

Luis Alberto Ramírez Méndez



SODOMY

IN THE INDIES

HOMOEROCISM IN IBERO-AMERICA
DURING THE COLONIAL PERIOD

Luis Alberto Ramírez Méndez

SODOMY IN THE INDIES

Homoeroticism in Ibero-America during the colonial period

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Sodomy in the Indies. Homoeroticism in Ibero-America during the colonial period

Luis Alberto Ramírez Méndez (author).



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Sodomy in the Indies. Homoeroticism in Ibero-America during the colonial period describes and analyzes the historical behavior of homoeroticism in the American colonial domains, it shows the causes of the persecution of sodomites and the behaviors that they assumed in response to it, from masking, feminization and/or masculinization, transvestism, spaces for their meeting, to have meetings and sporadic or continuous relationships and their cohabitation. It is a detailed explanation of the historical performance of LGTBQ+ communities in the midst of a repressive society that carried out a selective genocide, using fear with the sole purpose of strengthening the powers of the throne and the altar.

Dr. Jorge Fymark Vidovic López

<https://orcid.org/0000-0001-8148-4403>

Director Editorial

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To all who were sacrificed,

innocent victims of unjust laws that criminalized their sexual orientation

Abbreviations

AGI. General Archive of the Indies (Seville-Spain)

AGNC. General Archive of the Colombian Nation (Bogotá-Colombia)

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Introduction

Eroticism¹ is expressed through thoughts, fantasies, desires, beliefs, attitudes, values, behaviours, practices, roles, interpersonal relationships and especially in sexuality, which has been the object of study in various disciplines of knowledge, from biology, psychology, psychiatry, law, education, among others, whose contributions have made it possible to explain the various behaviours of human sexuality. In them, it has been possible to verify that sexuality is a fundamental activity of the human being, which is manifested in various expressions of their behaviour such as: identity, roles, orientation, gender, eroticism, pleasure, intimacy and reproduction. Likewise, it is affirmed that it is the result of the interaction of biological, psychological, social, economic, political, cultural, ethical, legal, religious and spiritual factors²; but undoubtedly the fundamental contributions to its understanding are those from history that allow us to know how the delicate framework on which the set of values rests has been built, beliefs and rules that condition and determine its functioning.³

1 “We call eroticism this ability to feel pleasure through sexual desire and to dwell on it and increase it, through techniques in the way of caressing, aphrodisiacs, dresses, ways of speaking, pleasant environments, etc. Eroticism tries to enjoy desire in relation almost always to the desire of another. It supposes a stopping, a concentration, in the relationship of my body with the body of another person. We have already warned of the human possibility of disconnecting various moments of action that in instinctive patterns are rigorously chained”. Corominas Jordi, “Human Body and Sexuality: A Philosophical Approach”, *Periferia*, 3, 2016, pp. 151-152.

2 “Consequently, today it is affirmed that a large part of the anatomical and physiological differences between men and women lie in sex, but that all the others belong to the domain of the symbolic, the sociological, the generic and that, therefore, individuals are not born psychologically made as men or women but that the constitution of masculinity or femininity is the result of a long process of a construction, of a warp that is woven in interaction with the family and social environment”. Mayobre Rodríguez Purificación, “The Formation of Gender Identity. A look from philosophy”, Zarazaga Esteve, J.M. and Vera Vila, Julio. *Social Education and Gender Equality*. Málaga, Ayuntamiento de Málaga., 2006, p. 1. Corominas Jordi, “Human Body and Sexuality: A Philosophical Approach” ... pp. 151-152.

3 Foucault Michel, *History of Sexuality 2. The use of pleasures*. Buenos Aires. Siglo XXI Editores, 1984, p. 7.

Certainly, history reveals the process of institutionalization with which the various behaviours, sexual practices and sociability of people have been systematized, structured in different types of families, the control and interdiction of behaviours, the transmission of ownership of goods, the distribution and differentiation of work according to sex.

In this sense, research carried out on sexuality during the last half of the twentieth century has shown that the moral, ethical and legal principles imposed by the Judeo-Christian tradition on it have been exclusive and discriminatory, in particular against behaviours that present different sexual orientations, with numerous peculiarities, as occurs in the cases of bisexuality, asexuality and especially homosexuality.

In the specific case of homosexuality, defined as sexual orientation towards the same sex, it is considered as a universal behaviour of human sexuality. In this sense, it is important to highlight the opinion expressed by Foucault on the term homosexuality, specifying that it is a concept that emerged during the nineteenth century⁴, and that it became “one of the figures of sexuality, when it was reduced from the practice of sodomy to a kind of interior androgyny, of hermaphroditism of the soul. The sodomite was a relapse, the homosexual is now a species”⁵; a definition that is explained by the fact that homosexuality, in its original conception, was considered a “disease” and a “deviation from normality”⁶.

In accordance with the above, this study focuses on the history of colonial Ibero-American sexuality, particularly in the case of sodomy, based on the review of the meanings and signifiers that guided individual and collective behaviours. In this sense, it is necessary to specify that the term sodomy has been used in some research as equivalent or synonymous with the concept of homosexuality, but there are notable

4 Boswell John, *Christianity, Social Tolerance and Homosexuality, Gays in Western Europe from the Beginning of the Christian Era to the Fourteenth Century*, Barcelona, Muchnik Editores S.A., 1998. pp. 33 and 49-57; Fernández Lara Leonardo, “From sin crime to disease crime. Construction of homosexuality in Chile”, *Liminales. Writings on psychology and society*. Central University of Chile. Vol. I, N°. 07, April 2015, pp. 13-26.

5 Foucault Michel, *History of Sexuality I. The will to know*. Mexico. Siglo XXI Editores, 1989. p. 57; Boswell John, *Christianity, Social Tolerance and Homosexuality...* p. 96.

6 Fernández Lara Leonardo, “From crime-sin to crime-disease. Construction of homosexuality in Chile” ... pp. 13-26.

differences between them because the second does not correspond to the conceptualization of the first with which other behaviours and actions that were present in the ideology of the Ibero-American colonial period were called, apart from homoerotic behaviour.

Certainly, when examining the term sodomy, it is evident that it has several meanings, one of which includes homoerotic relationships, it also defines the sodomite as the man or woman who has attraction to their own sex; it also designated rectal intercourse between a man and a woman, as established in Judeo-Christian religious conceptions. Likewise, sodomy also conceptualized a sin, thus establishing a sinner who was condemned to eternal fire, both in this life and in the “hereafter” and progressively, some leading sectors considered that he was also a criminal who threatened the stability of the State, the family and procreation. At the same time, the possibilities that homoeroticism entails were expressly excluded, that is, the establishment of lasting affective relationships, whether monogamous or polyamorous, differences in the sexual role, transvestism and the numerous other forms in which homoerotic sexual behaviour and orientation is manifested.

Consequently, the sodomite defined as a sinner-delinquent was the predominant vision in the Ibero-American domains of Spain and Portugal, a geo-historical space dominated by Europeans, also known as the West Indies, in whose extensive geography there have been different visions of sexuality, the result of multiple cultures and dominant notions, in different historical periods, which have conferred ideological and philosophical constructions, based on unequal and heterogeneous values whose validity has been controlled and guarded in various societies that have succeeded each other in that space⁷.

Thus, in the present study on sodomy in the Indies, two sex/gender systems that had differentiated and opposing visions of sexuality are approached from the perspective of existence: the first the analogue sex/

7 Blázquez Rodríguez Maribel, *Love and sexualities or what they have told us about love as it counts in our sexuality (s)* Paper presented at: V Conference on gender violence and HIV: love, sex and other stories. Bilbao, 28 October 2008. www.creacionpositiva.net/webs/V_jornadas/pedfs/ponencia_maribel.pdf; Goicovic Donoso Igor: “Affective Relations and Intrafamily Violence in Traditional Chile”, *Ibero-Forum.Voices and contexts*. Spring Year I, N°. 1, 2006. pp. 1-20.

gender system practiced by the different indigenous communities during the pre-colonial period and then the digital sex/gender system of the Judeo-Christian tradition, imposed by conquistadors, during the domination of the Europeans, who also introduced Africans in the condition of enslaved, bearers of their particular vision of sexuality. The presence of these two sex/gender systems in Ibero-American colonial society motivated in the first instance the absolute repression of sodomy, which was applied in two different ways: the first in the punishment of sodomy as a sin and crime and the second as a justification to impose and maintain colonial rule.

In this regard, it should be noted that in modern Western society, the codes of behaviour that have governed eroticism, typified as the digital sex/gender system, have very ancient antecedents, based on the antithesis between virtue and sex, in which sexuality was demonized, reducing it to the condition of sin⁸, which is understood as a notion, from which meaning is given to material and spiritual reality, being a powerful instrument for the creation of symbols and allegories. For this purpose, all sexual practice was associated with the diabolical, with sin, with death, it was only accepted within monogamous marriage, only for procreative purposes and homoerotic relations were outlawed, in addition a high moral value was given to abstinence, chastity and virginity⁹.

Consequently, this conception of sin was a basic element in the discourses of legitimization of sexuality, which established the control and domination of the population through it, concentrating in their hands the power to direct sinners, at least, while it was the clergy who dominated culture and thought¹⁰, especially because they were based on dogmatic foundations, which were imposed by appealing to the use of fear and dread to establish and perpetuate effective control over the population¹¹.

8 Morali Daninos André, *History of Sexual Relations*. Mexico. Publicaciones de La Cruz, 1992. pp. 71- 86.

9 Foucault Michel, *History of Sexuality* 2... p. 11.

10 Carrasquero Manchado Ana Isabel, "Sentido del pecado y clasificación de los vicios", López Ojeda Esther (coord.), *Los caminos de la exclusion en la sociedad medioeval: pecado, delito y represion*. Logroño. Instituto de Estudios Riojanos, 2012, p. 54.

11 "Once the norms and beliefs of a religion or of a certain political and social order have been interna-

In accordance with the above, the study of sodomy in the Indies is placed in the field of power and sex relations. Power is essentially expressed in the regulations that governed sex through their respective codes. In them, sexual practice was established in the first place, only under an exclusive binary regime, therefore, licit and illicit, allowed and prohibited, and therefore power prescribed sex in an “order” that, at the same time, functioned as a form of understanding of the material and spiritual world. In this way, sex was defined based on what was foreseen and guided by the law, for which the power acted by instituting the rule, in addition to regulating it through language or rather by the discourse created as an expression of the interests of the State and therefore rewritten in the law.

The pure expression of power would be found in the function of the legislator and his way of regulating sexual behaviour, which would be of a legal-discursive type¹². Progressively, the acceptance and validation of the sexual codes established by society in its social and human conscience¹³ was achieved, whose perception was generalized, from which it is inferred that it was natural to behave in accordance with them and therefore “the qualification of natural in no way has a biological connotation, but is an indication that the norm is not questioned”¹⁴.

This power was imposed from its privileged seats, both in the religious and civil spheres, allowing and prescribing what could be disclosed and, on the contrary, what would have to be hidden, through which the

lized, individuals acquire a certain degree of security, compatible with the fear of losing it as soon as they themselves or someone close to them deviates from the norms. It is presumed that those who “behave well” will be protected against evil, while those who have incurred faults or sins are at serious risk of suffering any harm as a just punishment for their fault, with which the balance can be restored”. Gonzalbo Aizpuru Pilar, “Reflections on Fear in History”, Gonzalbo Aizpuru Pilar, Satples Ann, Torres Septián Valentina (ed.), *A History of the Uses of Fear*. México. El Colegio de México, 2009, p. 30.

12 Foucault Michel, *History of Sexuality 1. The will to know...* pp. 101-102.

13 “The models and representations of masculinity and femininity disseminated by the hegemonic cultural forms of each society according to the times. Among the preponderant discursive practices that act as “gender technology” the author includes the educational system, institutional discourses, practices of everyday life, cinema, the media, literary and historical discourses, etc., that is, all those disciplines or practices that use at any given moment the praxis and the dominant culture to name, define, to capture or represent femininity (or masculinity)”. Mayobre Rodríguez Purificación, “The Formation of Gender Identity. A look from philosophy” ... p. 2.

14 Corominas Jordi, “Human Body and Sexuality: A Philosophical Approach” ... pp. 151-152.

regulations that prescribed lawfulness and illegality were transmitted, thereby motivating “displacements and reuses of identical formulas but with opposite objectives”¹⁵. Therefore, the proscriptions were assumed under three forms of internalization by providing that the forbidden was unmentionable, with which its existence was denied, that is, sodomy was called the “heinous sin”, of which no one could speak or name.

In this way, one of the characteristics of the censorship mechanisms was to merge the supposedly non-existent with the illicit and the unmentionable, so that each one was, at the same time, the cause and consequence of the other, because what is forbidden is not talked about until it is suppressed in reality; the non-existent has no right to any manifestation, not even to name its non-existence; and what is silenced is banished from reality, like what is forbidden by a sentence. “The logic of power over sex would be the paradoxical logic of a law that could be enunciated as an injunction to non-existence, non-manifestation and mutism”¹⁶.

Certainly, the mere mention of the veiled and forbidden truth ignited fears¹⁷; at the slightest variations in sexual orientation, the occurrence of evils destined to punish entire generations was imagined. These interdictions that had progressively been applied in Europe during the medieval and modern periods and later as a result of the overseas expansion of the natives of that continent, who transferred and legitimized them in the New World, where they were firmly imposed during the Spanish and Portuguese domination, have defined the mentality and norms that governed sexual behaviour and conduct among the Indians¹⁸.

In this regard, it is necessary to reiterate that homoeroticism is a human behaviour, which cannot be eliminated, nor suppressed, therefore, one of the foundations on which this work rests is the historiographical assumption

15 Foucault Michel, *History of Sexuality 1. The will to know...* pp. 122-123.

16 Foucault Michel, *History of Sexuality 1. The will to know...* pp. 102-103.

17 Gonzalbo Aizpuru Pilar, “Reflections on Fear in History” ... pp. 23-34; Foucault Michel, *History of Sexuality 1. The will to know...* p. 68.

18 Rebolledo Rebolledo Raquel, “El amancebamiento como falta al sistema incipiente del disciplinamiento social: Talca en la segunda mitad del siglo XVIII”, *Atenea*. N°. 491, 2005. pp. 99-112; Bracamonte Allain Jorge, “Los nefandos placeres de la carne. The Church and the State in the Face of Sodomy in New Spain, 1721-1820. *Feminist Debate*, Vol. 18, 1998. p. 80.

that homoeroticism, both in the past and in the present, has existed and has been practically equally identifiable¹⁹, which is evident in the conclusions expressed by Gruzinsky for Mexico City, in the mid-seventeenth century, when he states that sodomites “had a presence in all sectors of the New Spanish population including minorities”²⁰ and transcended social and ethnic barriers, managing to form and delimit an extremely “original” group²¹, which is an affirmation that can be validated in any society, both in the past and today.

In accordance with the foregoing, it is pertinent to affirm, unquestionably, that in the Indies there were numerous manifestations of homoeroticism, which were evidently the object of terrible persecution and punishment, for which reason their annals are only found in the criminal files, with the consequent burden of proscription, which is evident among those acting in the processes, both in the accusers and in the accused, in the fearsome sentences, which have been collected by historians, maintaining that vision, as an expression of crime and sin and indifferent to the behaviours that are revealed in them, with few exceptions.

In this context, it is necessary to explain that as a result of the fearsome penalties and the almost general reluctance to express and even less to name the heinous sin, there was a double behaviour: on the one hand, extreme censorship and the persecution and silence that accompanied the heinous sin were applied, which forced the sometics to conceal, discretion and masking, therefore, they were forced to lead a double life, in which strategy they created protected spaces in which there was a tolerance, surely very broad, as has been expressed by some scholars²², where they could satisfy their desire and obtain sexual pleasure. For this

19 Díaz González Juan, *The caste of Sodom: male and female homoeroticism in the Crown of Castile in the late Middle Ages*. Santander. University of Cantabria, 2021. p. 5; Bauml Duberman, Martin; Vicinus, Martha; Chauncey, George (eds.). *Hidden from History: Reclaiming the Gay and Lesbian Past*. Meridian. New York, 1989.

20 Serge Gruzinsky, “The Ashes of Desire. Homosexuals of New Spain in the middle of the seventeenth century”, Ortega Sergio (ed.), *The perversion or why the law of God was not fulfilled in New Spanish society*. Mexico. Grijalvo, 1986, pp. 266-267 and 271. The same conclusion is expressed in: Carrasco, Rafael, *Inquisition and sexual repression in Valencia. History of the Sodomites (1565-1785)*, Barcelona, Laertes, 1985, pp. 155-225.

21 Serge Gruzinsky, “The Ashes of Desire... pp. 266-267 and 271.

22 Foucault Michel, *History of Sexuality I. The will to know...* p. 123.

reason, homoerotic behaviour was buried as a result of fear of repression, the danger of dishonour and condemnation.

From the theoretical point of view, the study is based on Michel Foucault's vision of the history of sexuality, especially developed in his work *The Will to Know*, where he forcefully expresses the relationship between the power of the State and knowledge during the nineteenth century and the first half of the twentieth century²³. Other theoretical postulates that addressed the additional complexity of sexuality and raised numerous questions about it were queer theory, developed in the early 1990s, a period of intense activism against AIDS, and combined elements of gay and lesbian studies with other concepts originating from literary and feminist analysis. Queer theorists argued that sexual notions were central to other aspects of culture and managed to get greater attention on sexuality, pointing out that there were serious discordances between what was defined as "normal" and demonstrating that the dividing line between "normal" and "abnormal" was always socially constructed, therefore, sexual and gender categories were artificial and changing²⁴.

Despite these advances, in research on human sexuality, most of the studies carried out on sodomy during the colonial period in Ibero-America, are based on the analysis of sources referring to it as a sin-crime and on many occasions are very limited, ignoring the internal discourses that evidently manifest the desires of being and feeling, limited only to showing the persecution and condemnation that the sodomites were victims. In contrast to this view, it is considered that the sodomites were a population that in their interactions and behaviours showed their will to be, to enjoy desire, to obtain pleasure and to achieve love, although on many occasions it cost them their lives, because they were subjected to a systematic and selective genocide with purposes eminently focused on the concentration of power that favoured the alliance between the throne and the altar that prevailed in the Spanish and Portuguese States, for which the use of fear was appealed to²⁵.

23 Foucault Michel, *History of Sexuality* 2. The use of pleasures... p. 15.

24 Wiesner – Hanks Merry E., *Gender in History: Global perspectives*. Sussex. Blackwell Publishing, 2001. p. 7.

25 Gonzalbo Aizpuru Pilar, "Reflections on Fear in History" ... pp. 30-33.

In this sense, the historical analysis carried out in this work on sodomy in the Indies consists of identifying and knowing the relations of power, knowledge, pleasure and love, which cannot necessarily be considered secondary or derived and that despite the inflexibility of repression it was impossible to eliminate or disappear them, as manifestations of that sexual orientation. In particular, homoerotic behaviour is studied in detail and typologies are established in the relationships and actions to reinterpret the significant contents in the information, despite the fact that it was the product of the obvious generalized repression and ignorance prevailing in the digital sex/gender system applied with the pattern of what is supposed never to have existed. Therefore, they must be examined from the positive mechanisms, producers of knowledge, power, multipliers of discourses, inducers of pleasure and love²⁶.

To this end, the examination of this information is carried out by resorting to a double reading, for which the analysis of European texts on the history of sexuality is required, especially with regard to their terminology, rhetoric and the internal contradictions that generate and limit their debates, focused on the meanings and signifiers that are shown in the versions provided by the chroniclers and those that were captured by the scribes. This invariant makes it possible to identify and control the discursive effects expressed in criminal files, which have been interpreted confusingly. An example of these imprecise interpretations occurs when a writer affirms that “unnatural crimes are unknown” in a given society, which can be explained, according to the use of the semantics assigned to the term “unnatural crimes”²⁷, which is a product of Judeo-Christian discourse and contains a double inference: the first that among the groups studied homoeroticism is not conceived as “unnatural” and the second that it is part of a strategy to escape of the sentences

26 Foucault Michel, *History of Sexuality 1. The will to know ...* pp. 91-92.

27 “The crime was fundamentally made up of three levels of offense: a moral one or one against God, sin; another social or to the Republic, the common damage; and, finally, a personal one or to his family group, the offense to the victim. Crimes against sexual morality are referred to in the legislation under the name of sins. This is clearly observed in the Partidas of Alfonso X the Wise, when he speaks in terms of “sin of luxuria”. It is a recognition that in such crimes the offense to God, to morals, predominated more than to the Republic”. Bazán Iñaki, “The Construction of Homophobic Discourse in Medieval Christian Europe”, *La España Medieval*. Vol. 30, 2007, p. 444.

incurred when declaring oneself a participant in them. Apart from the above, it may also be the product of the researcher's special heterosexist vision, which makes the study in order to maintain that it is a pathology, negative or infamous²⁸. For that reason, in the search for other signifiers it is necessary to validate the testimonies of mutual consent and enjoyment, of emotions such as love, pleasure, and friendship, which can be discerned even through the blurred images, barely shown in court records, but which they suggest were quite powerful²⁹.

Consequently, the accounts of homoerotic practices embodied in the trials carried out during the Ibero-American colonial period should be considered as the tip of an iceberg whose extent is unknown, but can be assumed, because it was always greater than what is referred to in them³⁰. Likewise, same-sex sexual attraction in colonial Ibero-America cannot be explained simplistically, justifying it by precarious and limited housing conditions, lack of access to the opposite sex, or distancing from heterosexual couples. It is evident that for the most part, the protagonists of homoerotic relationships were not forced, nor unconsciously tempted to commit "indecent acts", as the defendants allege to defend themselves against the accusations, on the contrary, it must be thought that the participants wanted to have homoerotic relations and enjoyed them, which was expressly manifested in terms of pleasure³¹.

This reality, which was inexplicable to the authorities at the time and is now incomprehensible to many people, can only be explained by understanding that this extensive participation of different social sectors in homoerotic practices was and is the result of the fact that the majority of the population is bisexual, so they have the possibility of having relations with both sexes and therefore obtaining pleasure in numerous ways, with different classmates, both of the same sex and the opposite. Most of these sexual encounters are sporadic, which in some cases, are transformed

28 Murray Stefen O. and Roscoe Will, *Female Wives and Husbands. Studies on African homosexuality*. New York. Palgrave, 2001. pp. 28-29.

29 Murray Stefen O. and Roscoe Will, *Female Wives and Husbands. Studies on African homosexualities ...* p. 171.

30 Murray Stefen O. and Roscoe Will, *Female Wives and Husbands. Studies on African homosexualities ...* p. 160.

31 Murray Stefen O. and Roscoe Will, *Female Wives and Husbands. Studies on African homosexualities ...* pp. 170-171.

from a mediatized *face-to-face* relationship, where anonymity acquires strength and couples are formed, who only meet to enjoy sex, which do not involve affective feelings or other types of bonds, which was certainly revealed during the colonial period, on several occasions and in different cities, when a single man was able to relate that he had had hundreds of occasional partners and some more stable ones³².

This can be seen especially in the statements of two Purépecha indigenous people who were married to women and without children, in whom the ordered and potentially procreative sexual desire “should” have taken place within the bounds of marriage, but in that case it worked between the two³³; or in the case described in Mexico City, where a married man showed his displeasure by having sexual relations with his wife and for not having sexual relations with his partner of the same sex³⁴.

