación did banish him from the kingdom, but the court did not find it necessary to take his life although he had inverted the social order by subverting the gender hierarchy.

The fifteenth and the sixteenth centuries were a time of imperial growth for the Spanish kingdoms. During this time period, monarchs and their officers, along with the intelligentsia, constructed a uniquely Spanish masculinity to somehow empower the ever-growing empire. Sodomites hindered the construction of this Spanish manliness in that the male partners could not exist as “collaborators with God” since procreation could only occur through vaginal intercourse between one male and one female. Moralists viewed sodomites aboard ships as dangerous because, rather than penetrate foreign coasts in the name of Spain, these men engaged in the act of sodomy, a sexual penetrative act that subverted rather than empowered the gender hierarchies constructed within and by Spanish society.

V. Conclusion

The Catholic Kings and their political heirs viewed sodomites as enemies of the Empire and of the Catholic Church. These men betrayed Spain by engaging in deviant sexual acts that subverted the natural social order that moralists argued had been defined by the Christian God. Free sodomites, therefore, would transform Spain into a veritable Sodom and Gomorrah, complete with death and destruction, because their sexual misdemeanors offended the divine. Legal documents issued by monarchs and the court records compiled by ecclesiastical and municipal jurists provide a window into ideologies surrounding sex, sexuality, and the type of Catholic masculinity performed through sexual acts. The documents discussed within this thesis

have also offered a look at the various discourses involved in defining sodomy as an act antithetical to both Catholicism and an ideal Spanish character.

Images of the body, particularly those depicting the relationship between the individual physical body and the broader social body, provided a language for Catholic moralists and the Spanish monarchs who read these writings to target individuals for engaging in certain behaviors. Sodomites infected a society whose rulers sought to empower their empire rather than see God destroy it. Inquisitors and their political and religious superiors focused on the body in their court records and their proclamations to define what behaviors and activities would lead to a potential death sentence and why they were so dangerous. The discourse of sin, crime, and the natural order further empowered the reasoning of Catholic leaders in their hatred for sodomites, those individuals who cared little for the gender hierarchy defined by God. Lastly, the construction and definition of the Spanish *Vir*, the ideal Spanish male who dedicated himself wholly to the Catholic Church and to the empowerment of the Empire, provided an image to which these inquisitors and leaders could turn when explaining to men of Spain what they as individuals represented to the Spanish Empire. The Crown, the Church, and the intellectuals that constructed this discourse of natural and therefore *correct* Spanish masculinity treated sodomitical activity as something ungodly and inherently flawed.

This was the story of a political and religious regime during which the heads of state defined what men and women could and could not do with their bodies. These individual physical bodies belonged to the Empire in that each represented the body social. For a man to engage in unorthodox, un-Christian behaviors signified that illness had infiltrated and infected the Spanish world. The Catholic monarchs and both religious and secular inquisitors sought to excise these deviants from an otherwise sexually healthy whole. The trials of sodomites,

although held in isolated chambers, brought the private into the public, especially when these criminals were publicly executed. The Catholic Kings and those who followed their direction defined the sexual act between two men as not only disgusting, but also as dangerous to the cause of Spain: the creation of a powerful Catholic Empire with God on its side. Deviant sexual behavior posed a problem to the leaders of early modern Spanish society; they reacted by enforcing their conceptions of ideal masculine behaviors through violence and fear. The unfortunate outcome of Gaspar and Cristobal's sexual escapades aboard the *Nuestra Señora de los Clarines el Cornio* thus reveals the complex relationship of sexuality, discourse, authority, and the state.

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