This sexual desire, expressed in sexual practices, that the colonial authorities considered unnatural, disordered and therefore should have been punished, but in them the category desire-pleasure that must be considered to validate the historical analysis was manifested. In fact, the desire present in women and men, during the Ibero-American colonial period, oscillated between being desiring subjects and desired objects, that is, women and/or men desired on the physical, sexual and spiritual plane; in the first two they wanted potential partners for sex, for pleasure and also for marriage; Like their spouses and also in other bonds, which were outside the sacrament of marriage and at the same time on the spiritual plane, most women and men desired eternal salvation³⁵.

Therefore, by considering sexual desire and pleasure as a category of historical analysis, it is possible to better understand the reasons why people made some of their determinations in their daily lives, as Zeb Tortorici puts it, pleasure in its multiple physical, sexual, affective and

32 “This is how the 123 suspects were discovered” Gruzinsky Serge, “The Ashes of Desire. Homosexuals of New Spain in the middle of the seventeenth century” ... p. 275.

33 Tortorici Zeb, “Heran Todos Putos” ... p. 37.

34 Serge Gruzinsky, “The Ashes of Desire. Homosexuals of New Spain in the middle of the seventeenth century” ... p. 275.

35 Tortorici Zeb, “Heran Todos”: Sodomitic Subcultures and Disordered Desire in Early Colonial Mexico.” *Ethnohistory*. 54, No. 1, 2007, p. 37.

spiritual manifestations was omnipresent and continuously influenced decisions, acts and beliefs of individuals, who simply and often, were only trying to live, even though their desires were in permanent conflict with what was established in the dogma of the Church³⁶.

In this incessant search for pleasure, there was an intense circulation of bodies that exchange to enjoy each other, without restrictions, as it was related when referring to the fact that “they gave gifts to each other and committed the heinous sin with each other”³⁷. The willingness of the Sodomites to establish sexual contacts, both sporadic and continuous, demonstrates the constant desire for pleasure, as they assured when they explained that they had “committed the heinous sin countless times with different and many people” and was also reiterated when describing how “they forgot to commit the heinous sin” and also when declaring that they had “taught” to enjoy the pleasure of the love of men, as a reliable demonstration of a delicious past³⁸.

This promiscuity responded to the correspondence in sexual orientation, that is, those who assumed the active role sought partners who had the passive role and viceversa; others would do so in the numerous combinations that provided them with pleasure, according to the sexual variations, but evidently in them links were established with those who had a similar sexual orientation. In this way, bonds were created between homosexual and bisexual people to enjoy the pleasure that their bodies gave them. These types of interactions were formed as a result of desire and the search for enjoyment, in a situation similar to that evidenced when the AIDS epidemic appeared, in the 80's, and initially the disease spread among the gay community, because sexual relations were maintained with promiscuity among those who had this sexual orientation.

The study is presented according to the different approaches enunciated; The first chapter shows the basic definitions that comprise the sex/gender system, role, sexual orientation, gender and its social confor-

36 Tortorici Zeb, “Heran Todos Putos” ... p. 37.

37 Serge Gruzinsky, “The Ashes of Desire. Homosexuals of New Spain in the middle of the seventeenth century” ... p. 275.

38 Serge Gruzinsky, “The Ashes of Desire. Homosexuals of New Spain in the middle of the seventeenth century” ... p. 275 and 281.

mation, basic categories necessary to understand the functioning of sexuality, especially in relation to the various historically established conceptions and the prevalence of each of them. In the second chapter, the analogue sex/gender system prevailing during the pre-colonial period is studied, in which the characteristics and singularities about homoerotic behaviour among the American aboriginal groups are specified. The third chapter describes the evolution of sodomy from its conceptualization, its judicialization from sin to crime and its use as an excuse to strengthen monarchical power in Spain against the nobles and in America as a justification of Spanish-Portuguese rule.

Then, in the fourth chapter, the implantation of the European vision of masculinity in the Indies is carefully examined, defining its different typologies, in particular the marginal, in which the sometics were included, which determined various behaviours, among them, concealment and other manifestations such as feminization, masculinization and transvestism, in addition to truly criminal cases such as paedophilia and rape.

In the fifth chapter, the spaces in which sodomy was deployed are described. The category of spaces has been widely used to analyse behaviours in different scenarios divided into public and private, which have been defined as community and intimacy. In the former, the power and jurisdiction of the State prevails, it is where meetings are held, where access is not restricted, except for the provisions of power, as occurs in markets, squares, roads, among others. Unlike the private one, which is restricted in terms of access, location, type of property and specific use, because it is intended to make love or satisfy intimate needs, which are carried out in areas that correspond to social and cultural practice, including the coherence between space and discourse³⁹.

In particular, the spaces of sodomy in colonial Ibero-America were differentiated, some were private spaces, but with access to the public, as occurred in the *temascales*, *pulquerías*, convents and schools. Other private spaces with restricted access, which could only be entered

39 Amodio Emanuelle, "Private and Public Vices Virtues. Itinerary of Illustrated Eros in the Fields of the Public and Private", *Seminar: The Public and Private: Reflections from the Spheres of the State and Society*. Caracas. Fundación Manuel García Pelayo, 1997, pp. 172-173.

through special invitations, as happened in the residences and private homes that were used to hold soirées and others were public such as the roads, which are referred to as scenarios of sexual encounters, in which different forms of sociability were deployed⁴⁰.

In this regard, it is necessary to specify that, according to the descriptions shown in the testimonies, there were two levels of meeting in these sodomitic spaces, the first was characterized by privacy to hold sexual and romantic relations, which were located inside closed spaces and the other in spaces that could have been private or public; which also made it possible for the sodomites to meet to socialize, to get to know each other, to share, to conquer and to establish relationships that could be sporadic or continuous. Finally, in the sixth chapter, the continuous sodomitic relationships are described, in which the bonds of pleasure and love were evident in the cohabitation of the couples.

In methodological aspect, the work is based on the information obtained in the numerous literature that has been published on this subject, understanding that in most cases it was approached with the reservation expressed for some historians, whose publications are prior to the 1980s, in particular in the search for data that revealed emotions such as pleasure, feelings, and characteristics of sodomitic relationships, because these investigations present a biased and partial image of the prosecution of a crime, so it is impossible to fully determine what happened or why. In opposition to this position, the writings and visual materials of the past, which is often called “discourse”, are reviewed to determine the way in which various things are “signified” in them and their possible signifiers⁴¹.

In this regard, there is extensive literature on sodomy, both in Spain and in America, in which researchers have developed various perspectives in which the evolution of the conception of sodomy from sin and its incorporation into crime is shown, comprised during a long period that extends from antiquity to the Renaissance. Among which the work of

40 Serge Gruzinsky, “The Ashes of Desire. Homosexuals of New Spain in the middle of the seventeenth century” ... p. 259.

41 Wiesner – Hanks Merry E., *Gender in History. Global Perspectives* ... p. 6.

John McNeill, who was one of the precursors on the reading of Christian religious texts focused on the theme of homoeroticism, stands out⁴². In the same order of ideas are the works of Mark D. Jordan⁴³, Daniel A. Helminiak⁴⁴ and John Boswell⁴⁵.

Other researchers have focused their work on the evolution of the legal and penal system that has governed sodomy in Europe and in particular in Spain, demonstrating in them the transition from sodomy from the conception of sin to crime and the motivations that legislators had to do so, in which Francisco Tomás y Valiente⁴⁶ and Jesús Ángel Solórzano Telechea⁴⁷ are found. In the innumerable studies on cases of sodomy, on the colonial period, the invaluable contributions of Fernanda Molina on Andean sodomites stand out, in which she shows a diversity of perspectives on homoeroticism from the administration of justice⁴⁸, the norms of behaviour, the vision of couple love and other important aspects developed in her numerous investigations⁴⁹. For his part, Serge

42 McNeill, Jhon J., *The Church in the Face of Homosexuality*. Mexico. Grijalbo, 1979. pp. 63. Boswell John, *Christianity, Social Tolerance and Homosexuality* ... p. 96.

43 Jordan Mark D., *The Invention of Sodomy in Christian Theology*. Madrid, Laertes, 2002, pp. 55-56.

44 Helminiak Daniel A., *What the Bible Really Says About Homosexuality*. Madrid. Editorial Egalés, 2003. p. 157.

45 Boswell John, *Christianity, Social Tolerance and Homosexuality...*; Boswell John, *The Marriage of Likeness*. Barcelona, Muchnik Editores, 1994.

46 Tomás y Valiente Francisco, "El crimen y pecado contra natura", *Sexo Barroco y otras transgresiones premodernas*. Madrid. Alianza editorial, 1990, p. 111.

47 Solórzano Telechea Jesús Ángel "Public fame, infamy and defamation: judicial violence and social control of crimes against sexual morality in medieval Castile", *Revista de Historia Medieval*. 33, 2007, p. 290.

48 Molina Fernanda, "Tempted or consummated: legal doctrines and judicial praxis in the face of the nefarious sin of sodomy. Viceroyalty of Peru XVI-XVII Centuries", *Revista Historia y Justicia*, 11, 2018, pp. 160-190; Molina Fernanda, "Game of Artifices. Legal Practices and Judicial Strategies in the Face of the Phenomenon of Sodomy in Modern Spain", *Prohistoria*, Year XVIII, No. 24, Dec. 2015, pp. 43-68; Molina Fernanda, "The Viceregal Sodomites. Between Legal Subjects and Species", *Yearbook of American Studies* 67-1, January-June 2010, pp. 23-52.

49 Molina Fernanda, "Coloniality, sexual dissidence and fractured masculinities. An approach to the relationship between sexuality and gender in Peruvian colonial society (XVI-XVII centuries)", *Journal of Political and Gender Studies*. number. 5, April 2021, pp. 132-150; Molina María Fernanda, "Crónicas de la sodomía. Representations of indigenous sexuality through colonial literature", *Bibliográfica Americana. Interdisciplinary Journal of Colonial Studies*. N° 6, September 2010, pp. 1-12. Molina Fernanda, "The Herejization of Sodomy in Modern Society. Theological Considerations and Inquisitorial Praxis", *Hispania Sacra*, LXII, 126, July-December 2010, pp. 539-562; Fernández

Gruzinsky addresses in particular the behaviour, forms of meeting and social strata of the Mexican sodomites of the mid-seventeenth century⁵⁰. Meanwhile, Luiz Mont gives an account of the performance of the Brazilian Sometic⁵¹ and Osvaldo Bazán on the Argentines⁵².

In the same way, it is necessary to highlight the valuable contributions on pre-colonial American sexuality, among which researchers such as Erik López Reyes, Lourdes Colcha Guaman⁵³, Fernando Armas Asim⁵⁴, Désy Pierrette⁵⁵, Oscar González Gómez⁵⁶ and Guilhem Olivier⁵⁷ stand out. In addition, the primary sources must be expressed, among which the valuable index of trials for sexual crimes that include sodomy, bestiality and others carried out by Zeb Tortorici stands out⁵⁸,

María Alejandra and Molina Fernanda, *Normative Productions and Judicial Experiences in European and American Modernities (Late Fifteenth Century-Early Nineteenth Century)*. Buenos Aires. Ediciones de la Universidad Nacional General Sarmiento, 2022, pp. 197- 223; Molina María Fernanda, "Sodomy on board. Sexuality and Power in the Race of the Indies" *Journal of Maritime and Social Studies*. Year 3, N°. 3, November 2010. pp. 9-19; Molina Fernanda, "Between the Double Standards and the Privilege", *Revista de Indias*. Vol. LXXIV, N°. 261, 2014. pp. 361-386.

50 Serge Gruzinsky, "The Ashes of Desire..." pp. 255- 284.

51 Mott, Luiz, "Ethno-History of Homosexuality in Latin America". *History and Society Journal*. N° 4, 1994. pp. 123-144.

52 Bazán Osvaldo, *History of Homosexuality in Argentina*. Buenos Aires, Marea Editorial, 2010. pp. 21-22

53 López Reyes Erick X. and Colcha Guamán Lourdes P., "Con evidente "apropósito": La homosexualidad prehispánica", *Revista de Historia, Patrimonio, Arqueología y Antropología Americana*. N°. 3, July-December, 2020, pp. 91-114.

54 Armas Asin Fernando, "Religion, gender and the construction of a sexuality in the Andes (Sixteenth and XVII centuries). A provisional approach", *Revista de Indias*. Vol. LXI, No. 233, 2001, pp. 673-700.

55 Désy Pierrette, "The Man and Woman, the Bardajes in North America", *Vuelta*, N° 46-47. Available from: http://classiques.uqac.ca/contemporains/desy_pierrette/el_hombre_mujer/el_hombre_mujer_texte.html

56 González Gómez Oscar, "Entre Cuilonimiquiztlan y Sodoma, homosexualidad, cultura y ley en el México Colonial". Mexico. UNAM, (doctoral thesis), 2013; González Gómez Oscar, "Entre sodomitas y cuilonime, interpretación descoloniales sobre los "indios vestidos de mujer" y la homosexualidad en los grupos nahuas del siglo XVI", Millán Margara (coord.) *Beyond feminism paths for walking*. Mexico. Network of Decolonial Feminisms, 2014. pp. 277-299.

57 Olivier Guilhem, "Conquistadores y misioneros frente al pecado nefando". *Histoires*, National Institute of Anthropology and History, Vol. 28, 1992, p. 50.

58 Tortorici Zeb, "Heran Todos"... pp. 35-67; Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. p. 21. Available from: <https://archive.nyu.edu/bits-tream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf>

which contains a compilation of summaries of the files that rest in different archives on Mesoamerica and Central America. Likewise, the files on sodomy and heinous sin that are preserved in the General Archive of the Colombian Nation (AGNC) and the General Archive of the Indies (AGI) were reviewed.

The analysis of this information is based on the characterization and typification of sexuality in two sex/gender systems predominant in Ibero-America during the pre-colonial and colonial period, called analogue and digital, and from them the behaviours expressed in the information are studied, according to the categories such as role and sexual orientation. which were defined by the manifestations of pleasure, attraction and sexual practices, in addition to sodomy being a forbidden behaviour, the reasons why it was proscribed by the civil and religious powers are analysed and how this prohibition translated into the conception of masculinity and femininity, locating the cases studied in the spaces in which the sometics socialized and finally those relationships that due to their sentimental intensity, Despite the prohibitions, they are classified as stable due to their expressions of desire, pleasure, love, and temporal duration.

Chapter 1

Models of sexuality, gender, identity, role and sexual orientation

One of the fundamental contributions to the vision of the history of behaviour and mentalities was the conception of gender and sexuality, based on the invaluable contributions made by Michel Foucault, who have ostensibly broadened the perspectives of analysis, starting from the assumption that sexuality is not one in the singular, but that sexualities must be spoken of in the plural to highlight the endless range of erotic behaviours and behaviours that they are susceptible to being historicized and studied⁵⁹. In this sense, the study of human behaviour, and especially sexuality, has motivated numerous discussions, the conceptualization and analysis of which have been progressively enriched by the advances in their knowledge provided by the sciences, especially biology, genetics, psychiatry, psychology and sociology, which have cleared up numerous doubts and questions about the behaviour of humans, considering that humanity has organized and interpreted the different sexual behaviours in different ways, in different historical periods and in different societies⁶⁰; those that have created their own worldview, in which they produce ideological and cultural discourses; that structure, classify and systematize the dominant “sexual discourses”.

This interesting process has been especially studied by Gayle Rubin, which she has called the “sex/gender system”, and she has defined it as “a set of arrangements by which society transforms biological sexuality into products of human activity, and in which these transformed human

59 Foucault Michel, *History of Sexuality 1. The will to know...*

60 Gómez Suárez Águeda, “Sex-gender systems in different societies: analogue and digital models”, *Spanish Journal of Sociological Research*. N° 130, 2010, p.63.

needs are satisfied”⁶¹. This concept is expanded and typified by Águeda Gómez Suárez, who divides it into analogue and digital sex/gender systems. The author explains that in the system of “analogue sexuality” sexual behaviours assume ambiguous, unstable, ambivalent, fluid, spontaneous, simultaneous, complex and permeable behaviours. This model contains the possibility of multiple states, in liminal situations, both in the recognition of different gender identities and in the plurality of sexual options, it does not exclude, eliminate or discriminate any information from that offered by reality. For this reason, it is more complex, plural and heterodox. The author includes in these systems analogue log sex/genders, more flexible, fluid, and plastic resulting from their malleability in the face of the behavioural reality in different societies, among which she mentions the Zapotec pattern in the Isthmus of Tehuantepec, the Rarámuri model, in northern Mexico; in whose collectivities intersex categories have been institutionalized, referring to those individuals who have been born with characteristics that combine the proper of the male and the typical of the female. Likewise, it includes in this typology the pre-Hispanic “Mayan sex/gender model” and the African “bijagó” society, which also respond to these analogue behaviours. Some of them, heirs of original patterns in their ancestral conceptions of the socio-sexual order, which have survived to the present day, which is why their characterization is fundamental in the present study to categorize colonial pre-Columbian sexuality in the Indies⁶².

On the other hand, Gómez Suárez also defines “digital sexualities”, in a model of conception of the “sex/gender universe, in which sexual identities, sexual options and genders that fit the binary system, which enclose reality in discriminatory and opposite ranges”. It responds to dimorphic, exclusive and dual categories: man/woman; heterosexual/homosexual; active/passive; private/public; nature/culture; normal/deviant, among other forms of dominant thought among societies with more severe structures. Digital sexuality transmits and imposes binary, linear, rigid, inflexible and sequential information, and has a syntac-

61 Rubín Gayle, “The Traffic in Women: Notes on the Political Economy of Sex,” *New Anthropology*. Vol. III, N° 30, November 1986, p. 97.

62 Gómez Suárez Águeda, “Sex-gender systems in different societies... pp. 64-68.

tic-logical conformation. This has been the predominant model in the West, for many centuries, where the hegemonic discourse has been the Judeo-Christian model, through which the patriarchal political and social order has been explained, in terms of a supposed divine will⁶³.

In this sense, Western societies are heirs, in part, to the Judeo-Christian tradition, whose conceptualizations of sexuality have their origin in the precepts of Judaism, which structure the sexual system based on religious marriage, considered as the only space to develop a sexuality, oriented exclusively to reproduction, in which being a man means not being a woman. The role of the man is that of provider, protector and father and his activities are deployed in the public sphere. Certainly, this division was created in the spheres of power, in this case, the man (male) who institutionalized this separation by exercising a hierarchy and placing women on a lower plane (hegemonic masculinity). In this way, this system established the characteristics that define men as masculine and women as feminine, because it is considered that “gender is a primary form of significant power relations. It could be better said that gender is the primary field within or through which power is articulated”⁶⁴.

According to the expressed, the European Christian and Portuguese-Hispanic generic order, being a man is associated with the masculine and the woman with femininity. In this way, both principles become models on which this relationship revolves, which in Álvaro Ojalvo’s opinion considers masculinity to be:

“1) everything that men think and do; 2) everything they do and think to be men; 3) what they think and do to be “more men” than others; 4) any action and thought contrary to what defines women”⁶⁵.

On the contrary, the role accepted and validated for women focuses on the duty to “take care of the other, to be a mother, daughter, wife, submissive and loving”. With regard to sex, it has only the purpose of procreation, so other behaviours are disapproved because one is only

63 Gómez Suárez Águeda, “Sex-gender systems in different societies... pp. 64-68.

64 Ojalvo P. Álvaro, *Masculinities and Power in the Chronicler’s Pen. Hegemonic masculinity in the colonial texts of the sixteenth century*. Santiago de Chile. Universidad de Chile (thesis), 2011. p. 17.

65 Ojalvo P. Álvaro, *Masculinities and Power in the Pen of the Chronicler ...* p. 14.

born male, or female and heterosexual, therefore, male or female, constitute exclusive and complementary categories. In that sense, being heterosexual denies the possibility of being homosexual, which is only seen as a vice, a mistake or a sin⁶⁶. The gender order is normalized, institutionalized in order to exercise control, becoming “natural”, logical and unquestionable: man is masculine as woman is feminine, “it becomes a way of denoting ‘cultural constructions’, the totally social creation of ideas about the appropriate roles for women and men”⁶⁷.

The sex/gender system is based on other definitions, of particular significance, which have been progressively enriched through a variety of research of different types and approaches, through which it has been understood that sexuality is defined as:

“The way in which people experience and express themselves as sexual beings, being the result of the interaction of biological, psychological, cultural, socioeconomic, ethical, religious and spiritual factors. Based on sex includes: gender, sex and gender identities, sexual orientation, eroticism, affective or loving bonding and reproduction”⁶⁸.

Consequently, sexual behaviours are the result of various factors that affect it and that have a range of possibilities, which at first glance could be incomprehensible to the generality of society, which can be accepted or rejected, in line with the predominant values in it. The first of them would be the biological factors that define sex in binary terms, that is, male and female, as a result of the external appearance of the baby at birth, it is said that it is an assignment that is given by the medical personnel who attend to the parturient, at the time of delivery. However, this classification is subject to modifications due in the first circumstance to the presence of ambiguous genitalia, which can only be appreciable as the new-born develops and which would make possible a modification in the definition of sex, motivated by the fact that it can be revealed that in its internal sexual and reproductive anatomy, which may also not

66 Ojalvo P. Álvaro, *Masculinities and Power in the Pen of the Chronicler* ... p. 14.

67 Ojalvo P. Álvaro, *Masculinities and Power in the Pen of the Chronicler* ... p. 17.

68 Gómez Balaguer M., Hurtado Morillo F, et. al.; “Gender identity and sexual identity, sometimes coinciding, but not always the same”, *Journal of sexology*, 9, 2, 2020, pp. 5-7.

match those generally defined as “male” or “female”⁶⁹.

In that sense, in the past, most intersex people were simply assigned the sex they most resembled, so their condition only becomes a matter of historical record, only in those cases that caught the attention of religious, doctors, or legal authorities. Since the nineteenth century, this gender assignment was sometimes reinforced by surgical procedures that modify or remove parts of the body that did not fit the chosen gender. Therefore, on those occasions, “gender” determined “sex” and not the other way around⁷⁰.

Despite the above, it has traditionally been considered that biological sex is the determining factor of the differences observed between men and women and that therefore it motivated the behavioural characteristics existing in both male and female people. However, for some decades now, it has been recognized that not only genetic factors but also power strategies, symbolic, psychological, social, cultural elements, among others, are involved in the configuration of male or female identity, differentiated from genetics, but which are also important conditioning factors in the ordering of personal identity. Consequently, today it is affirmed that sex is based, in part, on the anatomical and physiological differences between men and women, but it is also determined by the dominance of the symbolic of the sociological and generic and that, therefore, individuals are not born psychologically made as men or women, but that the constitution of masculinity or femininity is the result of a long process of construction progressive, as a result of interaction with the family and social environment⁷¹.

Once the biological sex has been assigned, both the boy and the girl are educated to assume the expected behaviour, which they must have according to the socially established patterns for each of these roles, that is, the boy is trained to be a masculine man and the girl to be female and feminine, in a certain way it is psychological sex, it is called gender⁷². In

69 Corominas Jordi, “Human Body and Sexuality: A Philosophical Approach” ... pp. 151-152.

70 Wiesner – Hanks Merry E., *Gender in History. Global Perspectives...* p. 3.

71 Mayobre Rodríguez Purificación, “The Construction of Gendered Identity” ... p. 1.

72 Gómez Balaguer M., Hurtado Morillo F, et. to the.; “Gender identity and sexual identity, some-

these aspects, gender identification, in principle, has at least twenty-five different uses, on some occasions it is used as an attribute or characteristics of individuals; on others as characteristics of interpersonal relationships or as a type of social organization and even a kind of symbolism or ideology of society.

In accordance with the above, in some cases gender is evident in the notion of identity in relation to sex and biological differentiation; in sexuality, in terms of sexual practices and erotic behaviour. In particular, in gender identity, which is assumed to be the psychological sense of oneself as a man or as a woman; and finally, as the gender role encompassing a set of specific cultural expectations about what is appropriate in its performance and identification in a man and for a woman⁷³.

In this regard, it is necessary to specify the notion of identity, because it is defined as the “set of characteristics that establish what one is, as a person or group, and that develops progressively thanks to the relationship with the other members of the collective; it is closely related to the sense of belonging”⁷⁴, therefore, identity shapes individual behaviour, by regulating and delimiting what is allowed and prohibited for each individual and in this way also pre-establishes individual and collective objectives. Identity develops in a differentiated way, as Pierre Tap explains, when he says that its structuring is shaped by the various social actors based on two essential aspects; in the external sphere in which he understands what the social actor should be and do, that is, what is expected of him, within the framework of collective identities, and also configures the image that others send him of himself. In the “internal” sphere, it involves what he feels, what he is, what he does, what he wants to do, the image he gives of himself in terms of his history and the values he defends, his current situation and that of his life projects⁷⁵.

times coincidence”, pp. 5-6.

73 Rocha Sánchez Tania Esmeralda, “Development of Gender Identity from a Sociocultural Perspective: A Conceptual Journey”, *Inter-American Journal of Psychology*, Vol. 43, N°. 2, p. 252.

74 Laplanche, J. and J., *Pontalbis. Dictionary of psychoanalysis*. Barcelona. Editorial Labor, 1981. p. 185.

75 Tap Pierre, *Identités collectives et changemants sociaux*. Toulouse. Editions Privat, 1986. pp. 11-12; Murueta Marcos Eduardo, “Identity, love and power”, *Academic Integration in Psychology*, Vol. 7, No. 19, 2019, p. 13.

Consequently, the process of identity formation also determines the levels of individual acceptance, approval or rejection⁷⁶, especially when people interrelate, which are the result of a personal and/or family decision, whose motivations can lead to a sexuality, explicitly allowed and accepted or on the contrary prohibited and proscribed, generating collective approval or repudiation, which places it as a determining factor in the establishment of interpersonal affective ties.

One of the fundamental features of identity is its sexual content or what it has defined as sexual identity, which corresponds to the assessment of the organic or biological categorization that defines people as men and women, which is the result of physical criteria and also of psychosocial criteria⁷⁷. Sexual identity is shaped in unequal proportion by factors such as biological sex, gender identity, role and sexual orientation. In those cases where there is “discordance between the felt sexual identity and the phenotypic characteristics of their sex, discomfort or dysphoria can occur and therefore the person requests to modify these primary and secondary characteristics”⁷⁸. Sexual identity corresponds to the modern designations of an individual as heterosexual, homosexual, gay, lesbian, bisexual, transsexual or asexual⁷⁹.

Likewise, sexual identity determines gender identity that is the result of the internal and individual experience of gender, as every person perceives themselves, both internally and externally, it includes clothing, the way of speaking or expressing themselves and constitutes “an internal frame of reference built over time that allows people to organize a self-concept and behave socially in relation to their perception of their own sex and gender”⁸⁰. Consequently, in binary people, sex and gender

76 Reguillo Rossana, “Cultural Identities and Public Space: A Map of Silences”, *Dialogues of Communication*. Vol. 5960, Jesuit University of Guadalajara, Guadalajara, 2000. pp. 74-85.

77 Gómez Balaguer M., Hurtado Morillo F, et. to the.; “Gender identity and sexual identity, sometimes coincidence”, pp. 5-6.

78 Gómez Balaguer M., Hurtado Morillo F, et. to the.; “Gender identity and sexual identity, sometimes coincidence”, pp. 5-6.

79 Rocha Sánchez Tania Esmeralda, “Development of gender identity from a socio-cultural perspective: a conceptual journey”, *Inter-American Journal of Psychology* ... p. 252.

80 Gómez Balaguer M., Hurtado Morillo F, et. to the.; “Gender identity and sexual identity, sometimes coincidence”, pp. 5-6.

identity coincide; that is, they were born male or female and act as such in line with the social models established for them, unlike non-binary people, who consider that they should not be, or do so. Both male and female identity is related to the clothing worn by both men and women, “bodily experience is often central to the memory of our own lives and, consequently, to our understanding of who we are and what we are”⁸¹. In other words, each one wears a certain garment that identifies him with his generic identity. In this case, a male using “women’s habits” contradicts the generic order⁸².

In this way, sex identity is related to gender roles, which define the roles assigned to men and women by each society, at a given moment in history, are undoubtedly explicit in the differentiation of work, the behaviours allowed or prohibited to each sex and are also the result of established social values and conditioned by the way in which people express their sense of identity that they determine intrinsic levels of acceptance, through which one recognizes and participates in a set of feelings and behaviours, considered as approved for oneself and typical of one’s culturally decoded gender⁸³.

Likewise, it is necessary to explain that the sexual role includes the ways in which people participate in the sexual act, defining it in two fundamental roles: active or those who act as male, male or dominant, in principle it is the role assumed by heterosexual men, but also by bisexuals and homosexuals, which in the case of men use their genital organ for penetration and also by lesbians who assume this role and in this case it is done with other objects that assume the function of genitality in sexual relations. Unlike the previous one, the feminine or passive role is the one assumed in principle by heterosexual, bisexual, homosexual and lesbian women, who, as in the case of women, are penetrated in their sexual organs, while in the same and men penetration is also carried out through the anal route, understanding that these roles can be

81 Gómez Balaguer M., Hurtado Morillo F, et. to the.; “Gender identity and sexual identity, sometimes coincidence”, pp. 5-6.

82 Ojalvo P. Álvaro, *Masculinities and Power in the Pen of the Chronicler* ... p. 28.

83 Rocha Sánchez Tania Esmeralda, “Development of gender identity from a socio-cultural perspective: a conceptual journey”, *Inter-American Journal of Psychology* ... p. 252.

assumed permanently, transient or random as a result of individual sexual orientation⁸⁴.

In accordance with the above, there are integrations between the expressed variables in the behaviours exposed, which are apparently confronted with the construct of gender and identity, since historically it has been assumed that the biological sex of a person corresponds to his or her male or female part, and therefore, when talking about gender identity, Frequently, it is assumed from a more biological perspective, but on many occasions it is differentiated according to the personal sense of being masculine or feminine as opposed to biological determinants⁸⁵.

Finally, sexual orientation is “the affective, sexual, romantic or psychological attraction that the person feels”⁸⁶, it can be binary or not, that is, a person can be attracted to the opposite sex or to their same sex or to neither. Linked to sexual desire and eroticism is the orientation of sexual desire, which does not necessarily coincide with biological sex and sexual identity, as previously expressed. Human beings have different patterns of sexual attraction, which they usually include under the terms: homosexuality (same-sex attraction), heterosexuality (attraction to the opposite sex), bisexuality (attraction to both sexes) and asexuality (attraction to neither).

In this sense, recent research has shown that sexual orientation follows a continuum that includes a range of possibilities from exclusive attraction to one’s own sex at one extreme to exclusive attraction to the opposite sex at the other, however, specifying that most humans have a bisexual orientation⁸⁷. Consequently, scholars agree that sexual orientation is not the product of conscious choice, but rather that most people have little or no choice in their sexual orientation and that the attraction that forms the basis of adult sexual orientation emerges between mid-childhood and early adolescence⁸⁸.

84 Foucault Michel, *History of Sexuality 2. The use of pleasures...* p. 30.

85 Rocha Sánchez Tania Esmeralda, “Development of gender identity from a socio-cultural perspective: a conceptual journey”, *Inter-American Journal of Psychology* ... p. 252.

86 Gómez Balaguer M., Hurtado Morillo F, et. to the.; “Gender identity and sexual identity, sometimes coincidence”, pp. 5-6.

87 Corominas Jordi, “Human Body and Sexuality: A Philosophical Approach” ... pp. 151-152.

88 Corominas Jordi, “Human Body and Sexuality: A Philosophical Approach” ... pp. 151-152.

According to the above, using the concepts of gender identity and sexual identity in an “equivalent way can lead to confusion and generate conflict, since they do not always coincide”⁸⁹ and are the result of a changing and continuously transforming process, which does not always adjust to social and legal structures due to their inflexibility. Before the child can label himself or herself as one gender or the other, he or she receives a series of pre-verbal and behavioural cues. Adults treat babies differently depending on whether they are boys or girls, even though parents think their reactions are exactly the same. It is evident that socialization in gender is very deep and that questioning it can be devastating for those who are questioned.

Once an infant is “assigned” a gender, society expects individuals to behave like either “women” or “men.” These expectations are consummated and reproduced in the practices of daily life, in numerous minor actions, in which gender is identified as active and passive in the different interactions⁹⁰. This binary division is a frame of reference that organizes the sexual behaviour of individuals and that erroneously tends to pathologize people who manifest desires to live contrary to the sex they are said to belong to. Consequently, sexual identity or gender is the system of knowledge, discourses, social practices and power relations that gives specific content to the sexed body, sexuality and the physical, socioeconomic, cultural and political differences between the sexes in a given time and context⁹¹.

In particular, in the case of gays and lesbians, those who manifest behaviours contrary to their biological sex are punished with greater force and exclusion, that is, masculinity is abhorred in lesbians and femininity in gays: a gay with a masculine appearance and a lesbian who is feminine are much more accepted, and this both outside and inside the group. Rejection increases in the case of transsexuals by breaking with the sex/gender correspondence and showing the unnecessary nature of male/male and female/female bonds, which are the basis on which the normative binary gender is based⁹².

89 Gómez Balaguer M., Hurtado Morillo F, et. to the.; “Gender identity and sexual identity, sometimes coincidence”, pp. 5-6.

90 Corominas Jordi, “Human Body and Sexuality: A Philosophical Approach” ... pp. 151-152.

91 Corominas Jordi, “Human Body and Sexuality: A Philosophical Approach” ... pp. 151-152.

92 Corominas Jordi, “Human Body and Sexuality: A Philosophical Approach” ... pp. 151-152.

The above definitions are basic to explain the behaviour of sexuality in colonial Ibero-America because during this historical period that includes the fifteenth to the nineteenth centuries, two sex/gender systems converged, the analogue and the digital, which showed differentiated patterns of sexuality, which were confronted in the American geographical space. The first, in the aboriginal sexuality made up of a nucleus of behaviours that despite numerous variations throughout the geographical space, in which the sexuality of the Africans forcibly transferred to America must also be included, in which there were also concepts that defined the third gender as a term *chibanda* in its title. It is certainly related to other terms used by Bantus speakers in the region for non-masculine men, who are often shamans and have sex with other men for example: *Chibadi*, *Chibado*, *Jimbándaa*, *Hibamba* and *Quimbanda*. It is also accepted that *Ganga-Ya-Chibanda's* sexuality is ambiguous, because in most cases men in alternative gender roles have been observed associating with women, but they are supposed to enjoy such access precisely because they lacked (or were supposed to lack) heterosexual desire⁹³.

The analogue sex/gender system differed and was notably opposed to the digital sex/gender system, in which the Judeo-Christian conceptions of European sexuality were imposed during the period of conquest and colonization of the Indies, generating a situation of conflict, contradiction and therefore immediate repression, which made victims of numerous people who had to submit to the cultural constructs forcibly established by the invaders, whose behaviour was marked by what Germán Carrera Damas has called the creole cultural society, characterized by being dependent on and dominated by the metropolitan one, prolonged without interruption until the present by the Indian, American Creole⁹⁴, rigid and hierarchical, in which European, African, mulatto, indigenous and creole men and women avoided to a greater or lesser extent the restrictions imposed by the Spanish Crown and by the Church, and also to which practices, beliefs and customs were superimposed,

93 Murray Stefen O. and Roscoe Will, *FemaleWives and Husbands. Studies on African homosexualities*. p. 24.

94 Carrera Damas Germán, *El dominador cautivo*. Caracas. Editorial Grijalbo, 1988. p. 34.

which, in part, allowed them to resolve the contradictions resulting from the numerous proscriptions that prevented them from expressing their affective feelings and their sexuality. The imposition of this digital sex/gender system not only implied a subjugation of the values of the original indigenous and African analogue sexuality, but also a kind of “internal colonization” aimed at disciplining those behaviours whose sexualities and gender identities were considered offensive, sinful, criminal and dangerous to the established order⁹⁵.

95 Molina Fernanda, “Coloniality, Sexual Dissidence and Fractured Masculinities ... p. 135.

Chapter 2

The Analogue Sex/gender System in Pre-colonial societies

2.1 Preliminary considerations

Although it is impossible to claim that there was a uniformity in the conception of sexuality in indigenous society in the Americas, there were some common patterns in Amerindian sexual behaviour accepted among different ethnic groups. Evidently, indigenous sexual identity determined both male and female roles, especially in the design of their clothing, their behaviours, and especially in the division of labour⁹⁶. In fact, in most pre-colonial cultures heavy work, fruit gathering, hauling and transport, metallurgy, warfare and in some groups the leading roles were assumed by men. Meanwhile, women were engaged in the work of raising children until they reached puberty, domestic services, preparing meals, spinning, planting plants, among others that were used in a complementary way in the “work of men and women sustained the social edifice and had its mythical correlate in the balance of the masculine-feminine. Weaving and spinning were proper to women, as ploughing and warfare were proper to men”⁹⁷. In this way, the external characteristics were established in both male and female roles and also the experiences of love and family, prenuptial relationships, marriage whether it existed *de facto* or *de jure*, divorce and consensual separation, as well as coexistence with multiple couples, both in men and women⁹⁸.

96 López Reyes Erick X. and Colcha Guamán Lourdes P., “Con evidente “apropósito ... pp. 91-114.

97 Armas Asin Fernando, “Religion, gender and the construction of a sexuality in the Andes (XVI and XVII centuries) ... p. 675.

98 Armas Asin Fernando, “Religion, gender and the construction of a sexuality in the Andes (XVI

Among the pre-Hispanic aborigines, homoerotic practices were considered normal and natural, in this way they are described by chroniclers, who were able to testify that they were practiced by the generality of the pre-Hispanic communities, as has been affirmed by various scholars on the subject.

Among other manifestations is the reassignment of the role to those who declared to be dissatisfied with their sex, that is, when the identity differed with their biological sex, in which case, first it was allowed to change their clothing for that of the desired role, which represented a very logical conception, currently demonstrated in modern sexuality studies. By defining transvestites and transsexuals as: “a woman trapped in a man’s body” or conversely “a man trapped in a woman’s body” and with this reasoning the procedures of gender and sex reassignment and also in the performance of the activities of their role, consequently, to assume the occupations and work of women, which is ratified by Deysi when he reiterates that those men were appreciated in their quality as men-women were a kind of third gender. This recognition is present in most of the ethnic groups that designated their identity using in their own language words equivalent to what in Spanish would be called male “amujerado” or “afeminado”⁹⁹.

This typification, in the pre-Hispanic American indigenous sexuality, made possible the behavioural expression of a third gender, recognized in the literature as the “berdache”, recorded particularly among the North American Indians, but also identified and described by different chroniclers in various parts of America. The term bardache is a word of Persian origin, whose meaning was male slave or prostitute; however, the Spaniards of the sixteenth century used it to designate, exclusively, the passive sodomite or the one who dedicated himself to sex work, so the chroniclers of Aridoamerica, especially the French, although they used it to refer to the young man, loved or favourite of an older one, also used it indistinctly to name in the Indian peoples the men dressed

and XVII centuries) ... p. 678.

99 Désy Pierrette, “The Man and Woman, the Bardajes in North America”, *Vuelta*, N° 46-47. Available from: http://classiques.uqac.ca/contemporains/desy_pierrette/el_hombre_mujer/el_hombre_mujer_texte.html

as women, hermaphrodites, androgynes, eunuchs and those associated with homosexual practices¹⁰⁰.

2.2. The analogue sex/gender system in Aridoamerica, Mesoamerica and the Caribbean

The functioning of the analytic sex/gender system, in relation to the homoerotic in Aridoamerica was described by Alvar Núñez Cabeza de Vaca, who was among the natives of the island of Mal Hado, near Galveston, Texas, where he was able to see:

“A man married to another and these are yellowed men, impotent and they go around covered like women and they do the job of women and throw bows and carry a very great load, and among these we saw many of them so yellowed, as I say and they are hairier than the other men and taller”¹⁰¹.

Similarly, Pedro de Castañeda said that there were “men dressed as women who hunt with other men and serve them as their wives.” In another of his stories he also mentioned that “there were men dressed in women’s outfits and these were sometic and did women’s jobs such as weaving and spinning and some gentlemen had one or two for their vices”¹⁰². These testimonies were increased with the exploration and conquest of the region during the seventeenth to nineteenth centuries and they were made by the conquistadors and anthropologists who witnessed the integration of those men into the Sioux, Yuma, Chumash, Alveolo, Sauk, Fox and Chippewa/Ojibwa ethnic groups, just to mention a few¹⁰³.

In the same way, in Mesoamerica, the basic conception of sexuality was based on religious belief, which attributed the origin of what existed to *Ometeotl*, “dual god”, a deity of bisexual character, whose composition

100 González Gómez Oscar, “Entre sodomitas y cuilonime, interpretación descoloniales sobre los “indios vestidos de mujer” y la homosexualidad en los grupos nahuas del siglo XVI” ... p. 284.

101 Olivier Guilhem, “Pathfinders and Missionaries in the Face of Heinous Sin”... p. 51; Sotomayor Tribin Hugo A., “Prehispanic Homosexuality in Colombia, Reflections on Ethnohistorical and Archaeological Evidence.” *Boletín del Museo del Oro*, 34, 1992, p. 181

102 Olivier Guilhem, “Pathfinders and Missionaries in the Face of Heinous Sin”... p. 50

103 González Gómez Oscar, “Entre sodomitas y cuilonime, interpretación descoloniales sobre los “indios vestidos de mujer” y la homosexualidad en los grupos nahuas del siglo XVI” ... p. 284
Williams Walter, *The spirit in the flesh: Sexual diversity in american indian culture*. Boston, 1986.
Boswell John, *The Marriage of Likeness*. ... p. 28.

corresponded to *Ometecuhltli*, “dual lord” and *Omecihuatl*, “dual lady”, that is, she was both a male and female deity, which complemented each other through dynamic relationships that generated the cosmos. In the same way, they were called totahtzin or “our mother, our father”, since he was conceived with names such as tonantzin, which meant the germ of all beings, hence it was believed that his divine force unfolded throughout the four directions of the universe through his children, the creator gods of life in Mixcoatl, “serpent of clouds”, the earth: Yayauhqui Tezcatlipoca (black Tezcatlipoca), better known as “smoking mirror of obsidian”, Quetzalcoatl, “the feathered serpent” and Huitzilopochtli, “the hummingbird of the left or the south”, the tutelary god of the Mexica¹⁰⁴.

Evidently, for the Nahuas, the activities of social reproduction were conditioned by their cosmogonic conceptions, they believed that what happened in space and time was determined by the influences displayed by the masculine and feminine principle; although the forces of duality complemented each other to create, in other circumstances, predominance, it only corresponded to one of the principles. That is why each individual occupied offices according to the principle of duality that influenced his task. Based on this criterion, there were activities exclusively for men such as war and politics. The warriors used the attributes of the feminine as insults, but at the same time it served to underline their size, associating them with virility and strength¹⁰⁵, which is evidenced in the singular encounter that Nuño de Guzmán had with a warrior disguised as a woman, remarkable for his bravery, among the warriors of Cuitzeo (Jalisco), who, in the prejudiced opinion of the Spaniard, dressed himself in feminine garments to give himself up to prostitution¹⁰⁶.

In contrast to the case expressed, there were men who were influenced by the feminine principle, the revelation of which became evident

104 González Gómez Oscar, *Entre Cuilonimiquiztlan y Sodoma, homosexualidad, cultura y ley en el México Colonial ...* pp. 9-10; Szasz Ivonne and Lerner Susana, *Sexualities in Mexico*. Mexico. El Colegio de México, 1998, pp. 71-106.

105 González Gómez Oscar, *Entre Cuilonimiquiztlan y Sodoma, homosexualidad, cultura y ley en el México Colonial ...* pp. 69-70.

106 Olivier Guilhem, “Pathfinders and Missionaries in the Face of Heinous Sin”... pp. 47-63. P. 50; Sotomayor Tribin Hugo A., “Prehispanic Homosexuality in Colombia...” pp. 181-182.

when they refused to comply with the demands of manly offices; their conduct was comparable to that of women, so they were identified by the use of their clothes and the appropriation of their ways of speaking, and, they were even given a similar sexual role, they assumed the passive role during intercourse with men. Perhaps for this reason, most Spanish testimonies affirmed that the so-called *cuilonime* were dedicated to sexual trades and came to identify them as bardajes, that is, they associated them with prostitution with men¹⁰⁷.

However, it is possible that, for the Nahuas, those sexual characteristics also had ritual and religious connotations; as was the case in Tlaxcala, where the *Cuilonime* participated in the ritual celebrations of the *Quecho-lli twenty* and together with the *ahuanima* honored the influence of the goddess *Xochiquetzal*, since it was reported that “effeminate and womanly men in a woman’s habit and costume also appeared at this festival”¹⁰⁸.

In this regard, there are reports that indicate the singularity with which the sexual identity of some men was shown, which was not only limited to the use of women’s clothing, but their sexual behaviour was associated with prostitution and sodomy. The same characteristics were present in the region called *Totonacapan*, climatically characterized by the designation of the land where “it is hot”, which included the central zone of the current state of Veracruz¹⁰⁹. For his part, the friar, Bartolomé de las Casas, said that in the spaces destined for religious worship in *Tezulutlan*, a Mayan province in Guatemala, a region called by the evangelizers Vera Paz, the natives practiced “sodomy” particularly when they were “instructed in religion, they were ordered to sleep in the temples, where the older young men in that vice corrupted them, and then left there unaccustomed, it was difficult to free them from that vice”¹¹⁰, what

107 González Gómez Oscar, *Entre Cuilonimiquitzlan y Sodoma, homosexualidad, cultura y ley en el México Colonial* ... pp. 69-70; Dávalos López Enrique, *La sexualidad en los pueblos mesoamericanos. An overview* ... pp. 79-80.

108 González Gómez Oscar, *Entre Cuilonimiquitzlan y Sodoma, homosexualidad, cultura y ley en el México Colonial* ... pp. 69-70; Dávalos López Enrique, *La sexualidad en los pueblos mesoamericanos. An overview*... pp. 79-80.

109 González Gómez Oscar, “Entre Cuilonimiquitzlan y Sodoma, homosexualidad, cultura y ley en el México Colonial”... p. 59; Dávalos López Enrique, *La sexualidad en los pueblos mesoamericanos. An overview*. p. 89.

110 González Gómez Oscar, “Entre Cuilonimiquitzlan y Sodoma, homosexualidad, cultura y ley en el México

was undoubtedly expressed was the initiation and sexual formation that included homoerotic practices, in those who were destined to fulfil certain functions in that society.

Likewise, in the lake basin of Mexico, the *Pipiltin*, whose term was used to designate the “nobles”, who were informants of Fray Bernardino de Sahagún and whose place of origin was Tepepulco, southeast of the current State of Hidalgo, Tlatelolco and Mexico City-Tenochtitlan, revealed that individuals related to homoerotic practices were called *cuiloni*¹¹¹. In this sense, it is necessary to explain that for the Nahuas, the *cuiloni* was a male whose masculine element also transitioned towards femininity; his body symbolized one of the many possibilities of the movement of duality and the use of women’s habits inscribed his link with that influence in his sexual potential. Despite this, the use of these garments was not only the responsibility of the *cuiloni*; in other contexts, such as those of politics and religion, there were men who wore them; for example, in the political context their use was understood as a formal declaration of war¹¹².

In addition, it is necessary to explain that the term has cultural meanings that allow us to understand the Nahuatl conceptions of the so-called *cuilonime*, because in some interpretations of the religious missionaries, *cuiloni* referred to the “somatic patient” or the “whore who suffers”, or the man who assumed the passive role in a homoerotic relationship, beyond the juridical-religious connotation of the Hispanic perspective. This suggests that the mortal punishment was not the responsibility of the “agent” so he was possibly not valued as a transgressor since the sexual role he took did not jeopardize his identification with the masculine, that is, he exercised the dominant sexual role, thus ratifying his condition as a male¹¹³.

Colonial ... p. 60.

111 González Gómez Oscar, “Entre Cuilonimiquitzlan y Sodoma, homosexualidad, cultura y ley en el México Colonial” ... p. 64. Dávalos López Enrique, *La sexualidad en los pueblos mesoamericanos. An overview*. p. 90.

112 González Gómez Oscar, “Entre sodomitas y cuilonime, interpretación descoloniales sobre los “indios vestido de mujer” y la homosexualidad en los grupos nahuas del siglo XVI” ... p. 292.

113 González Gómez Oscar, *Entre Cuilonimiquitzlan y Sodoma, homosexualidad, cultura y ley en el México Colonial* ... p. 64-66.

These differentiations are also present in some indigenous regions of contemporary Mexico, as is the case of the *Rarámuri*, who call *nawiki* the male who maintains the “passive” role in homoerotic practices; they are integrated into society and sexually appreciated by other males and even establish temporary relationships with them. Unlike the previous one, those who assume the active role are not considered *nawiki* or much less effeminate, rather, because of their sexual role they are attributed a superiority among their peers, they become a provider and have their activities in public life, while the *nawiki* is dedicated to household chores and private matters. Similar characteristics are present among the Zapotecs of the Isthmus of Tehuantepec, where the male associated with the passive role is called *muze*, a word whose origin is the corruption of the Castilian word: woman, who also practice transvestism and assume the roles that within social reproduction are considered proper to women¹¹⁴, whose gender has survived to the present day¹¹⁵.

Certainly, those men who exercised a binary sexuality, represented in the ideal of masculinity, unlike men whose roles were considered deviant, suffered a decrease in their masculine identities considered incomplete, marginal or subordinate.¹¹⁶ The above assumed that, in their sexual life, they always assumed the passive role, while their partners were assigned the active role and were not seen as effeminate, which is a continuity in the attribution of the characteristics of the masculine role in Latin America, where the man who assumes the passive role is considered effeminate. While the active is a male worthy of all masculinity¹¹⁷, which is appreciable, in indigenous and mestizo communities in Veracruz, and in some cities in the centre and southeast of the country, where the role played in homoerotic practices serves to distinguish the identity of the participants; the male who defines himself as “passive”, affirms himself with a feminine or transgender identity and is generally called “joto”, while her sexual partner, the “active”, is called Mayate¹¹⁸.

114 González Gómez Oscar, *Entre Cuilonimiquiztlan y Sodoma, homosexualidad, cultura y ley en el México Colonial*... p. 60.

115 Las muxe, el tercer género. Disponible desde <https://ciencia.unam.mx/leer/925/los-muxes-el-tercer-genero->

116 Molina Fernanda, “Colonialidad, disidencia sexual y masculinidades fracturadas ... p. 135.

117 Molina Fernanda, “Coloniedad y disidencia sexual, Masculinidades fracturadas ... p. 141.

118 González Gómez Oscar, *Entre Cuilonimiquiztlan y Sodoma, homosexualidad, cultura y ley en el México*

Figure 1. Mochica pottery depicting two men in the sexual act



Source: <https://concienciacriticausmp.wordpress.com/2015/06/30/la-homosexualidad-en-el-mundo-prehispanico-rompiendo-tabues/>

On the other hand, there is the view that the Mesoamerican aborigines rejected homoerotic practices as expressed by González and Arenas, who affirm that the chroniclers maintain “almost en bloc” that the natives of New Spain firmly abhorred “homosexuals and lesbians” and, therefore, in their territories they were punished harshly. In this sense, the cited authors state that Bartolomé de Las Casas highlighted the honesty, virtue and sobriety of the Aztec priests, and “the fact that they did not maintain any type of carnal relationship with women or much less with men, since for them this practice was something “very hateful and abominable”¹¹⁹. In addition, they report that Juan de Torquemada declared that “if any high priest or pontiff was caught in dishonest practices with a woman he was immediately deprived of his goods and banished, and if he was caught in sodomitical practices he was, depending on the region, burned or hanged”¹²⁰. The same authors affirm that Juan de Torquemada also points out that “effeminate men and womanils in habit” were despised and had to live only with women and perform “women’s trades”¹²¹, which for a transvestite would not be shameless, but the reassignment of the feminine role that he wanted to assume, as happened and continues to happen with the muxes and with any of the current transvestites and transsexuals. What happens is that the authors are unaware of the way in which men of the third gender assume identity and roles, therefore their judgment is very similar to that of the Spanish discoverers of the fifteenth and sixteenth centuries.

In this sense, the truth is that the thesis of these authors is extremely weak in the light of the documentary evidence that has been shown and the survival of analogue sex/gender systems, as is the particular case of the muxes, but more importantly and that supports numerous researchers who support the Spanish chronicles to defend the idea that, at least among the natives of New Spain, sex between men was totally

119 González Arenas Mauricio y Gamboa César, “Actitudes homofóbicas entre los indígenas del Nuevo Mundo ... p. 364.

120 González Arenas Mauricio y Gamboa César, “Actitudes homofóbicas entre los indígenas del Nuevo Mundo... p. 364.

121 González Arenas Mauricio y Gamboa César, “Actitudes homofóbicas entre los indígenas del Nuevo Mundo: ... p. 365.

accepted and even exalted, through its inclusion in mythology, among whom is Pete Sigal, who has affirmed that they are real and constitute the furtive testimony that among the natives there were no prescriptions against sexual practices between men. In his own words, “the multiple constructions of homosexuality in these texts emerged from a colonial discourse that obscures the autochthonous visions of Mexico’s indigenous societies” and also includes a mention that the conquistadors would have used the accusation of sodomy against the indigenous people to legitimize and justify their conquest¹²².

Unquestionably, homoerotic practices and the assignment of roles of the third gender must have been carried out in a generalized and accepted way in Mexico City, before the arrival of the Spaniards and also tolerated after their occupation, the affirmation is supported according to the case studied by Serge Gruzinski on the trial of the sodomites in the viceregal capital of New Spain in 1656. In which work the same author expresses that in practice and in daily life there were spaces that he called “tolerance” but that properly should be called of survival and very correctly Gruzinski shows the facts that prove this situation by opining “that the mestizo who surprised the men in the countryside seemed to show more curiosity than scandal, in doña Melchora de Estrada who hosted one of the accused and his lovers or in the owners of the pulquerías frequented by Indians dressed as women”¹²³.

But, certainly, the testimony that shows with greater value the permanence of pre-Hispanic homoerotic behaviours was the one given by the mestizo Juan de Correa, who was then more than forty years old and was known as “La Estampa” who confessed to practicing sodomy for at least forty years, with different people, which was corroborated by the medical examinations to which he was subjected and through which the surgeons of the Supreme Court “proved” that the mestizo had committed sodomy since the age of seven. The most significant thing about Correa’s testimony was that of reiterating her gender identification, because among

122 Sigal, Pete “The Cuiloni, the Patlache, and the Abominable Sin: Homosexuality in Early Colonial Nahua Society”. *Hispanic American Historical Review*, 85, 4, 2005, pp. 560-561.

123 Gruzinsky Sergio, “Las cenizas del deseo” ... p. 265.

other statements she said she remembered with nostalgia the time when she was still a “beautiful girl,” and despite her age, he still considered himself “a beautiful young woman.” Likewise, he boasted of having taught, for years, his sexual skills to younger men, with whom he had homoerotic practices in which he received and provided great pleasure, he also advised his pupils that “one should eat men as one eats a toad: from the waist down”¹²⁴. Undoubtedly, more than 130 years had passed since the arrival of the Spaniards but the reality that had prevailed in Mexico, where the Indian and mestizo population clung to, with a large participation of the black and white was the pre-hispanic analogue sex/gender system.

Similarly, in the Antilles, Bartolomé de las Casas made analogous observations in the aboriginal population in Cuba, as well as in the Darien region, where Bernal Díaz del Castillo and Balboa also reviewed them, who found several indigenous people dressed as women¹²⁵.

2.3. The analogue sex/gender system in northern South America

Meanwhile in the current territory of Colombia, both Juan de Castellanos and Gonzalo Fernández de Oviedo related how the natives of the Sierra Nevada de Santa Marta were sodomites, the curious thing is that their sexual behaviour was shown in public by wearing the same, certain earrings that they wore around their necks, which represented “one man over another in that diabolical or nefarious act of Sodom made of gold of relief”¹²⁶. It is also related that among the Lanches, it was a tradition that when a woman had had five consecutive male children, one of these children was raised and imposed on her

“The customs of women and in that way, they came out so perfect in the waist and the gestures of the body that anyone who saw them, did not differentiate them from other women and these they called cusmos and exercised the exercises of women with the robustness of men, so

124 Páez Granados Octavio, “Dos hombres jugando como perros”: de como una visión fue trasformada en basura, luego novelada y glosada”, *Mitologías hoy. Revista de Pensamiento crítico y estudios literarios latinoamericanos*. Vol. 17, 2018, p. 121.

125 Bazán Osvaldo, *Historia de la homosexualidad en Argentina* ... pp. 21-22

126 Sotomayor Tribin Hugo A., “Homosexualismo prehispánico en Colombia... p. 182.

that when they reached age they married them as women, and let the lanches prefer them to the true ones”¹²⁷.

Likewise, in the plains of Casanare and Meta, the natives were accustomed to “the nefarious vice that has been truly recognized in this nation”¹²⁸.

In the same way, in Venezuela, Gonzalo Fernández de Oviedo y Valdez recognized that throughout the territory of the Tierra Firme it was inhabited by: “abominable sodomites” and explained their sexual role by referring to the fact that “they are the patient, although such is diminished and held in contempt and the one who serves as a female”, and also refers to the characteristics of the female role among the indigenous people of the third gender by describing that “she lets her hair grow to the middle of the backs, as the other women bring and weave and spin and do all the trades and exercises that women exert and do not dare to take up bow or arrow or any other weapon, nor do they occupy their person in anything in which men exercise”¹²⁹.

2.4. The analogue sex/gender system in Andean America

In similar circumstances in Ecuador, in the siege of Puerto Viejo, the aforementioned chronicler stated that “all the Indians who inhabit that coast are abominable sodomites and they use with the boys and bring them and they walk around very dressed and adorned with sartals with many gold jewels”¹³⁰. In addition, Juan Ruiz de Arce maintains similar appraisals in relation to the natives of Achira, located between Coque and Puerto Viejo, describing them as “all sodomitics. There is no principal who does not bring four or five very gallant pages; these they consider to be young men”¹³¹.

127 Sotomayor Tribin Hugo A., “Homosexualismo prehispánico en Colombia ... p. 182-183; Mott, Luiz, “Etno-Historia de la homosexualidad en América Latina”, *Historia y sociedad*. 4 ene. 1997, p. 126.

128 Sotomayor Tribin Hugo A., “Homosexualismo prehispánico en Colombia ... p. 182-183.

129 Fernández de Oviedo y Valdez Gonzalo, “Historia general y natural de las Indias y Tierra Firme del mar océano”, *Venezuela en los cronistas generales de Indias*. Caracas. Academia Nacional de la Historia, 1962. T. I. pp. 234-235; Mott, Luiz, “Etno-Historia de la homosexualidad en América Latina” ... p. 126.

130 López Reyes Eric X y Colcha Guamán Lourdes P., “Con evidente propósito la homosexualidad prehispánica” ... p. 101.

131 López Reyes Eric X y Colcha Guamán Lourdes P., “Con evidente propósito la homosexualidad

For his part, Berzoni, who toured those provinces between 1547 and 1550, described that the natives of Manta are: “ugly, dirty, sodomites”. Likewise, Cieza de León reiterated the characteristics of this sexual behaviour, but not before making the clarification that it did not originate from the lack of women, saying that the natives of that region were “bad and vicious, notwithstanding that among them there were many women, and some beautiful, most of them used (what they certified to me) publicly and openly the heinous sin of sodomy”¹³². Homoerotic practices must have been common, because representations of them are preserved, such as those analysed shown by López Reyes and Colcha Guamán. (See Figure 2)

Figure 2. Double anthropomorphic statuette from Olón, Ecuador.



Source: López Reyes Eric X and Colcha Guamán Lourdes P, “Con evidente propósito la homosexualidad prehispánica”, *Revista de Historia, Patrimonio, Arqueología y Antropología Americana*. Year 2020, No. 3, July-December, p. 96.

In the same way, Armas Asin takes up the stories alluded to by Cieza de León related to Puerto Viejo; Popayán where men were proud of their sodomy and on the island of Cunacu, characterized by transvestism; as in Tumbes. He also describes the Myth of Manta, which relates that in the beginning the inhabitants had been men with similar con-

prehispánica” ... p. 101.

132 López Reyes Eric X y Colcha Guamán Lourdes P, “Con evidente propósito la homosexualidad prehispánica” ... p. 101; Sotomayor Tribin Hugo A., “Homosexualismo prehispánico en Colombia ... p. 183.

tents in the legends about the inhabitants of the Callejón de Huaylas, collected by Cieza and Garcilaso, which was referred to by Armas Asín and with the same reiterated that: “they lead us to believe that there were transgressive practices, purely sexual, personal or group, with other components beyond the sacred”¹³³.

Figure 3. Erotic ceramics from the Larco Museum in Lima, Peru



Source: <https://www.museolarco.org/catalogo/ficha.php?id=4284>

Similarly, homoerotic practices in Peru are described, as expressed by Armas Asín when detailing sexuality in that territory and quoting an “anonymous Jesuit” who stated “that they carried out their practices to such an extent that the nefary was used, and that children did not even

133 Armas Asín Fernando, “Religión, género y la construcción de una sexualidad en Los Andes (Siglos XVI y XVII). Un acercamiento provisional” ... p. 683.

wait for puberty”¹³⁴. Likewise, among Yungas in the province of Cochucos, also in Guanaco and Chinchá in Peru, reference is made to homoerotic practices, but they were performed as a kind of sacred service, or “for sanctity and religion” according to the narratives, in certain temples called *guacas*, where two religious usually resided, who had been delivered by the *caciques*, from their childhood to be educated as women and behaved as such, once they reached adulthood they proceeded to perform the ceremonials to worship their divinity, which included performing the “carnal and clumsy town hall, especially the lords and principals”¹³⁵.

Figure 4. Huaco Chimú (1000-1400) depicting a scene of anal intercourse.



Fuente: De Luis García, CC BY-SA 3.0, <https://commons.wikimedia.org/w/index.php?curid=3786995>

134 Armas Asin Fernando, “Religión, género y la construcción de una sexualidad en Los Andes (Siglos XVI y XVII). Una acercamiento provisional” ... p. 680.

135 Sotomayor Tribin Hugo A., “Homosexualismo prehispánico en Colombia ... p. 184. Mott, Luiz, “Etno-Historia de la homosexualidad en América Latina” ... p. 129.

Certainly, Armas Asin explains that, in a sanctuary in Cuzco, where Wiracocha was venerated, shown as an “androgynous being (father of the Sun and the Moon) presides over and unites, in the upper part, the two well-defined columns of the Masculine/Feminine. Each column is presided over by the Sun and the Moon. This Sun/Moon duality presides over the parallel descents. Then the following dualities follow one another: Venus of the morning (Masculine)/Venus of the Afternoon (Feminine), Earth (Masculine)/Sea (Feminine), and finally Man/Woman”¹³⁶.

2.5. The analogue sex/gender system in Brazil and among the Guarani

In the current territory of Brazil, the Tupinanbá, who occupied most of the coast, called the homoerotic Indians *tibira* and the lesbians *ca-coaimbegira* and it was reported that they were “very fond of heinous sin, among which it is not considered an affront. And he who serves as a macho is considered brave and they count this bestiality as a feat. And in their villages by the *sartao* there are some who have a public store for those who want them as public women”¹³⁷. Similarly, in 1576 the behaviour of the “macho-women” was observed, reporting that:

“Some Indians, who do not know any man of any quality, will not consent to it, even if they kill them for that. They leave all the exercise of women and imitate men and continue their trades as if they were not females. They have their hair cut in the same way as the males, and go to war with their bows and arrows and to hunt, always persevering in the company of men. And each one has a wife who serves her with whom she says she is married. And so they communicate and converse as husband and wife”¹³⁸.

In this sense, Luiz Montt considers that these Indians fought against the Spaniards on the Marañón River and from then on, they were compared to the mythical Amazons¹³⁹. In the same vein, among the Guaicurú belonging to the great Guarani nation, who lived on the banks of the

136 Armas Asin Fernando, “Religión, género y la construcción de una sexualidad en Los Andes (Siglos XVI y XVII). Una acercamiento provisional” ... p. 676.

137 Mott, Luiz, “Etno-Historia de la homosexualidad en América Latina” ... p. 130.

138 Mott, Luiz, “Etno-Historia de la homosexualidad en América Latina” ... p. 130.

139 Mott, Luiz, “Etno-Historia de la homosexualidad en América Latina” ... p. 130.

Paraguay River, even at the end of the eighteenth century, there were Indians who practiced homoeroticism who, in addition to cross-dressing, were totally identified with the feminine role and cohabited as a couple¹⁴⁰. Likewise, the existence of bardajes between the Mbayá natives of the Guaraníes, nomadic tribes of the Guaicurú language who lived on the other side of the Paraguay River, is mentioned¹⁴¹. In the same way, among the Mapuche they refer to the presence of men, dressed as women who live with others in pairs, who were designated with the term “huelle”¹⁴².

Certainly, recent research has shown that in the Reche society, partially of the Mapuche in Chile, there are male people of dual gender, who transitioned from masculinity to femininity and combined to varying degrees, and depending on the context, the identities, actions, occupations, ways of dressing and sexualities associated with Reche women and men. In this, it is necessary to explain that the Reche political power was considered masculine and transmitted through the masculine line, as well as the tasks proper to men such as war, hunting, herding animals and masculine clothing. Meanwhile, Reche spiritual power was considered feminine and although it also continued through the male line, it was linked to healing, horticulture and women's clothing. The dual-gender *machi weye* combined female spiritual power with male political power, in opposition to the assumptions prevailing among the Spaniards, according to which men controlled both the social and spiritual order”¹⁴³.

The previous version is compatible with the Amerindian groups of Aridoamerica, who recognized individuals who combined clothing, work, and other attributes of men and women. Most of them are morphologically male, and according to the explanation offered in indigenous mythology about them, there were two-spirit people who differed from other men by their clothing, job roles, and religion rather than by their sexual activities; their difference was, therefore, gender rather than sexuality.

140 Mott, Luiz, “Etno-Historia de la homosexualidad en América Latina” ... p. 131.

141 Bazán Osvaldo, *Historia de la homosexualidad en Argentina* ... pp. 57-58.

142 Bazán Osvaldo, *Historia de la homosexualidad en Argentina* ... p. 59.

143 Bazán Osvaldo, *Historia de la homosexualidad en Argentina* ... p. 60.

Among some groups, people with this duality were actually considered as a third gender rather than effeminate men, so that on a sexual level the relationships between a third gender person and a man were not necessarily understood as “same sex”. Consequently, because of their qualities and characteristics, people of the third gender often had special ceremonial roles because they were considered to have two spirits, one male and one female, rather than the one spirit that most people had; they could thus mediate between the masculine and feminine world and the divine and human world. As a result of that belief, many groups honoured and accepted such individuals, although among others they were ridiculed and abused. The reasons for this diversity of treatment are not yet clearly known, and scholars today differ widely about whether two-spirit people should be celebrated primarily as transcendent of the usual gender dichotomy or sympathized with as exploited victims of violent conquest¹⁴⁴.

According to the above, among the various indigenous groups in the Americas there were individuals who assumed the characteristics and behaviours of a third gender, who for the Europeans, when they saw them for the first time, were described as sodomites, sometics, whores and also called them “berdaches”, although the preferred term today is “people of two spirits”¹⁴⁵, which shows that the indigenous groups of the Americas, the sex-gender model predominated, with certain variants¹⁴⁶, which can be typified as analogical, due to its fluidity and the presen-

144 Wiesner – Hanks Merry E., *Gender en history. Global perspectives ...* pp. 204-205; Wawzonek Joseph, “Sodomitical Butterflies: Male Homosexual Desire in Colonial Latin America”, *Mount Royal Undergraduate Humanities Review*, Vol. 4, p. 100.

145 Wiesner – Hanks Merry E., *Gender en history. Global perspectivas ...* pp. 204-205.

146 “Muchos cronistas, conquistadores y religiosos españoles establecen la presencia de prácticas homosexuales en los aborígenes americanos. Entre estos se pueden citar a Pedro Mártir de Anglería, Reginaldo de Lizárraga, Francisco de Jiménez, Gonzalo Jiménez de Quesada, Pedro de Heredia, Bernal Díaz del Castillo, Juan Ruiz de Arce, Hernán Cortés, Pedro de Cieza de León, Pedro Simón, Fray Bernardino de Sahagún, Alvar Núñez Cabeza de Vaca, Francisco López de Gómara y Fray Tomás Ortiz. Pero, se puede desconfiar de esta información, debido al carácter moralista de algunos de los conquistadores”. Quiroz Leiva Dennis O. “Indios sodomitas y demoniacos: Sumario de la Natural Historia de Indias de Gonzalo Fernández de Oviedo”, *Cuadernos de Centroamérica y el Caribe*. Año II, N° 2, enero-diciembre 2003, pp. 8. Disponible desde <http://ciicla.ucr.ac.cr/sites/default/files/2017-06/revista%20cuadernos%202.pdf> p. 12.

ce of the understanding of sexual diversity, characterized by the express acceptance of homoerotic practices that made it possible to express behaviours ranging from transvestism to the identification of the sexual role, in line with particular sexual preferences, thus defining it and with the express acceptance of the communities, without incurring in the exclusion of participants in the diverse gender, which demonstrates the progress of these ethnic groups in their sexuality.

Chapter 3

The Portuguese-Hispanic Digital Sex/ Gender System

3.1. The taxonomy of sodomy

In European culture, the conception of sexuality has had a long historical journey until it reaches modern concepts and during that long period its foundations have been nourished by the beliefs and practices of various communities, in particular the Jewish, as an immediate antecedent of Christianity, for which it is necessary to describe and explain the formation of them and their applications, in particular with regard to sodomy.

The concepts “sodomy”, “sodomite” or “sodom” at first glance could seem mere geographical references, toponyms of places that appear in the Bible, as well as their inhabitants, they are biblical terms, which are found in the Old Testament and refer to the natives of Sodom, one of the five cities that were in the Dead Sea, whom God punished, raining fire on them. The discussion about the cause that led the divinity to execute such a fearful punishment has undergone notable modifications that have been the product of different realities on which various authors have analysed in detail¹⁴⁷.

In this sense, it is convenient to move away from a literal reading of the text, since they were never innocent or neutral concepts. Neither in the Bible, nor in the patristics, nor in the Visigothic laws, much less during the thirteenth century. The connotations of the concept of sodomy, as we know it today, went through a process and different stages in

147 De la Flor Gutiérrez Juan Carlos, Sodoma en la Edad Media. El discurso de la represión de la homosexualidad entre los siglos V y XV. Toledo. Universidad de Castilla La Mancha (tesis) 2021. p. 23.

that linguistic reduction, which was increasingly accompanied by more forceful theological arguments, to justify it as a sin “*against nature*”¹⁴⁸.

Certainly, the original meaning of the biblical account of Sodom and Gomorrah was nothing more or less than a moral teaching about the breaking of the ancient laws of hospitality. In ancient cities, especially those that were located as stopovers on transit and trade routes, passers-by had to present themselves to the authorities and prove their origin and lineage, which was mandatory, as is currently the case with travellers when presenting their passport. In the case of the angels who took refuge in Lot’s house, this requirement was not met, for that reason the authorities appeared at Lot’s house and demanded that he take them out so that they could be presented and “know” them, however the reasons why Lot refused to present them and instead offered his daughters to protect the angels sent by God to Lot’s house are unknown. Sodom and Gomorrah, that is, he was giving virtual asylum to illegal immigrants, that is why Sodom and Gomorrah are accused of inhospitality.

Thus, finding only hospitality from Lot, which was rewarded by allowing him to flee with his family, before the cities were destroyed.¹⁴⁹ This is maintained by several scholars of biblical texts such as John J. McNeill, who states that “the sin of the sodomites does not necessarily imply a sexual connotation, but could be interpreted as the violation of hospitality”¹⁵⁰. For his part, Mark Jordan points out that the image of Sodom in the Old Testament is that of a “poisonous land that bears bitter fruit” but explains that the sin of the Sodomites was “arrogance, self-indulgence or self-satisfaction, in fact many Latin theologians consider that the sin of Sodom was its inhospitality, its pride and arrogance”¹⁵¹.

Subsequently, the Church Fathers gave this passage, for the first time, and with variations on the original interpretation, an association with sins of the flesh, such as adultery and fornication, but probably none of

148 Jordan Mark D., *La invención de la sodomía en la teología cristiana* ... p. 55-56.

149 De la Flor Gutiérrez Juan Carlos, *Sodoma en la Edad Media* ... p. 23.

150 McNeill Jhon J., *La iglesia ante la homosexualidad* ... pp. 63. Boswell Jhon, *Cristianismo, Tolerancia Social y Homosexualidad* ... p. 96.

151 Jordan Mark D., *La invención de la sodomía en la teología cristiana* ... p. 55-56.

them had in mind a single causality, least of all that of homoeroticism. In that sense, St. Jerome (342-420 A.D.) saw it as a punishment for the arrogance and opulence of the Sodomites. For his part, St. Ambrose (c.a. 340-397 A.D.) interpreted it as a consequence of his lasciviousness, and it was only St. Augustine (354-430 A.D.) who came up with the absurdity of seeing it as an attempt by the inhabitants of Sodom to sexually abuse the angels, the Augustinian meaning being the first known link between the story and homoeroticism, pointing to the “reversal of the will” caused by lust. Subsequently, St. Gregory (c.a. 540-604 A.D.) considered that the destruction of the city was a consequence of sins attached to the genitals, a part of the body that he claimed was “given over to demonic control”¹⁵².

But it was Gregory the Great who, in the fifth century, assigned the connotation of the sin of the flesh by stating that God rained fire and brimstone on Sodom to punish the “sins of the flesh” and in some places, sin is specified as copulation between the same sex¹⁵³. Gregory the Great, himself was also in charge of categorizing mortal sins, which he grouped into seven, which are the consequence of a single root: pride, and he called them vainglory, envy, greed, gluttony and lust, and finally included the sexual sin contained in sodomy¹⁵⁴.

The typification of the sin of sodomy was continued by Pedro Damían, who calls it “sodomitic vice” that characterizes it in four different types, “self-pollution, rubbing or restraint of the male parts (virilia), pollution between the thighs (interfémora) and fornication in the buttocks (in terga)”¹⁵⁵. In the same way, he established a relationship between the seriousness of the sin with the number of times it is practiced and something curious, he considered that the sodomite can only come out of his sin only in a “miraculous” way¹⁵⁶.

152 De la Flor Gutiérrez Juan Carlos, *Sodoma en la Edad Media* ... p. 24; Boswell Jhon, *Cristianismo, Tolerancia Social y Homosexualidad* ... p. 96.

153 Jordan Mark D., *La invención de la sodomía en la teología cristiana*... pp. 60-62.

154 Jordan Mark D., *La invención de la sodomía en la teología cristiana*... pp. 62-66.

155 Jordan Mark D., *La invención de la sodomía en la teología cristiana*... p. 75; Boswell Jhon, *Cristianismo, Tolerancia Social y Homosexualidad* ... p. 209.

156 Jordan Mark D., *La invención de la sodomía en la teología cristiana*... p. 90.

As has been seen, the term “sodomy”, “sodomite” or “sometic” never pretended to be neutral, and underwent a process of reduction of signifiers over the centuries, destroying to a large extent its original meaning, in favour of a repressive discourse of homoeroticism and evidently it was born with a moral interpretation very different from the one that could still be understood today and evolved towards a different but complex one. Finally in the thirteenth century it reached a very concrete and simple profile. This was achieved after going through a “linguistic process of reduction of meanings, a single meaning was reached for a single signifier, a stable essence are sodomites performing sodomy”¹⁵⁷. In this way, sodomy was consolidated as a sin during the thirteenth century, based on theological arguments in favour of one sex, in which the genitals are only the property of the species. In that journey of expurgation, definition and abstraction that was carried out by the Fathers of the Church up to St. Thomas Aquinas and Albertus Magnus, passing through the penitential books and the energetic depositions of Peter Damian¹⁵⁸.

In this way, the term sodomy was used from the end of the Middle Ages and up to the present to describe the sin committed by those people who consume sexual relations between their own sex, generally between men, but unlike what has also been believed between men and women when the penetration is anal, which places the commission of sin, not in the act itself, or those who practice it, but in where the semen is deposited, that is to say that the nature of sin lies in the fact that the semen is wasted because it is not deposited in the vagina, where an eventual conception would be achieved, for which reason it is equated with bestiality and molities (masturbation) and in the classification of sins “*against nature*”, because in the aforementioned practices the semen has no reproductive purposes and therefore its realization is only the result of the satisfaction of carnal desire, for which reason they are considered as the most execrable of lust.

The seriousness of the transgression lies in the fact that by seeking sexual intercourse with persons of the same sex or through the “improper

157 De la Flor Gutiérrez Juan Carlos, *Sodoma en la Edad Media* ... p. 23.

158 De la Flor Gutiérrez Juan Carlos, *Sodoma en la Edad Media*... p. 28; Bazán Iñaki, “La construcción del discurso homofóbico en la Europa cristiana medioeval”, *En la España Medieval*. Vol. 30, 2007, p. 436.

vessel”, the natural purpose for which sexual relations had been admitted, that is, fertilization, is offended. According to the patristics, procreation was to be pursued “for God’s sake”, insofar as it was, he who, in the act of creation, prescribed to man the task of multiplying¹⁵⁹.

However, despite the efforts of religious authorities to clarify their definitions precisely and because sexual activities take place in a wide range of practices, the criminalization of the sin of sodomy was imprecise because it could include sexual acts performed between persons of the same sex, whose practices included anal intercourse, simultaneous masturbation and ejaculation between the legs; also anal intercourse between men and women and heretics and traitors could also be designated. In this sense, the category did not refer strictly to aspects related to sexuality, but, on the contrary, it was applied as an imputation in sins that were not related to sex¹⁶⁰.

Indeed, according to the legislators, in order to classify the sin of sodomy in a sexual activity, a copulation should have been carried out with the express desire to obtain sexual gratification, without the reproductive purposes for which it was considered “of wrong pleasure”. According to this criterion, ejaculation had to be performed in the improper “vessel”, which is why perfect sodomy was defined as intercourse between males, since only in male sodomy were the requirements that constituted sin met. However, imperfect sodomy was also typified, which was committed when copulation was carried out between women or when a man penetrated a woman anally¹⁶¹. In this way, in a reduced sense, sodomy was limited only to “concubitus between people of nefx nifmo” or “between men”¹⁶², but it could also be widely applied to sexual practices

159 Molina Fernanda, “Tentado o consumado: doctrinas jurídicas y praxis judicial ante el pecado nefando de sodomía. Virreinato del Perú Siglos XVI-XVII” ... p. 3; Molina Fernanda, “Juego de artificios. Prácticas jurídicas y estrategias judiciales frente al fenómeno de la sodomía en la España moderna ... pp. 44-45.

160 Molina Fernanda, “Tentado o consumado: doctrinas jurídicas ... p. 3.

161 Molina Fernanda, “tentado o consumado ... p. 3; Molina Fernanda, “Juego de artificios ... pp. 44-45.

162 Quiroz Leiva Dennis O., “Indios sodomitas y demoniacos: Sumario de la Natural Historia de Indias de Gonzalo Fernández de Oviedo”, *Cuadernos de Centroamérica y el Caribe*. Año II, N° 2, enero-diciembre 2003, pp. 8. pp. 1-10. Disponible desde <http://ciicla.ucr.ac.cr/sites/default/files/2017-06/revista%20cuadernos%202.pdf>

in “improper vafo” or “against the natural order”¹⁶³. In addition, in the practices considered sodomitic, by Spanish culture everything from clothing and nudity were included, through polygamy and extramarital sex to end with “nefarious sin”¹⁶⁴.

Sodomy, therefore, represented the antithesis of the good and effective “sowing,” insofar as the procreative seed was used, in the sexual act, in a superfluous and disorderly manner, with the sole aim of exalting and satisfying the pleasures of the flesh. It was precisely this attitude of reluctance to collaborate with the “economy of (pro)creation” that made the sodomite a sinner. Indeed, the law was extremely prolific in producing classifications, procedures, laws, and penalties to condemn sodomy¹⁶⁵.

Sex roles were also classified in the sodomy taxonomy. The active and passive roles were called “agent” and “patient”, together with the expressions “to serve as a woman” and “as a man and a woman” that flood the judicial processes, reveal interesting clues about the conceptualization of sodomitic practices. This series in this typology was inscribed in the paradigm of passivity/sexual activity, according to which the one who played the active role or agent was identified as the “perpetrator” of the sexual act and, therefore, as the *subject* of the relationship. In contrast, the one who played the passive or patient role was associated with the “penetrated”, becoming the *object* of the relationship¹⁶⁶.

This representation of sodomy was based on the gender stereotypes of the time that, on the one hand, attributed to men the sexual and procreative capacity and potency while, on the other hand, identified

163 Quiroz Leiva Dennis O. “Indios sodomitas y demoniacos: Sumario de la Natural Historia de Indias de Gonzalo Fernández de Oviedo”, *Cuadernos de Centroamérica y el Caribe*. Año II, N° 2, enero-diciembre 2003, pp. 8. pp. 1-10. Disponible desde <http://cicla.ucr.ac.cr/sites/default/files/2017-06/revista%20cuadernos%202.pdf>

164 Quiroz Leiva Dennis O. “Indios sodomitas y demoniacos: Sumario de la Natural Historia de Indias de Gonzalo Fernández de Oviedo”, *Cuadernos de Centroamérica y el Caribe*. Año II, N° 2, enero-diciembre 2003, pp. 8. pp. 1-10. Disponible desde <http://cicla.ucr.ac.cr/sites/default/files/2017-06/revista%20cuadernos%202.pdf>

165 Córdoba de la Llave Ricardo, “Los caminos de la exclusión en la sociedad medioeval (ss. XIII y XVI)”, López Ojeda Esther (cord.) *Los caminos de la exclusión en la sociedad medioeval, pecado, delito y represión*. Logroño. Instituto de Estudios Riojanos, 2012, p. 33; Molina Fernanda, “Los sodomitas virreinales. Entre sujetos jurídicos y especie” ... p. 30.

166 Díaz González Juan, *La casta de Sodoma* ... p. 31.

women as passive sexual beings. In this sense, those who acted as “patients” in the framework of the sodomitic relationship both considered themselves and for the authorities, they were being feminized, therefore, subjugated and dependent on those who played the active role or as “agents”. It was a correlate of modern dominant masculinity not only limited to demonstrating its potency and sexual dominance over women, but by “being a man” it also implied affirming that same sexuality on young people and even on other adult men¹⁶⁷. Homoerotic practices, autoeroticism, transvestism, and the adoption of the active role by women or the passive role by men were judged as acts against nature because they subverted the established paradigms of gender¹⁶⁸.

3.2. Sodomy from sin to crime

It should be noted that sodomitic acts were not always associated with the feminine behaviour or identification of men, the concept of sodomy, of a polysemic nature, was associated with a set of sexual and social behaviours at odds with legitimate power in traditional society¹⁶⁹. In this sense, the sodomitic act could also include an attitude of contempt for authority, a stigmatized nickname or a sin associated with certain sexual behaviours. This range of behaviours associated with sodomy included *the inmisio penis in anus*, (introduction of the penis into the anus) in both men and women, an act of indecent touching, public exposure of the genitals (exhibitionism), rape of minors (pederasty), acts of zoophilia (sex with animals), necrophilia (sex with the dead), introduction of the penis into the mouth (oral sex) and also included a series of variations of other sexual behaviours. These acts could be committed by any type of people, all of them fell into the category of sins of the flesh which is a much broader concept. A sodomite did not necessarily have to be a person who possessed the characteristics that we currently assign to homosexuals, as has already been explained¹⁷⁰.

167 Molina Fernanda, “tentado o consumado: doctrinas jurídicas y praxis judicial ante el pecado nefando de sodomía. ... pp. 13-14.

168 Díaz González Juan, *La casta de Sodoma* ... p. 31.

169 Fernández Lara, Leonardo, “Del delito-pecado al delito-enfermedad ... p. 14

170 Fernández Lara, Leonardo, “Del delito-pecado al delito-enfermedad ... p. 14

According to the above, in medieval legislation there was a confusion between sin and crime, since sin or transgressions of the moral order did not necessarily lead to those of the social order or crime. In fact, sin arose in the sole intention, while crime required the commission of a proven harm¹⁷¹. In this sense, the male sodomitical practice was a sinful act and was also considered a vice, although in Visigothic times, there was no clear distinction between crime, vice and sin. There were elements that evidently corresponded to an austere ethic that derived from the pagan and Christian worlds. However, during that time the conceptualization of the terms sin, crime, and vice had not been clearly differentiated; this occurred during the Late Middle Ages¹⁷².

Certainly, from the eleventh century onwards there are two factors that were relevant in the reflections and justifications that would determine the equating of sodomy from sin to crime. In the first instance, the term *contra naturam* and then the story of Sodom, in both cases the homoerotic practice was presented as an action provoking the wrath of God because it violated his Law¹⁷³. Unquestionably, the generalized fear of sin was not because of its commission, but because of the punishments that were applied, which included not only those who committed them, but also the community where they were carried out, for this reason and perhaps resorting to the *Epistle to the Romans* of St. Paul¹⁷⁴, where it is referred that the offense to God can bring punishment and divine wrath on the entire community, which would consequently be devastated with disasters such as earthquakes, famines, pestilences, wars.¹⁷⁵ For this

171 Solórzano Telechea Jesús Ángel "Fama pública, infamy and defamation... p. 290.

172 De la Flor Gutiérrez Juan Carlos, *Sodoma en la Edad Media*... pp. 19-20

173 "La razón de la catástrofe es innegable para Murúa como para todos sus conciudadanos. Ya desde el inicio del primer capítulo dedicado a Arequipa, explica que el lastimero estado de la ciudad se debía a "la ira y castigo del omnipotente Dios". Comienza el siguiente, donde relata la destrucción, insistiendo en que ésta "ha venido por azote y plaga enviada de Dios". Lavallé Bernard, "Miedos terrenales angustias y terremotos a comienzos del siglo XVII en el Perú, Gonzalbo Aizpuru Pilar, Satples Ann, Torres Septién Valentina (edit.), Una historia de los usos del miedo. México. El Colegio de México, 2009, p. 112.

174 De la Flor Gutiérrez Juan Carlos, *Sodoma en la Edad Media*... p. 22; Bazán Iñaki, "La construcción del discurso homofóbico ... p. 445.

175 "A partir del discurso religioso, que convirtió los fenómenos naturales en castigo divino, hay diversas formas de asumir la responsabilidad de la falta que lo provocó. Puesto que todos los males

reason, the ruler should legislate against this *lapsus carnalis*, in order to protect his *gens* or people¹⁷⁶.

During that period, sodomy was included in the first Castilian legislation approved for a local level, which was done through the granting of *fueros* in urban centres, in which they also referred to sodomy and adultery. The articles of these codes were inspired by the *Fuero Juzgo* which has its sources in the Visigothic period. One of these cases is the Cuenca jurisdiction (1190), which served as a model for local law in the other areas, where it was incorporated, allowing a wide circulation of its criminal norms. The charter of Cuenca was drafted by clerics and established both the death penalty for the crime of sodomy and the form of the penalty, providing that it consisted of a sin-crime, for which it would be punished with death by fire, which was considered a purifying element, reserved not only for sodomites, but also for those who insult other men¹⁷⁷.

Other localities that were influenced by the charter of Cuenca between the tenth century and the end of the thirteenth century, issued similar resolutions condemning the crime of sodomy, with minuscule variants in the translation from Latin to Spanish, such as those of Béjar, Plasencia, Alcaraz, Alcázar and Alarcón. In these codes it reads: “*ego te per anum viciavi*”, as ‘I caught you by the ass’, indicating that there was an error in the translation in this sentence of *anum* in other words *ano*, for year. The *fueros* of Úbeda, Huete and Baeza translate it as all “*un anno te fiz esto*” or this for you for a whole year¹⁷⁸. In the case of the letter of Soria (1256), it was worded differently, but maintaining the correlation that “it hurts us to refer to something that is so unpleasant to control or even mention, as it is a terrible sin when a man tempted by the devil

fueron originados por el pecado, siempre hay un culpable y ese culpable puedo ser yo. De ahí la angustia y el sentimiento de culpa, el arrepentimiento y las penitencias. La religión recomienda como una virtud el “santo temor de Dios”, que es uno de los dones del Espíritu Santo. Además, todo placer debe pagarse con sufrimiento, por eso en los momentos de felicidad aparece el fantasma del miedo como una advertencia de que esa dicha tiene un precio y no sabemos cuánto pagaremos”. Gonzalbo Aizpuru Pilar, “Reflexiones sobre el miedo en la historia” ... pp. 32-33.

176 De la Flor Gutiérrez Juan Carlos, *Sodoma en la Edad Media*...p. 22.

177 Solórzano Telechea Jesús Ángel “Fama pública, infamy and defamation... pp. 290-291; Bazán Iñaki, “La construcción del discurso homofóbico ... p. 435.

178 Tomás y Valiente Francisco, “El crimen y pecado contra natura” ... p. 111.

wishes that another sins against nature with him”¹⁷⁹. The jurist expressed in his lyrics, referring to the nature and gravity of a sin according to his perception that it is horrible, abominable, against nature and inspired by the devil¹⁸⁰.

In addition to these considerations, the foundations were established on which the reasoning that would justify the prosecution of sodomy was built in the late Middle Ages¹⁸¹. Then a specific type of medieval sin was appealed to, which exceeded the wide range of sins of the flesh, understood as lust to be specifically precise about sex between men or women.

With these arguments, it was used from the thirteenth century, when the different civil authorities appealed to “sodomitical sin” as a useful tool when it came to controlling order¹⁸², which coincided with the process of formation of absolute monarchies based on the conception of power and sin. Undoubtedly, during the Middle Ages it was considered and firmly believed that kings had received from God the main function of being the punishers of evil and sin on earth. Based on this postulate, the monarchs formulated a legitimizing discourse tending to the sacralization of royalty, but at the same time they had to face reducing the nobility and other groups and one way to achieve its penalization was the typification of sin, which was shown in such multiple ways, so that this notion became a weapon against any opponent of the sacralizing claim exhibited by medieval sovereigns.

In this context, not even the prince himself escaped the sinful condition, and therefore he himself could fail and lose the kingdom. However, despite this moral warning, the similarity of functions established between God (the divine law) and the king (the earthly law), as an indissoluble unity, gave way to the divine law of kings, through which the gradual identification between sin and crime was promoted. The notion of sin helped to legitimize and strengthen the king’s position as a legisla-

179 Solórzano Telechea Jesús Ángel “Fama pública, infamy and defamation... p. 291.

180 Solórzano Telechea Jesús Ángel “Fama pública, infamy and defamation... p. p. 291.

181 De la Flor Gutiérrez Juan Carlos, *Sodoma en la Edad Media* ... p. 22.

182 De la Flor Gutiérrez Juan Carlos, *Sodoma en la Edad Media*... p. 29.

tor. Precisely, this happened in the twelfth century, coinciding with the expansion of common law with the theological clarification of the notion of sin in the *Decree* of Gratian and the *Sentences* of Peter Lombard, which are the works that best represent this alliance¹⁸³.

From then on, it was almost unanimous to regard original sin as a sin of the flesh, the result of concupiscence and therefore a sin of a sexual nature. In this way, guilt and sin justified the norms that were imposed on family reproduction, the consecration of marriage as a sacrament, during the twelfth and thirteenth centuries, also coinciding with the moment in which the confession of sins was instituted, with whose measures the clergy and the Church assumed control of the parishioners and significantly increased their power over the frightened people in search of eternal salvation¹⁸⁴.

Consequently, sin was the basis that supported the discourse of the monarchy to support its sacred and preeminent character on it¹⁸⁵. In this way, monarchical power was founded on the social and hierarchical inequality resulting from the existence of “alleged sins”, in particular based on the Genesis account that theoretically established the sexual division. In this sense, the narrative of original sin was used, in which the woman was consecrated as the great sinner, in a superlative position to the man, since she was attributed a greater responsibility for the sin committed, for that reason in numerous speeches that were prolonged after the thirteenth century, and that were part of that culture of the aforementioned sin, they will deal exclusively with the sins and vices of women¹⁸⁶.

From then on, the notion of sin gave meaning to the established social order, nothing escaped its control, not even the activities linked to the material sustenance of society, because in the same Genesis account it is also located at the origin of the human need to work to support oneself, thus conditioning a certain negative moral consideration of the

183 Carrasquero Manchado Ana Isabel, “Sentido del pecado y clasificación de los vicios” ... pp. 60-61.

184 Carrasquero Manchado Ana Isabel, “Sentido del pecado y clasificación de los vicios” ... p. 62.

185 Carrasquero Manchado Ana Isabel, “Sentido del pecado y clasificación de los vicios” ... pp. 60-61.

186 Carrasquero Manchado Ana Isabel, “Sentido del pecado y clasificación de los vicios” ... pp. 60-61.

work effort, and also of the idea of profit. In this way, guilt and sin also regulated the development of economic activities, including hunger and disease, the occurrence of which was justified as a punishment for sin¹⁸⁷. With these actions, the Church encouraged the identification of sin with the infraction of divine law, but also of human law, since this encouraged the expansion of both canon law and civil law¹⁸⁸. Sin and crime would go together over the inquisitorial and disciplinary procedure that would consolidate the structures of power, both monarchical and seigniorial, as well as pontifical-ecclesiastical¹⁸⁹.

During the second half of the thirteenth century, due to the reception of Roman law and the systematization of canon law carried out by decretalists such as Gratian, there was a great development of royal and municipal law. In this sense, important steps were taken towards a regulation of many issues that concerned the rulers in their objective of achieving the common good in order to justify their government action in accordance with the “divine laws”. Among other problems is, obviously, sexual behaviour, which had previously been the exclusive domain of the decretalists.

These codes of royal law have sin as one of their key words as a common denominator, but the paradigmatic case is the work of Alfonso X the Wise, promoter of the *Siete Partidas*, and in the rest of his legal work, in whose codes the notion of sin is placed in a predominant place, to the extent that it is referred to as the “sinfulness of crime”. In addition to this development of royal and municipal law, there was also a

187 Carrasquero Manchado Ana Isabel, “Sentido del pecado y clasificación de los vicios” ... p. 62.

188 Quisbert Condori Pablo, “El castigo divino: la destrucción de Anco-Anco (Charcas Siglo XVI), *Iberoamericana*. XVI, 61, 2016, pp. 37-50. El obispo Obispo Coll y Prat “hizo relación de los pecados que a su juicio habían desviado a Venezuela de su vida honesta: “Robos, rapiñas, fraudes, monopolios y egoísmo por una parte; por la otra intriga, soberbia, altanería; infidelidad en los matrimonios, desavenencias domésticas, enemistades capitales: infanticidios, sodomías, bestialidades; desobediencia a los magistrados, a los padres, a los amos; impiedad, libertinaje; concubinatos públicos, prostituciones públicas, irreligión pública y la sagrada Arca del Señor . . . ¡Santo Dios! hecha el blanco de todos los tiros y sarcasmos hasta en lo más augusto de sus misterios por una incredulidad insensata o por una estudiada ignorancia o por una impostura punible tanto por las leyes divinas como por las humanas”. Rodríguez Pablo, “1812: el terremoto que interrumpió una revolución”, Gonzalbo Aizpuru Pilar, Satples Ann, Torres Septién Valentina (edit.), *Una historia de los usos del miedo*. México. El Colegio de México, 2009, pp. pp. 256-257.

189 Carrasquero Manchado Ana Isabel, “Sentido del pecado y clasificación de los vicios” ... p. 67.

definitive change in attitude towards sodomy, with the fusion of sin and crime¹⁹⁰, due to the fact that in Christian states there was an enormously selective use of biblical restrictions, and there is no doubt that the decisive problem lay in the historical context that determined the selection¹⁹¹.

In this sense, Tomás y Valiente maintains that crimes against the faith, specifically heresy and sexual morality, were the only ones considered sins according to legal sources¹⁹². Among the proscriptions against nature, especially with sodomy, the transformation of sin into crime was evident in the *Partidas*, in which it was defined in the following terms: "Sodomitic say to the sin into which the omes fall lying with each other against nature, and natural custom", which explicitly showed the recognition that these behaviours were punished for constituting an offense to God but not to society or to any of the their individuals, that is, sodomy became a crime just because it was a sin. The widespread fear of the divine punishment of sin and its fearful consequences was decisive in this, which is why the tragedy related in the biblical texts, in particular the story of Sodom, was transferred and clearly referred to in the legislation to justify the

"For from such sin many evils arise on earth, wherever it is made, it is a thing that weighs heavily on God with it. And he comes out of bad repute, not only to the fazedores: even more to the earth, where he is spoiled. [...] All this error must be kept, because they arise from much evil, and he who makes it defames and defames himself. For by such errors our Lord God embellishes upon the earth, where he is made fame, pestilence, torments, and many other evils, which he could not count"¹⁹³.

After these provisions were promulgated, both sodomy in any of its variants, as well as other practices, relationships and uses of sexuality considered transgressive, became the focus of attention and persecution for the authorities, first ecclesiastical and, by extension, civil. The

190 Díaz González Juan, *La casta de Sodoma* ... p. 13.

191 Boswell Jhon, *Cristianismo, Tolerancia Social y Homosexualidad* ... p. 12.

192 Masferrer Aniceto, "La distinción entre delito y pecado en la tradición penal bajomedieval y moderna. Una propuesta revisionista de la historiografía española, europea y anglosajona", *Anuario de la Historia del Derecho Español*, tomo LXXXVII, 2017, p. 702.

193 SolórzanoTelechea Jesús Ángel, "Fama pública, infamy and defamation... p. pp. 398- 413. Tomás y Valiente Francisco, "El crimen y pecado contra natura" ... p. 112. 402-403; Boswell Jhon, *Cristianismo, Tolerancia Social y Homosexualidad* ... pp. 278-279.

control of what is considered “atrocious crimes”. The global labelling of unnatural sexuality in these categories made it possible to have instruments of social control that also promoted a discipline, that is, that they were projected, in a repressive and also instructive way within Christian society and among the subjects¹⁹⁴.

That dramatic instrument designed and arranged to combat heinous sin was expressed in the rigor of punishment: capital punishment and the stake, which had an impact on the audiences, instructing people in morals, but also in the fulminant elimination of all vestiges of sin and crime committed. In this plane, fire intervened, to dissipate even the bodily matter of the executed¹⁹⁵. Perhaps that is why death, even if it was so, could be considered charitable, since it was conceived that by this means those condemned for heinous sin relieved their guilt and could advance towards salvation by purging part of their error in the process of execution¹⁹⁶. In this way, they only contained the guilt and stained not only the soul, but also the lives of these people, dispensing them with a possible eternal damnation¹⁹⁷.

3.2.1. Sodomy in power games

The local authorities in Castilian society at the end of the fifteenth century, especially in the urban environment, outlined the control of sexual behaviour as the best method to exercise their authority¹⁹⁸, to the extent that the desire to moralize was revealed collectively and gener-

194 Díaz González Juan, *La casta de Sodoma* ... p. 19.

195 Díaz González Juan, *La casta de Sodoma* ... p. 20.

196 Mantecón Movellán, Tomás, “Sexualidad contra natura. La Navarra del antiguo régimen ¿No les dio Dios buena vida?”, p. 11 disponible desde: https://www.academia.edu/49128571/Sexualidad_contra_natura_en_la_Navarra_del_Antiguo_R%C3%A9gimen_No_les_dio_Dios_buena_vida_Pr%C3%B3logo_al_libro_Ruiz_Astiz_J_Transgresi%C3%B3n_sexual_y_pecado_contra_natura_en_Navarra_siglos_XVI_XIX_Pamplona_Nafarroako_Gobernua_Ed_2020_pp_11_21_ISBN_978_84_235_3558_3

197 Mantecón Movellán, Tomás, “Sexualidad contra natura. La Navarra del antiguo régimen ¿No les dio Dios buena vida?”, p. 11. Disponible desde: https://www.academia.edu/49128571/Sexualidad_contra_natura_en_la_Navarra_del_Antiguo_R%C3%A9gimen_No_les_dio_Dios_buena_vida_Pr%C3%B3logo_al_libro_Ruiz_Astiz_J_Transgresi%C3%B3n_sexual_y_pecado_contra_natura_en_Navarra_siglos_XVI_XIX_Pamplona_Nafarroako_Gobernua_Ed_2020_pp_11_21_ISBN_978_84_235_3558_3

198 Masferrer Aniceto, “La distinción entre el delito y el pecado en la tradición ... p. 699.

alized in the various social strata, especially in the lower classes, which were described as “horrible, dirty, harmful, lewd and brutal”¹⁹⁹. To this end, the urban elites used sodomy as a sin and crime along with other contraventions included in lust, such as adultery and bigamy, which constituted the ideological bases in their argument to achieve the public good and exercise social control in the spaces they governed²⁰⁰.

According to the above, those who exercised political power²⁰¹ were in charge of guaranteeing the security and well-being of good citizens and, on the contrary, the punishment of criminals that corresponded to the administration of justice. Added to the above was the fact that the crimes of sodomy dishonoured the areas where they were committed, so that the eradication of this type of “criminals” in their communities became an element that justified the position of the governors at the head of the councils.

These principles were taken to the extreme in the sixth decade of the fifteenth century during the reign of Henry IV of Trastámara, in which period various events arose that led to the deepening of the criminalization of sodomy. Henry IV began his reign in Castile in 1454 and ended twenty years later in 1474, the sovereign had an openly homoerotic orientation and during his reign it is claimed that he had two “favourites” not to say partners or lovers. The first of them was Don Juan Pacheco, Marquis of Villena, who according to the chroniclers of the time is described as “the principal” of his “accomplices”, with whom he had “shameless relations” so one does not have to be very imaginative to suppose what type those shameless relations were of, to which it is added that the Marquis of Villena “sacrificed everything to the ambition of command, even at the cost of the greatest blunders, it is considered that the close relationship that united the two men elevated Pacheco as the main advisor of the kingdom, in addition to being “the intermediary and arbiter between all and the sovereign”²⁰².

199 Solórzano Telechea Jesús Ángel, “Fama pública, infamy and defamation... p. 407.

200 La utilización de la sodomía como una acusación para combatir el enemigo político ya se había utilizado en Francia contra los templarios. Boswell Jhon, *Cristianismo, tolerancia social y homosexualidad* ... p. 283-284.

201 Murueta Marcos Eduardo, “Identidad, amor y poder” ... pp. 16-17.

202 Rabade Obrado, María del Pilar, “Más que afectos en las décadas de Alonso Palencia”. E-spania.

Another of the monarch's lovers was Beltrán de la Cueva, who had a rapid rise in the courtly environment of Henry IV, stating that soon "he began to be preferred by many and to receive the name of favorite", in such a way that the king "showered him with gifts and deigned to count him among the most loved". The relevance of Beltrán de la Cueva elevated him to become "the most assiduous in the palace, and the one who had in his hand to be the owner of the kingdom and the queen", since it was made public, in the court circles, to attribute to him the paternity of Juana de Castilla, the only legitimate daughter of Enrique, for which she was nicknamed the "Beltraneja". The extreme love that the king professed for Beltrán de la Cueva was destined to have important consequences for Castile, as it aroused the jealousy of his other lover Don Juan Pacheco, who was not willing to be relegated, and "in some way it was the fuse that led him to rebel against the king, becoming the leader of the nobles who joined forces to depose Henry IV in the Farce of Ávila"²⁰³.

In fact, the ascension of Isabel de Trastámara, Henry's half-sister to the throne of Castile, was due to this palace conspiracy that was the result of the love and jealousy of the two lovers of King Henry IV, the successive civil war that originated over the succession to the crown, of which Juana was stripped, because he was considered a bastard in favour of Isabel, married to Ferdinand of Aragon, which changed the course of peninsular history. The most significant thing remained in the minds of the Catholic monarchs, for whom sodomy could be used as a political weapon, with a devastating force to destroy enemies, because it discredited the opponent while depriving him of any possible support. Undoubtedly, this was one of the considerations that sovereigns had to take into account to solve situations that had previously been resolved through questionable procedures, but that from the 1480s, were resolved publicly, in front of the community, to provide maximum resonance and generate the greatest discredit²⁰⁴.

Disponible desde: <https://journals.openedition.org/e-spania/26624>

203 Rabade Obrado, María del Pilar, "Más que afectos en las décadas de Alonso Palencia". E-spania. Disponible desde: <https://journals.openedition.org/e-spania/26624> Lynch John, *España bajo los Austrias*. Barcelona. Península, 1970. pp. 7-9.

204 Solórzano Telechea Jesús Ángel "Fama pública, infamy and defamation... p. 409.

This situation was evident in the actions of Enrique de Trastámara, who also resorted to these smear campaigns to darken the image of his half-brother Pedro I, so that today he is still seen as cruel, despot, crazy, and even as the son of a homosexual Jew. Similarly, already in the fifteenth century, Don Álvaro de Luna, deprived of John II, was also accused of being a sodomite for his attempt to centralize and collaborate with the converts. Likewise, other historians highlight the discrediting campaign initiated by the nobles who supported Don Alfonso and Isabel the Catholic against their half-brother Henry IV, spreading rumours of his impotence, homosexuality, muslim customs, the illegitimacy of his daughter and heiress, which also served them to build their symbolic capital, as champions against sodomy²⁰⁵.

In the following decades, the Catholic monarchs had to face numerous difficulties that increased as their domains expanded, especially with the annexation of the overseas domains, the constant vacillations in power and the persistent uncertainty between the allies of the nobility and the probable enemies²⁰⁶. Then, the absolute monarchs, in order to exercise greater control over the population, censure individualizing tendencies and achieve homogeneity, reinforced the surveillance of certain contraventions, invented new sins and made them a crime²⁰⁷. In particular, the criminalization by insisting on the condition of the sin of sodomy as a crime to use it as a tool of the monarchs who aspired to an iron control and with the same proceed to the extermination of their dissidence. Certainly, the Pragmatic Sanction of Medina del Campo of 1497, promulgated by the Catholic Monarchs, is the clearest and most synthetic example of what has been stated so far.

This new law was based on the reference texts of the Christian community, which had been inspiring Castilian legislators since the thirteenth century, although even more emphasis was placed on the wrath of God, since it was a sin that caused the destruction of the human race: wars, divine wrath and pestilences. In it, the monarchs considered that unnatural relations shared a double nature, since they were a sin and a crime, an

205 De la Flor Gutiérrez Juan Carlos, *Sodoma en la Edad Media...* p. 35.

206 Lynch John, *España bajo los Austrias ...* pp. 12-21.

207 De la Flor Gutiérrez Juan Carlos, *Sodoma en la Edad Media. ...* p. 36.

abominable action that deserved the worst of punishments. The sin and crime of sodomy were an attack against God, against the procreative natural order, against the social order and against the soul, in the face of which the social model, defended by the Church and the State, had to be kept²⁰⁸.

In addition, these provisions extended a wide range of criminal possibilities that could be prosecuted and condemned because they did not specify exactly what the crime consisted of, it only spoke of a sin, an evil crime, a crime committed against natural order, a “nefarious delinquent”, but it is not clearly explained what it refers to unlike the previous foral and royal legislations in which it was faithfully described: “foder por el culo”, “yacir un hombre con otro” (fueros de Úbeda, Béjar, Baeza, Partidas), “faser adulterio con un mozo”²⁰⁹. Consequently, within the category of sodomitical sin, both sexual relations and conduct, whether between men or women, and even hugs and kisses could be penalized, even if the sexual act itself was not committed²¹⁰, but also those ‘related or close to committed’ (propincuous and close to the conclusion of it)²¹¹.

Likewise, in that pragmatics it was established that the crime of sodomy was “a destroyer of the natural order”, penalized by the will of God, for which reason anyone who had been tried for such a serious crime lost his nobility and had “a cowardly heart” for which he also lost his masculinity. In this way, a union was established between religious conscience, the authority of the monarchs as mediators and the well-being of the population. Due to the seriousness of the scope of pragmatics, the exclusive right of punishment of this sin-crime was instituted to the civil justice²¹², a remarkable instrument that made it easier for the royal authorities to prosecute their eventual enemies for this cause and through their own channels.

In effect, the pragmatics of 1497 allowed the royal authorities to punish generalized behaviour and sensuality, justifying this measure in the supposed social dangers that these sins would cause, since divine wrath would

208 Díaz González Juan, *La casta de Sodoma* ... p. 13.

209 Díaz González Juan, *La casta de Sodoma* ... p. 13.

210 Díaz González Juan, *La casta de Sodoma* ... p. 13.

211 Solórzano Telechea Jesús Ángel, “Fama pública, infamy and defamation... p. 410.

212 Solórzano Telechea Jesús Ángel, “Fama pública, infamy and defamation... p. 405. Tomás y Valiente Francisco, “El crimen y pecado contra natura” ... p. 116.

not only punish individuals, but the entire community. This meant an important difference, since judges and legislators understood that sodomites were criminals who violated the moral order and social rule, that they constituted a generalized danger and who should be treated as criminals²¹³.

In this sense, the Catholic Monarchs justified the severity of royal pragmatics by explaining that the sentences established in the law were insufficient to deter sodomites. In this, the change in the perception of the crime judged against Castilian sexual morality at the end of the fifteenth century is revealed. Until then, such transgressions were treated with discretion, because the community was the primary controller of sexual moral offenses. However, in the last decade of the fifteenth century, the authorities decided to classify individual infractions as crimes and punish them publicly, in order to protect the common good²¹⁴.

Honour, in its most orthodox conception, acted unquestionably in this objective. In Spanish society, the public voice and fame became determinants in the fate of the sodomites, because social censorship functioned through the “vigilant neighbourhood” as Roberto Miranda Guerrero calls it, because the individual did not exist as such, he was subject to public opinion, to lose fame and honour, by slander, by revenge or by rumour. Just as the neighbour, the justices and the parish priests knew the life and work of their neighbour, the latter also knew their lives, thus creating a balance of forces, although hierarchized through honour and ethnic, social and political quality²¹⁵.

Consequently, the heinous sin was infamous from the very moment that the suspicions of the one who had committed it or who had been slandered of committing it, together with his family, were made public²¹⁶. This surveillance system worked as follows: as long as people did not suspect, the sodomite could develop his sexuality, but on the contrary, as long as they were suspicious, even if no act had been committed, he was already considered guilty. Suspicion will give rise to rumours,

213 Solórzano Telechea Jesús Ángel, “Fama pública, infamy and defamation... p. 406. Tomás y Valiente Francisco, “El crimen y pecado contra natura” ... p. 116.

214 Solórzano Telechea Jesús Ángel, “Fama pública, infamy and defamation... p. 406.

215 Miranda Guerrero Roberto, Homosexualidad, derechos naturales y cultura popular”, *La Ventana*, N° 15, 2002, p. 271.

216 Miranda Guerrero Roberto, Homosexualidad, derechos naturales y cultura popular” ... p. 271

proclamations and testimony, in turn, gossip will feed suspicion that, by spreading by word of mouth, would allow everyone to exercise control over everyone through prior censorship.

For that reason, convicting and executing someone for sodomy did not require possessing power; one only had to have popular support expressed through slander²¹⁷. That is, from then on, the accusatory system was innovated in a way similar to how cases of heresy were prosecuted by allowing minors to testify and that the accusation could take place with a single witness, which would allow torture to be resorted to, even if the accused was noble, and the punishment would be exemplary. This was the reason for creating an efficient repressive judicial system, in charge of typifying and stigmatizing the crime of sodomy, which was described as such a heinous crime, that it exhorted the population to “rise with a vengeful spirit knife against those evildoers who corrupted the air and made the angels tremble”²¹⁸.

In addition, those convicted of the crime of sodomy were imposed the most severe penalties and the defences that appeared in the certificates were suppressed, such as being under fourteen years of age or having been forced, introducing instead accusatory and evidentiary facilities, which implied aggravating the prosecution of the crime. The penalty imposed was death at the stake and, in addition, sodomy was equated with heresy and *lèse-majesté*, placing it as one of the three worst crimes that could be committed²¹⁹, putting into practice the religious theory of the purification of the soul through fire.

Likewise, through this new legislation, sodomy, due to its double nature of crime and sin, could be applied to all subjects of the kingdom, including those of other religions, as well as foreigners, because being a crime-sin that stained the earth, the place where it was committed, and harmed all those who lived in it, for which reason it was extended to the overseas dominions with its terrible consequences²²⁰.

217 Díaz González Juan, *La casta de Sodoma* ... p. 26-27.

218 Solórzano Telechea Jesús Ángel, “Fama pública, infamy and defamation... p. 407; Francisco Tomás y Valiente, “El crimen y pecado contra natura” ... p. 37.

219 Molina Fernanda, “Los sodomitas virreinales. Entre sujetos jurídicos y especie” ... p. 30-31.

220 Solórzano Telechea Jesús Ángel, “Fama pública, infamy and defamation... p. 410.

In addition, this centralizing aspiration was observed again. “By which,” it is said in the Pragmatics, “nobility is lost.” A reference to the nobility-monarchy conflict that had affected the construction of the monarchical apparatus since the thirteenth century, and which sought to be definitively overcome in 1497, at a time of accumulation of victories after the War of Succession (1475-1480) and the war in Granada (1482-1492)²²¹. In the opinion of Ana Isabel Carrasco Manchado, “in her time [of Isabel the Catholic] and in that of her husband, Ferdinand of Aragon, the implementation of the strategy of using crime against nature in the construction of the model of absolute Monarchy culminated”²²².

Years later, in 1505, King Ferdinand concentrated more power in his hands and in the royal authorities by placing in them the power to prosecute any of his subjects accused of the charge of sodomy, ordering the revocation of the juridical capacity granted to the inquisitors of the diocese of Aragon, who had been empowering them to proceed against people who had committed the crime nefando. This revocation was justified by the monarch on the grounds that the laws and pragmatics of the kingdom had established maximum penalties for sodomites due to the seriousness of the crime and, therefore, the inquisitors could not execute them, since the royal justice was the only body with jurisdiction to do so, except in cases involving ecclesiastical persons who had committed the crime.

Consequently, the function of the sovereigns, as guarantors of the common good, was to repress and punish this atrocious crime, taking charge of the monopoly of violence, as was projected in the growth of the absolute power of the monarchs,²²³ which is demonstrated in the work of María de los Ángeles Martín Romero in the trials of residence against Fernando de Vera y Vargas, corregidor of Murcia at the end of the sixteenth century²²⁴.

221 Lynch John, *España bajo los Austrias* ... pp. 12-21.

222 De la Flor Gutiérrez Juan Carlos, *Sodoma en la Edad Media*. ... p. 37.

223 Solórzano Telechea Jesús Ángel, “Fama pública, infamy and defamation... p. 406.

224 Marín Romera María de los Ángeles, “Contra el oficio y contra natura. Parcialidad, sodomía y self-fashioning en los procesos contra Fernando de Vera Vargas, corregidor de Murcia (1594-1595)”, *Cuaderno de historia Moderna*. Ediciones de la Complutense. 43 (1), 2018, pp. 157-181.

3.3. Sodomy as a justification for colonial domination

The fearful consequences of the provisions issued by the Catholic monarchs were quickly evident during the process of Iberian overseas expansion, due to the fact that from the fourteenth century sodomy became a weapon to destroy the symbolic capital of the political enemy, both Christian and infidel, a circumstance that was foreseen in the pragmatics of 1497 and that, as in the past, had been used against the Moors and against anyone who was in the middle of it. opposed to royal or ecclesiastical power²²⁵. These types of practices were very successful, and are not far removed from the current smear campaigns in the so-called “cancel culture”²²⁶. From then on, one of the most repeated justifications by the defenders of the “just war” that had been initiated against the natives of the Indies in order to indoctrinate them and “save their souls” from sin for that purpose was granted the papal bulls that granted the Catholic Monarchs the dominion of America²²⁷, especially among the sins that should be exterminated was sodomy²²⁸.

Certainly, in the discussion originated in Spain in the first half of the sixteenth century, about the just titles that Spain could have to wage the “just war”, in which was the thesis of Francisco Victoria, who exposes among his arguments on society and natural communication, the assump-

225 “En lo que se refiere a la relación entre homosexualidad y herejía, hay que advertir, en primer lugar, que desde las instancias represoras (inquisidores, polemistas, etc.) se achacaban a los acusados de herejía todo tipo de actitudes antisociales y amorales, entre ellas, y de manera particular, la de mantener una sexualidad desinhibida. Este proceder tenía la misión de demostrar a la sociedad su peligrosidad y lo necesario de la persecución y condena. Tales tachas fueron vertidas, por ejemplo, contra los begardos, los adamitas o los herejes de Durango. Por ello estas informaciones han de ser tomadas con cautela y prevención. En el caso de los cátaros, las acusaciones en materia sexual se centraban en el mantenimiento de relaciones homosexuales. Estos disidentes religiosos defendían que el espíritu se encontraba sometido a la materia y para poder liberarse de ella el fiel debía rehuir de la corrupción en sus distintas formas: la vida carnal, las instituciones, el trabajo. En consecuencia, una forma de luchar contra esa vida carnal heterosexual pudo ser a través de la homosexualidad”. Bazán Iñaki, “La construcción del discurso homofóbico ... pp. 433-454. p. 448. Molina Fernanda, “La herejización de la sodomía en la sociedad moderna. Consideraciones teológicas y praxis inquisitorial”, *Hispania Sacra*, LXII, 126, julio-diciembre 2010, p. 544.

226 De la Flor Gutiérrez Juan Carlos, *Sodoma en la Edad Media*. ... p. 35.

227 Bruno Cayetano, *El derecho público de la Iglesia en Indias*. Salamanca. Instituto Raimundo Peñafort, 1967. pp. 93-129.

228 Dávalos López Enrique, “La sexualidad en los pueblos mesoamericanos, un panorama general” ... p. 88.

tions of his allegation, among which he stated that it was: “licit for the Spaniards to travel through the land of the barbarians, to negotiate with them, to enjoy the laws, and advantages of all travellers and even to naturalize their children born there”, which was legitimate according to the validity of three rights: a) natural law, b) divine law, c) the law of nations. In the event of a violation of any of these rights, the Spaniards were empowered to use force, and to wage a just war. Thus, when the Indians performed acts of sodomy, cannibalism, and others, they violated natural law, when they performed acts of idolatry, they did not want to listen to the words of God contained in the Holy Bible, they violated divine law, and when they impeded the free movement of Spaniards, their settlement, and the founding of cities, trade violated the law of nations²²⁹.

Undoubtedly, the practice of sodomy among the natives in the Indies was constantly exposed, by “many European travellers’ clergy and officials accused some groups of Indians of sodomy, but these accusations were often part of a standard list of practices, which also included cannibalism, incest, anal intercourse and polygamy, established to demonstrate the inferiority or barbarity of that group”²³⁰.

This generalized appreciation of the behaviours considered “depraved” in the Indians was linked to the process of homogenization to which the indigenous populations were subjected during the early days of the conquest and colonization. However, it is also true that the accusation of sodomy played a very important role in the deepening of this process, to the extent that statements such as “they are all sodomites” and “they use that abominable sin” to refer to the aborigines, constituted a commonplace in the Indian narratives²³¹, so that these actions served to establish the full justification by which the Spaniards violently subdued them and a posteriori taught them Catholic doctrine and with

229 Galiana Enrique Eduardo, *De los justos y legítimos títulos del Reino de España para la dominación de las Indias*, p. 119. Disponible desde: <file:///C:/Users/Luis%20Ramirez/Downloads/4868-15170-1-PB.pdf>

230 Ojalvo P. Álvaro, *Masculinidades y poder en la pluma del cronista*... p. 28. Wawzonek Joseph, “Sodomitical Butterflies: Male Homosexual Desire in Colonial Latin America”... p. 102.

231 Molina María Fernanda, “Crónicas de la sodomía. Representaciones de la sexualidad indígena a través de la literatura colonial”... p. 3.

this they “learned” that sodomy was a sin and a crime punishable by burning at the stake.

In this regard, for the historians of a Greco-Roman cultural tradition who supported the imperial expansion of Spain in America during the Renaissance, they exposed and highlighted the cultural differences between Native Americans and Europeans that in a binary way opposed the civilized character of Europeans to the savage character of the indomitable Indians²³². Among others, their lack of clothing, the absence of social and family organization which, in the opinion of the Spaniards, made them lacking “police” (that is, of civil order); the absence of an alphabet made them illiterate; and the practice of anthropophagy, of human quality and also sodomitics. In this Eurocentric logic, the American Indian was conceived as a creature without civilization, which made him a barbarian²³³ and without human quality similar to a beast. Therefore, the Spanish domination and the consequent extermination of indigenous people and their culture, in Fernández de Oviedo’s opinion, was “a just punishment for the idolatries and bad customs in which the inhabitants of America were immersed”²³⁴.

The vision of the chroniclers of the Indies, that was published and disseminated in Spain, showed its natives as practitioners of sodomy and also of other sins of the flesh that included incest, polygyny, human sacrifices, and drunkenness and idolatry²³⁵ that were alleged as “just causes” for their military subjugation, political and religious²³⁶ such as sacrilege, which appears linked to another anti-notion of moral-sexual order: sodomy, in

232 Clavijo Poveda Jairo. “Un enfoque etnohistórico. El canibalismo como práctica y representación”, *Universitas Humanística*, 2004 p. 59.

233 Castañedas Felipe, *El indio: entre el bárbaro y el cristiano. Ensayos sobre la filosofía de la conquista en Las Casas, Sepúlveda y Acosta*. México. Grupo Editor, 2002. Byrd Simpson Lesley, *Los conquistadores y el indio americano*. Barcelona. Península, 1970. Mérida Jiménez Rafael M., “Sodoma del viejo al nuevo mundo”, *Treballs de la Societat Catalana de Geografia*, 64, 2007, p. 97.

234 Quiroz Leiva Dennis O. “Indios, sodomitas y demoniacos: Sumario de la Natural Historia de Indias de Gonzalo Fernández de Oviedo”, *Cuadernos de Centroamérica y el Caribe*. Año II, N° 2, enero-diciembre 2003, p. 15. Disponible desde <http://ciicla.ucr.ac.cr/sites/default/files/2017-06/revista%20cuadernos%202.pdf>

235 Molina Fernanda, “La herejización de la sodomía en la sociedad moderna. Consideraciones teológicas y praxis inquisitorial”, *Hispania Sacra*, LXII, 126, julio-diciembre 2010, pp. 539-562, pp. 545-547.

236 Molina Fernanda, “Crónicas de la hombría. La construcción de la masculinidad en América”, *Lemir*. 15, 2011. pp. 185-206. p. 186.

which sacrilege and sodomy were placed at the highest and most common vertex of the Thomistic hierarchy of sins²³⁷, which were progressively transformed into the reasons that justified the war against the Amerindians and was obviously the divine mission entrusted to Spain to become the hegemonic power, in the greatest monarchy that has ever existed²³⁸.

In this scenario, it can be suggested that, despite their different knowledge, experiences and interests, both the scholastic intellectuals of the sixteenth century and the chroniclers of the Indies, with greater or lesser consciousness, worked together with the aim of justifying one of the most important wars of conquest²³⁹. In this sense, Francisco López de Gómara maintained that to the extent that the Indians refused to abandon their state of inhumanity, cruelty, sodomy and idolatry, it was licit for them to make war on them and that, in that context, they could kill, captivate and rob them. For his part, Sarmiento de Gamboa also raised the lawfulness of war, in order to punish sins against nature. For the chronicler from Toledo, this cause was sufficient to subdue the American Indians by force “because more or less more public or more concealed or concealed, in all the lands, which have been discovered so far, in the two seas of the north and south of Your Majesty, a general violation of the law of nature has been found”²⁴⁰.

In this exhausting discussion, the juridical-theological treatise writers presented their arguments to legitimize the conquest of America in which they determined the impact of the crimes against the natural order, without a doubt Juan Ginés de Sepúlveda was one of the most outstanding

237 Mérida Jiménez Rafael M., “Sodoma del viejo al nuevo mundo” ... p. 96.

238 Quiroz Leiva Dennis O. “indios sodomitas y demoniacos: Sumario de la Natural Historia de Indias de Gonzalo Fernández de Oviedo”, *Cuadernos de Centroamérica y el Caribe*. Año II, N° 2, enero-diciembre 2003, p. 15. Disponible desde <http://ciicla.ucr.ac.cr/sites/default/files/2017-06/revista%20cuadernos%202.pdf>; Pastor Marialba, “La interpretación de los pecados de la carne en la Escuela de Salamanca”, *Iberoamericana*, 15, 58, 2015, pp. 45-62.

239 León Azcárate José Luis de, “El demonio y la visión del “otro” en la primera parte de la Crónica del Perú (1553) de Pedro Cieza de León”, *Revista Complutense de Historia de América*. Vol. 41, 2015, pp. 211-212.

240 Quiroz Leiva Dennis O. “indios sodomitas y demoniacos: Sumario de la Natural Historia de Indias de Gonzalo Fernández de Oviedo”, *Cuadernos de Centroamérica y el Caribe*. Año II, N° 2, enero-diciembre 2003, pp. 6. pp. 1-10. Disponible desde <http://ciicla.ucr.ac.cr/sites/default/files/2017-06/revista%20cuadernos%202.pdf>; Pastor Marialba, “La interpretación de los pecados de la carne en la Escuela de Salamanca”, *Iberoamericana*, 15, 58, 2015, pp. 45-62.

defenders of the just war and based his work on the chronicle of Fernández de Oviedo. Throughout his presentation, he prioritized a series of crimes and sins committed by the indigenous people for which it was justified that the Spaniards lawfully used force. He considered that the fundamental thing to apply the violence of war was the resistance that the Indians put up against Spanish domination, secondly, the nefarious clumsiness should be banished and finally the portentous crime of devouring human flesh, transgressions that offend nature. Although, Sepúlveda appealed to the typical foundations of Christian doctrine, unlike most treatise writers, his theory had an absolutely secular character, where the foundation of justification focused on highlighting Hispanic virtuosity, on relegating the contrast with the crimes and sins of the indigenous people²⁴¹.

For his part, Fray Vicente Palatino de Curzola, was another of the defenders of the war against the Indians. He dedicated his work to polemizing with his brother of the order, Bartolomé de Las Casas, and was the only Dominican who during the sixteenth century defended the actions of the Spaniards in the Indies. Although Curzola did not enumerate crimes against nature among those that cause war, he resorted to them, with pertinacity and virulence, by affirming that for sin against nature and enormous vices some nations can be justly punished. In this case, the priest did not speak from hearsay or through the mouths of the chroniclers, but explicitly stated “that these sins of sodomy, against nature and of sacrificing men to idols, and many other evils I saw with my own eyes”, referring to his short experience in Yucatán, between 1533-1537, in the service of the adelantado Francisco de Montejón. Finally, he added that “these Indians are also drunkards, liars, traitors, enemies of all virtue and goodness and it has never been possible to do these evils to them, if it is not first by punishing and taming them and subjecting them by arms and wars or then they have been preached to them with great fruit.”²⁴².

241 Quiroz Leiva Dennis O. “indios sodomitas y demoniacos: Sumario de la Natural Historia de Indias de Gonzalo Fernández de Oviedo”, *Cuadernos de Centroamérica y el Caribe*. Año II, N° 2, enero-diciembre 2003, pp. 6. pp. 1-10. Disponible desde <http://cicla.ucr.ac.cr/sites/default/files/2017-06/revista%20cuadernos%202.pdf>; Pastor Marialba, “La interpretación de los pecados de la carne en la Escuela de Salamanca”, *Iberoamericana*, 15, 58, 2015, pp. 45-62.

242 Quiroz Leiva Dennis O. “indios sodomitas y demoniacos: Sumario de la Natural Historia de Indias de Gonzalo Fernández de Oviedo”, *Cuadernos de Centroamérica y el Caribe*. Año II, N° 2,

Another of the defenders of the just war was Juan Velázquez de Salazar, a prominent neighbor of New Spain, who held prestigious positions in his jurisdiction. As a member of the well-to-do group of encomenderos, in his treatise, composed between 1575 and 1579, he was also an affront to the doctrines of Las Casas. In his texts, Velázquez de Salazar considered that the indigenous fondness for unnatural practices was a sufficient cause for a just war, which was only preceded by insult or affront to divine peace. Their purpose was to carry out this conversion through peaceful methods, but once the natives had rejected the offer of peace of the Spaniards, the necessity of war to free their souls was confirmed²⁴³.

In this way, that justification was woven to subdue and dominate the natives of the Indies, from the consideration that they were barbarians and idolaters, the discourse based on the religion of otherness was structured, from the Spanish Christian logics, in which the natives of the New World were located at various levels of barbarism, placing in the upper levels those indigenous people who “show the almost Christian virtues as happened with the idolaters of Mexico and Peru in whom they consider themselves to suffer perversions, but are not perverse²⁴⁴. The axiological dimension involved in calling the indigenous as barbarians established a dominant/subordinate relationship that was linked to the moral order. To this end, Bartolomé de las Casas established four levels of barbarism:

“1) when there is degeneration of reason, justice and good customs; 2) lack of locution and study of letters; 3) because of their evil habits and perverse inclination they come out cruel and ferocious and have no reason and 4) all those who lack true religion and Christian faith”²⁴⁵.

This vision was reiterated in numerous official documents such as Isabel’s decree of 1503, which authorized the enslavement of the Carib

enero-diciembre 2003, pp. 6. pp. 1-10. Disponible desde <http://ciicla.ucr.ac.cr/sites/default/files/2017-06/revista%20cuadernos%202.pdf>; Pastor Marialba, “La interpretación de los pecados de la carne en la Escuela de Salamanca”, *Iberoamericana*, 15, 58, 2015, pp. 45-62.

243 Quiroz Leiva Dennis O. “indios sodomitas y demoniacos: Sumario de la Natural Historia de Indias de Gonzalo Fernández de Oviedo”, *Cuadernos de Centroamérica y el Caribe*. Año II, N° 2, enero-diciembre 2003, pp. 6. pp. 1-10. Disponible desde <http://ciicla.ucr.ac.cr/sites/default/files/2017-06/revista%20cuadernos%202.pdf>

244 Ojalvo P. Álvaro, *Masculinidades y poder en la pluma del cronista* ... p. 63.

245 Ojalvo P. Álvaro, *Masculinidades y poder en la pluma del cronista* ... p. 63.

Indians, to whom she attributed eating human flesh and practicing sodomy. Therefore, the conquistadors were interested in demonstrating that the aborigines carried out “nefarious” practices in order to benefit economically²⁴⁶.

It is within the framework of this debate that the recurrent qualification of the American Indians as sodomites must be inserted, because it became one of the main “just causes” for their domination. Nefarious sexuality was already condemned in both divine and civil law with death, but if this were not enough argument, the theologians who defended the just war also linked it with anthropophagy and idolatry that, in the American context, operated together to give rise to what Alonso de Zuazo identified as the “tria peccatela” and which María Fernanda Molina calls the a nefarious complex, which subsumes the association between sodomy, anthropophagy and idolatry to define a set of sins of the flesh that included, incest, polygamy, human sacrifice and drunkenness, among others. This vast compendium of transgressions can also be linked to what other authors have defined as “sodometries”²⁴⁷.

The tria peccatela, together with human sacrifices, drunkenness and licentious sexual behaviour, the nefarious complex were the sins added to establish a generalization among the different indigenous groups. Even though the nefarious typification according to the royal pragmatics of 1497, was done in an ambiguous way, to include most of the indigenous groups and to defame the conquered populations, which served as a basis for common and uniform justification on the extensive, vast and heterogeneous New World. In this way, indigenous sodomy was one of the main arguments that the supporters of the so-called just war put forward in their favour, it was also put forward, as it was considered to be a practice contrary to the natural law²⁴⁸.

246 Quiroz Leiva Dennis O. “Indios sodomitas y demoniacos: Sumario de la Natural Historia de Indias de Gonzalo Fernández de Oviedo”, *Cuadernos de Centroamérica y el Caribe*. Año II, N° 2, enero-diciembre 2003, p. 12. Disponible desde <http://ciicla.ucr.ac.cr/sites/default/files/2017-06/revista%20cuadernos%202.pdf>

247 Molina María Fernanda, “Crónicas de la sodomía. Representaciones de la sexualidad indígena a través de la literatura colonial” ... p. 3.

248 Sigal Pete, “Gender, Male Homosexuality, and Power in Colonial Yucatán”, *Latin American Perspectives*, Issue 123, Vol. 29, No. 2, march 2002, pp. 24-40. p. 30. Molina María Fernanda,

In this context, sodomy could be understood as contrary to the natural order and as any conduct that departed from the “good”, like theft, fornication or adultery. In addition, a more restrictive meaning was added by juxtaposing other unnatural crimes such as concubitus with children, bestiality. Finally, theologians and jurists-imposed sodomy as part of the dominant definition and to which they appealed to demonstrate the need to wage war against the Indians, based on the testimonies, direct or indirect, that the chroniclers provided through their works²⁴⁹. As a result of these justifications, for the natives of the Indies, the night of the pagan world was left behind, the crossroads opened up to the future, framed in the Christian vision of the cosmos, in which man is controlled and must decide between sacralized love, fear or submission to social and civil censorship²⁵⁰.

“Crónicas de la sodomía. Representaciones de la sexualidad indígena a través de la literatura colonial” ... p. 3.

249 Quiroz Leiva Dennis O. “indios sodomitas y demoniacos: Sumario de la Natural Historia de Indias de Gonzalo Fernández de Oviedo”, *Cuadernos de Centroamérica y el Caribe*. Año II, N° 2, enero-diciembre 2003, pp. 2. pp. 1-10. Disponible desde <http://ciicla.ucr.ac.cr/sites/default/files/2017-06/revista%20cuadernos%202.pdf>

250 Corcuera de Mancera Sonia, *Del amor al temor. Borrachez, catequesis y control en la nueva España (1555-1771)*. México. Fondo de Cultura Económica, 1994, p. 113.

Chapter IV

Sodomy behaviours in Latin America

4.1. Sodomy as an expression of marginal masculinity

With the arrival of the Europeans to the Indies, the social order and sexuality known until then were drastically modified, although there were persistent structures, a new social organization was imposed, which in vast regions was established on a new reality, in which the presence of urban centers and rural production units of the agricultural type was introduced and mining settlements were also formed, in which both indigenous and African populations were nucleated, subjugated, dominated and forced to accept the new “order of things” governed by the moral codes and European natural law that defined values and behaviours that protected the actions of the subjects in both the Spanish and Portuguese empires.

In this way, the first decades of the Spanish conquest were a period that could be defined as one of surprises and uncertainties: surprise at what was new and uncertainty at not knowing what to do. The juridical instruments and theological arguments that were outlined during the course of the first half of the sixteenth century and were consolidated in the second half of the seventeenth century, with the aim of achieving social cohesion and the control of sexual behaviour. In fact, the stability of the European social order rested on the structure of the patriarchal family, framed within the conception of monogamous, sacred and indissoluble marriage, as the only valid space for consummating sexuality.²⁵¹

251 Caamaño Dones Josue, “Por “bellaco” lo mataron: un acercamiento a la construcción de la sexualidad negra en Puerto Rico durante el siglo XVI”, *Archivos e investigación histórica*. San Juan (Puerto Rico), Red de Archivos, 2011. p. 24.

During the process of implanting the domination of the peninsulas, the dominant groups were required to apply an iron control, accompanied by severe punishments, to cement and preserve power²⁵² and with this objective an order was imposed in which the dominant masculinity was the Spanish-Portuguese²⁵³ over the indigenous previously considered as “unbridled, filthy and sodomitic”, expressly forbidding that subordinates practiced their idolatries that constituted a potential danger to sexual morality.²⁵⁴ In this way, the European male hegemony in Ibero-America emerged, controlling the digital sex/gender system, although other levels of masculinities and femininities were created from it that were subordinated to those over whom power was exercised and thus their position was legitimized.

In this sense, three types of masculinities have been typified, called hegemonic²⁵⁵, subordinate and marginal. The first is the one that exercised control over the others, at this level it was decided how the digital sex/gender system personified by the sovereign, his civil and religious authorities and the conquerors was structured. The second was constituted by the subalterns who obeyed the higher level made up of indigenous, mestizos, black mulattoes and the mestizados who were almost feminized when they were placed in the role of subjects²⁵⁶.

At the same time that they were subdued, the indigenous and subsequently the African and their descendants were also considered as destabilizers of the digital sex/gender system because they were associated with idolatry, therefore the aborigines and the mestizados were outside the conception that defined the digital sex/gender system as the correct way in which men and women should behave. that is, part of what Christian sexual morality considered normal²⁵⁷.

252 Bracamonte Allain Jorge, “Los nefandos placeres de la carne ... p. 395.

253 Mérida Jiménez Rafael M., “Sodoma del viejo al nuevo mundo ... p. 95.

254 Ojalvo P. Álvaro, *Masculinidades y poder en la pluma del cronista*. ... p. 16.

255 Molina Fernanda, “Crónicas de la hombría. La construcción de la masculinidad en América” ... pp. 185-206.

256 Levis Laura A., “De la sodomía a la superstición. El pasivo activo y transgresiones corporales en la Nueva España”, *Cuadernos de Literatura*. Vol. 25, 2021.

257 Ojalvo P. Álvaro, *Masculinidades y poder en la pluma del cronista* ... p. 16.

In this way, the sin/crime that the Europeans attributed to the indigenous and Afro-descendants who challenged the conception imposed by Christian logics. In other words, sodomy, fornication outside of marriage, were practices that “dirty” the body, for which Amerindians and Africans were placed as “barbarians”, for which the need for control was established, which translated into punishment to penalize subordinates in order to prevent the destructuring of the digital sex/gender system²⁵⁸.

As happened with the indigenous people, European masculinity was obsessed with condemning the sexuality of Africans and strongly confronted the multiplicity of experiences about sexuality in African ethnic groups. For this reason, the concern for the systematic evangelization of blacks and the purification of their behaviours occurred as soon as the boom of trafficking began, during the first half of the seventeenth century. There, the peninsular’ did not stop to examine which African nations had a conception of sexuality close to the Christian one and which did not. Precisely, one of the great concerns of the priests was to force them to act under the regulations established in the digital sex/gender system²⁵⁹.

To this end, in the nascent colonial society, a Christian discourse was developed aimed at the variety of African nations, to control behaviours deviating from the Western norm that was trying to impose itself. In this aspect, one of the most difficult Afro behaviours for Europeans to understand was their sexuality because they were opposite behaviours or those that were based on another worldview. Like the indigenous people, they were also stereotyped: they were accused of being polygamous, incestuous, libidinous, scoundrels and of practicing sodomy, amatory magic or bestiality, behaviours classified as transgressive of Christian guidelines. Certainly, the intention of the Europeans to impose the models of Christian sexual morality and their proper behaviour led to the ignorance and denial of the different ways of living sexuality as well as the attitudes of the colonizers, which did not correspond to those that were legislated juridically or theologically²⁶⁰.

258 Ojalvo P. Álvaro, *Masculinidades y poder en la pluma del cronista*. ... p. 16.

259 Caamaño Dones Josue, “Por “bellaco” lo mataron: un acercamiento a la construcción de la sexualidad negra en Puerto Rico durante el siglo XVI” ... p. 27.

260 Caamaño Dones Josue, “Por “bellaco” lo mataron: un acercamiento a la construcción de la sexualidad

Thus, the control of sexuality in both indigenous and African and mixed people was aimed at preventing the continuity of permanent socialization systems, that is, it was an attempt to erase the link that united them with a past with their own traditions. The forced uprooting prevented the reproduction of the norms of behaviour that, in the past, had given them cohesion and on which they had based their own social organizations. From this point of view, and although the institutions advocated marriages, in daily life a bitter resistance to the marriages of Afros who preferred to remain in cohabitation was assumed as an attitude²⁶¹.

In this way, the digital sex/gender system was established in colonial society in the Indies, based on the binary, exclusionary gender, in which sodomy altered the “natural order”, the social order and in particular the conception of masculinity because men by definition are dominant²⁶², and have an active role in the sexual²⁶³ act therefore, when a man renounced that role to assume the passive role, or when a woman who should have the passive role expressed her desire to assume the active role, the natural order was altered, which was to go against the clear division of the sexes that Christianity imposes on society.

Then, in the Indies, the discursive construction of the sodomite as a subject who lives in *behetría* (in disorder) was given²⁶⁴, which automatically strengthened the division between those who had a sexual morality close to

lidad negra en Puerto Rico durante el siglo XVI” ... p. 24.

261 Caamaño Dones Josué, “Por “bellaco” lo mataron: un acercamiento a la construcción de la sexualidad negra en Puerto Rico durante el siglo XVI” ... p. 27.

262 Quezada Nohemí, “Cosmovisión, sexualidad e inquisición”. *Inquisición Novohispana*. México. Instituto de Investigaciones Antropológicas, 1973. T. I. pp. 80-81.

263 “En este sentido, aquellos que actuaban como “pacientes” en el marco de la relación sodomítica eran feminizados y considerados dependientes respecto de quienes desempeñaban el rol de “agentes” en la relación. Además, como señala Cristian Berco, uno de los atributos de la masculinidad moderna dominante no sólo se reducía a demostrar la potencia y la dominancia sexual sobre las mujeres, sino que “ser hombre” también implicaba afirmar esa sexualidad sobre jóvenes e, incluso, sobre otros varones. Por lo tanto, en el periodo estudiado, sodomizar a los congéneres constituía un elemento básico para el reforzamiento de la identidad masculina y formaba parte de la cotidianidad del “ser hombre”. Molina María Fernanda, “La sodomía a bordo. Sexualidad y poder en la carrera de Indias” ... p. 15.

264 León Azcarate José Luis de, “El demonio y la visión del “otro” en la primera parte de la Crónica del Perú (1553) de Pedro Cieza de León” ... p. 210.

the Hispanic one and those who distanced themselves from that paradigm, because they were considered “less masculine”²⁶⁵. In other words, the identity models of power were divided, separating by a moral line the identities that could potentially be within the Spanish and Christian generic order in a position of power in order to present, through official discourses, certain characteristics that made up these masculinities from two important axes, the first represented by the Portuguese-Hispanic masculinity idealized in courage as a shaper of manhood, virility and sexual morality and on the contrary the marginal one²⁶⁶, personified in the man who showed a dissident, “wasted”, seditious and therefore dangerous masculinity and contrary to the normativity of the prevailing digital sex/gender system characterized by being disorderly²⁶⁷, dirty and pestilential²⁶⁸.

The recurrent designation with the term dirty to the indigenous and progressively to the Afro-descendants as a subject who did not follow the Christian “norms of conduct”, especially in the sexual sphere²⁶⁹, as expressed in Sahagún’s texts²⁷⁰, also refers to semen with the euphemism “suziedad” that in the *Treasury* of Covarrubias is defined in contrast to “to be clean and lustrous” and therefore as “everything disgusting and vile and timid”, which is especially observed in the intimacy and closeness of the sailors who sailed on the ships, where the inevitable mixture of odors coming from the bodies, sweat and flatulence were not considered as “dirt” on the contrary, the semen was²⁷¹.

In this environment of generalized repression, the sodomites resorted to the strategy of deception and concealment that was based on self-knowledge of their true gender and sexual orientation, which brought as a consequence, the enunciation of the sodomite no longer as a subject with a subordinate identity, but as marginal, in which the

265 Ojalvo P. Álvaro, *Masculinidades y poder en la pluma del cronista* ... pp. 40-41.

266 Ojalvo P. Álvaro, *Masculinidades y poder en la pluma del cronista* ... p. 14.

267 Páez Granados Octavio, “Dos hombres jugando como perros” ... p. 124.

268 Ojalvo P. Álvaro, *Masculinidades y poder en la pluma del cronista* ... pp. 41-42.

269 Ojalvo P. Álvaro, *Masculinidades y poder en la pluma del cronista* ... p. 66.

270 Olivier Guilhem, “Conquistadores y misioneros frente al pecado nefando” ... p. 48.

271 Camba Ludlow Úrsula, “El pecado nefando en los barcos de la carrera de Indias en el siglo XVI entre la condena moral y la tolerancia”, *Historias Digital*, 2011. p. 119.

strategy of deception and masking prevailed, that is, it implied a “counter-strategy” of marginal masculinity to hide its orientation and role as much as possible sexual and camouflage it with the appearance of subordinate masculinity, in a simulacrum that implied drawing appearances, in which masculinity or simulated femininity should be manifested, maintain a way of dressing, avoid close contact with other members of the same sex, accept the policy of marriage, so as not to have inconveniences, especially in those men who were over thirty years of age, that they had not married and were not known to have a partner, as well as to enter a monastic order, where one was protected from gossip and also remained in a favourable space to have sexual and amorous relations with other clerics who also had the same sexual orientation.

Likewise, in marginal masculinity, two typologies were established that hierarchized the sodomite world; in the first, the sodomite assumed the active role, who maintained the virility and sexual dominance that was held over women and also over men, so that his virility was neither diminished nor sullied. On the contrary, there was no more certain proof of masculinity than having sodomized another man, that is, it did not represent an alteration of hegemonic gender roles²⁷², because a man who assumed the active sexual role was always considered “macho”.

Unlike the previous ones, there were the sodomites who assumed the passive role considered as the infamous²⁷³. However, it should be noted that the terminology used at that time, especially in criminal proceedings, the expression “as if it were man and woman” was used to designate a continuous relationship and also to explain male sexual activity between people of the same sex, which does not necessarily correspond to masculinity, femininity, activity or passivity.²⁷⁴ What these typologies highlight is the relevance of the digital sex/gender system, in particular on the acceptance of their sexual role and orientation, to the extent that they are transgressive of the codes imposed by dominant masculinity.

272 Molina Fernanda, “Los sodomitas virreinales. Entre sujetos jurídicos y especie”, *Anuario de Estudios Americanos* ... pp. 30-31; Wawzonek Joseph, “Sodomitical Butterflies: Male Homosexual Desire in Colonial Latin America” ... p. 99.

273 Molina María Fernanda, “Coloniedad y disidencia ... p. 138.

274 Tortorici Zeb, “Heran Todos Putos” ... p. 46.

Other sodomites assumed a different behaviour, both in behaviours and clothing, which were at odds with the behavioural patterns imposed by superior masculinity and accepted by the subordinate. This occurred in the cases of effeminacy, masculinization and transvestism that are present in colonial Ibero-America, which were also described as sinful, dirty and as characteristic of the behaviour of a subject who does not want to change²⁷⁵; also, as contempt for the dominant norms of masculinity, despite the fact that, at times, they did not necessarily imply a sexual preference for people of the same sex. Certainly, behaviours resulting from sex roles, gender, and sexual orientation that were not always coincident with biological sex.

4.2. The honour of the sodomites

Honour is one of the most cherished values among the members of any society. Unquestionably, man's aspiration to achieve respect, prestige and general recognition is immeasurable²⁷⁶, which, during the colonial period, had a particular conception, based on the rigid Catholic principles that proscribed sex-sin, in which social or estate honour was privileged as opposed to the idea of interior and universal honour based on virtue²⁷⁷, emphasizing as characteristic features of their function, the valuation of their own appearance and that of other people, preserving a sharp differentiation between internal (moral) and external (social) honour, in which converged, as an element of fundamental importance, lineage, for reputation and distinction, differentiating between male honour that included assertiveness, authority, courage, and personal dominance, especially sexual in women.

275 Ojalvo P. Álvaro, *Masculinidades y poder en la pluma del cronista ...* p. 67.

276 Elizabeth Ladera de Díez, expresa que: "... la aspiración máxima de ascenso social de los hombres de la élite, lo constituyeron el ingreso a las órdenes militares y la obtención de un título nobiliario, por el cual debían demostrar su limpieza de sangre, cuyas elevadas tarifas oscilaron en la Provincia de Venezuela entre 50.000 y 80.000 reales". Ladera de Díez Elizabeth, *Contribución al estudio de la aristocracia territorial de la Venezuela colonial*. Caracas. Academia Nacional de la Historia, 1990, p. 46.

277 Büschges Christian, "Honor y estratificación social en el distrito de la audiencia de Quito", *Revista de Indias*. Vol. LVII, N.º 209, 1997, p. 62. Pino Iturrieta, Elías, *Contra lujuria castidad*. Caracas. Editorial Alfadil, 1992, pp. 124-128.

In addition to the aforementioned conception, honour was also specified as the external appearance of a lineage²⁷⁸, placing this requirement on the superlative plane of values in the social hierarchy. Decorum, in addition to being a trait of personal value, was also the characterization of a social group, understood as a concept of distinction and²⁷⁹ social²⁸⁰ exclusion, for this reason, Ann Twinam considers that pride during the colonial period moulded the relationships between beings and the delicate mechanisms and rituals that made it possible to externalize reputation and respect. In this sense, the colonial elites specifically considered honour in exclusive terms, defining it as “the distinctive character that rationalized the existence of the colonial hierarchy. It included the self-conscious differences that differentiated decent people from low people”²⁸¹.

In this sense, the elites established their codes of dignity based on the criteria of ethnic “quality”, status and their predetermined sexual conduct, based on the Tridentine Christian doctrine, sanctioned by the legal devices that instituted the systems of social control and by the legal and penal precepts of dishonour based on the strict prohibition of sinful behaviours. among which it was expressly forbidden as one of the worst sins against nature and among this sodomy.

These precepts included the cultural representation of masculinity and the digital sex/gender system, a conception intimately linked to the idea of it that interrelates honour and social position. In this sense, masculinity was a social condition established in certain social contexts, in which the public affirmation of the associated attributes was indispens-

278 Büschges Christian, “Honor y estratificación social en el distrito de la audiencia de Quito” ... p. 66.

279 Se considera a un excluido a “todo aquel grupo o individuo que llevó a cabo la transgresión de las normas, conductas y pautas de comportamiento establecidas, ya fueran éstas dictadas por el ordenamiento jurídico, la ideología política o religiosa, la moral sexual o las normas de convivencia que rigieron en cada momento para el grupo mayoritario”. Córdoba de la Llave Ricardo, “Los caminos de la exclusión en la sociedad medioeval (ss. XIII y XVI)” ... p. 20

280 Büschges Christian, “Honor y estratificación social en el distrito de la audiencia de Quito” ... p. 69.

281 Twinam Ann, “Honor, sexualidad e ilegitimidad en Hispanoamérica colonial”, Lavrin Asunción (coordinadora), *Sexualidad y matrimonio en la América Hispana*. México. Editorial Grijalbo, 1991. p. 131. Garrido Margarita, “Honor, reconocimiento, libertad y desacato: sociedad e individuo desde un pasado cercano”. Arango Luz Gabriela, et al. (eds.), *Cultura, política y modernidad*. Bogotá. Universidad Nacional de Colombia, 1999, pp. 11-121.

able, which included: authority, security and strength, which were part of the public fame and social reputation of men. Male honour from a gender perspective presented quite simple characteristics but evidently it was seriously injured, not to say destroyed, when it was pointed out for having committed the heinous sin, which brought with it enough infamy in its own right,²⁸² for which the sodomite undoubtedly lived with the fear and anguish of being in famed²⁸³, of being exposed to public shame; That panic could only come from the comparison between the practices and the legal/moral discursive expressions established by the temporal and spiritual powers²⁸⁴.

Likewise, the accusation of sodomy was a kind of hidden protest against the subjects who occupied the main hierarchies in the social scale, by denigrating the direct superiors, branding them as effeminate, since the sodomite was considered inferior and anathematized with the qualifiers of: asshole, whore, and sissy, that is, the man who allowed himself to be penetrated anally and on the contrary the man who penetrated was taken as a particularly masculine man, although delinquent and infamous²⁸⁵.

In this sense, it is suggested that the fundamental motives of the complainants to expose the sodomites to infamy were varied; in some cases, they were the product of power struggles, but in others the desire

282 Wawzonek Joseph, "Sodomitical Butterflies: Male Homosexual Desire in Colonial Latin America" ... p. 103.

283 "Hay un miedo que suelen tener los hombres de poca constancia y cobardes; hay otro miedo que puede caer en un varón constante, prudente y circunspecto. Esto declara bien la ley de la Partida, ley 7, tít. 33, partida 7, que dice así: 'Otro sí decimos que metus en atín tanto quiere decir en romance como miedo de muerte o de tormento de cuerpo o de artimiento de miembro o de perder libertad, e las otras cosas por que se podría amparar, o deshonor para fincar infamado; e de tal miedo como este, e de otro semejante, fablan las leyes deste nuestro libro cuando dicen que pleito o postura que home face por miedo non debe valer. Ca por tal miedo non solamente se mueven a prometer o facer algunas cosas los homes que son flacos, más aun los fuertes. Más aun a otro miedo que non fuese de tal natura, al que dicen vano, non excusará al que se obligase por él'. Nava Sánchez Alfredo, "Es por meter miedo a los hombres: el miedo al infierno en el siglo XVI novohispano", Gonzalbo Aizpuru Pilar, Satples Ann, Torres Septién Valentina (edit.), *Una historia de los usos del miedo*. México, El Colegio de México, 2009, p. 188.

284 Miranda Guerrero Roberto, *Homosexualidad, derechos naturales y cultura popular* ... p. 271

285 Miranda Guerrero Roberto, *Homosexualidad, derechos naturales y cultura popular* ... p. 293; Hering Torres Max S., "Prácticas sexuales y pasiones prohibidas en el Virreinato de la Nueva Granada" ... p. 67.

to harm the somatic is perceived for different reasons, among which are women offended and aggrieved by the disdain of the men who cohabited with them and preferred to have sexual relations with their male lovers²⁸⁶. In others, the fear of divine punishment prevailed, which not only dominated those who eventually witnessed sodomy, but also its own protagonists.

Consequently, when a person, regardless of his sex, from the moment he was singled out for being a sodomite, he fell into dishonour because his sin-crime placed him in ignominy, whose concept comes from the Greek term *aschemosyne*, “which translates as shameful, literally not in accordance with manners, not well seen, improper or inappropriate”²⁸⁷ or what Francisco Tomás y Valiente calls “the fame or loss of fame”²⁸⁸. In this way, men and women were discredited for transgressing the political, ideological, and patriarchal order; that is, they placed themselves on the side of the political authority of the king²⁸⁹, they did not comply with religious dogma, and they had also transgressed patriarchal institutions by committing homoerotic acts, that is, they had denied the three conditions of their status, honour and manhood or femininity²⁹⁰.

The ignominy was triggered by the mere suspicion that someone in the community had committed sodomy, and with this began the activation of the mechanisms of social censorship in the vigilant neighbourhood²⁹¹ against the sodomite, through general reprobation, distancing and contempt, expressed in gossip, gossip, the mockery and jokes, which became the strident scandal, which multiplied by word of mouth throughout the neighbourhood, which activated the infamy shattered honour and prestige, although it was later shown to be false.

286 Torres Max S., “Prácticas sexuales y pasiones prohibidas en el Virreinato de la Nueva Granada”, Herring Torres Max S. y Pérez Benavidez Amanda Carolina (eds.), *Historia Cultural desde Colombia. Categorías y debates*. Bogotá. Universidad de Los Andes, 2012, p. 72.

287 Helminiak Daniel A., *Lo que la Biblia realmente dice sobre la homosexualidad*. Madrid. Editorial Ega-lés, 2003. p. 157.

288 Tomás y Valiente Francisco, “El crimen y pecado contra natura” ... p. 113.

289 Gruzinsky Serge, “Las cenizas del deseo. Homosexuales novohispanos a mediados del siglo XVII” ... p. 265.

290 Miranda Guerrero Roberto, “Homosexualidad, derechos naturales y cultura popular” ... p. 271.

291 Miranda Guerrero Roberto, “Homosexualidad, derechos naturales y cultura popular” ... p. 307.

These disqualifications and vilifications worked in different ways, while mockery was one of the responses that men frequently wielded against the “effeminate” male; especially the minor, androgynous who challenged the values of dominant masculinity by assuming those of the marginal, because it was believed that the roles in sodomitical practices were usually performed between an active adult man and a passive adolescent, who would later adopt the active and sensible role, so he did not look so infamous or lose his status or masculinity²⁹².

Unlike the sodomites who were of relatively the same age and social status and with manly appearances, in which cases, although the expressed principles of the infamous speech were maintained; But the consequences of it were shared in different ways: because in the case of the passive one there was talk of adults who maintained their role and were considered as “obstinate in that crime”, while in the active one it was relatively accepted because it was macho and sometimes, the defendants justified their sexual encounters as a way to obtain economic benefits both in money and in kind²⁹³.

From the legal point of view, two types of infamies were imposed on the sometic: on the one hand, *de facto* infamy (dishonour for the commission of a crime), which designated cases in which infamous acts or acts contrary to the dominant morality have been committed, such as prostitution, prevarication, the participation of the parties in acts against nature. On the other hand, the infamy of law (dishonour by judicial sentence), which derives from a judicial decision, whose purpose was to legally shame the convicted person for having committed adultery, theft, injury and especially sodomy²⁹⁴.

Among the infamous penalties²⁹⁵ that imposed the sin crime of sodomy included sexual mutilation as one of the most severe forms of dishonour; it was the representation of the superiority of one man over another and

292 Miranda Guerrero Roberto, *Homosexualidad, derechos naturales y cultura popular* ... p. 304

293 Miranda Guerrero Roberto, *Homosexualidad, derechos naturales y cultura popular* ... p. 294.

294 Solórzano Telechea Jesús Ángel, “Fama pública, infamy and defamation... p. 411.

295 Córdoba de la Llave Ricardo, “Los caminos de la exclusión en la sociedad medioeval (ss. XIII y XVI)” ... pp. 22-23.

the misfortune of a family. These ignominious penalties were established in the Fuero Juzgo of 1241, a romanced version of the *Visigothic Liber Iudiciorum*, which was granted to several cities in Andalusia and Murcia, in which it was established that it should be a judge who handed down the punishment to the sodomites, whose punishment implied public shame because the condemned was subjected to castration and the seizure of property. After that, the judge had to hand over the condemned person to the bishop so that they could do penance in prison²⁹⁶.

Subsequently, with the aggravation and criminalization of certain sins that seemed to be of equal or more interest to the monarchy than to the Church and especially in the Crown of Castile where in 1497, it was awarded, by means of a royal pragmatics, the condition of *atrocisimus crime*, thus placing itself among the crimes of divine and human *lèse-majesté*, who were excepted from the royal pardon²⁹⁷. Likewise, in this real pragmatics, it was established that the acts propincuous or close to sodomy were sufficient to prove the transgression, so that to prove the commission of the crime “of man with man” it was only required that both men be in the same bed or that they were on top of each other or that they approached each other with lustful movements that insinuated the probable performance of intercourse *contra naturam*²⁹⁸. That mandate marked the break between modern-medieval and contemporary meanings in same-sex sexual practices. From this it can be deduced that the criminalization of sodomy did not constitute a state or characteristic of the individual, but a crime that included several typification that were legally punishable²⁹⁹.

The punishment established for sodomy was undoubtedly the death penalty to which was added public shame and the confiscation of property, which meant the social death of the individual, of his family, and his

296 Díaz González Juan, *La casta de Sodoma* ... p. 11. Torquemada María Jesús, “Homosexualidad femenina y masculina en relación con el delito de sortilegios”, *eHumanista*. 26, 2014, pp. 90-91.

297 Carrasquero Manchado Ana Isabel, “Sentido del pecado y clasificación de los vicios” ... pp. 70-71.

298 Carrasquero Manchado Ana Isabel, “Sentido del pecado y clasificación de los vicios” ... 70-71; Torquemada María Jesús, “Homosexualidad femenina y masculina en relación con el delito de sortilegios”, ... pp. 90-91.

299 Tomás y Valiente Francisco, “El crimen y pecado contra natura” ... p. 116; Molina Fernanda, “Los sodomitas virreinales. Entre sujetos jurídicos y especie” ... p. 24.

expulsion to the realm of marginality³⁰⁰. For this reason, prior to this execution, which in itself was already considerably fearsome and disastrous, the accused was usually paraded through the streets of the city, carrying posters that expressed the cause of his discredit, as a form of public ridicule, emphasizing even more the terrifying nature of the sentence³⁰¹.

Those sentences that defamed an individual and at the same time destroyed his honour or social reputation were death at the stake or on the gallows, forced labour in the galleys, and flogging. This degrading punishment resulted in the loss of social position (public fame) and honour, which meant the prohibition of wearing silk clothing, jewellery or sword, of exercising a profession or position, or belonging to a social hierarchy. It also meant that the transgressor could not marry honest citizens, thus destroying the possibility of establishing marriage alliances.

Sodomy, unlike other crimes, also called into question the good reputation of an entire lineage.³⁰² In that sense, the infamy extended its fearsome social effects of punishment to the families of the sodomite who were also dishonoured in the eyes of the community. For this reason, the sentences for sodomy definitively affronted those who suffered it with the social death and that of their relatives, because infamy haunted a lineage for generations, even for centuries, beyond the death of those who had caused the dishonour.

This situation was evident in the case of Don Diego Díaz de Talavera and his lover Luis Herrera, which occurred in Postosí, at the beginning of the seventeenth century, in which the publicity of their affair reached the extreme that his brother Diego severely censured him during a meal and “said to him with great anger and anger in front of everyone: have lunch and *have berguença and honor* that he is a *man of mockery*”.³⁰³ The scandal caused by Diego Díaz’s sodomitical passion not only affected him personally, but his entire lineage, which led his brother to reproach him for his concern to preserve a symbolic value whose loss not only

300 Tomás y Valiente Francisco, “El crimen y pecado contra natura” ... pp. 105-128. p. 116; Díaz González Juan, *La casta de Sodoma* ... p. 11.

301 Díaz González Juan, *La casta de Sodoma* ... p. 22.

302 Díaz González Juan, *La casta de Sodoma* ... p. 22.

303 Molina Fernanda, “Colonialidad, disidencia sexual y masculinidades fracturadas” ... pp. 132-150.

harmed Diego but his entire prose. The sexual orientation of the accused placed him outside the archetype of dominant masculinity and displaced him to the marginal, because sodomy constituted the most opprobrious behaviour par excellence, aggravated by the affective dependence that the sodomite manifested towards his servant, which placed him in the field of femininity. Within the framework of the honourability model, “being a man of mockery” not only broke Diego’s manhood, but also the public voice and fame of his family³⁰⁴.

To the above was added the confiscation of their property, for which their families were condemned to social marginalization and extreme poverty³⁰⁵. The reason for this was that one of the essential characteristics of medieval legal culture was not oral or written, but the publicity it generated. The texts of the time referred to the “public voice and fame” or public knowledge of an act, which was a vital tactic of the courts, and was deliberately used to influence the decisions of judges. The intention of the prosecution was to denigrate the defendant so that the facts would remain in the memory, and would survive in the channels of rumour and gossip³⁰⁶.

In one of the cases where the fear of infamy and its fearful consequences was most notorious, it occurred in Caracas (Venezuela), when one of the priests of the convent of San Francisco in that city was accused of sodomy, for which the different social classes echoed that accusation and the religious in the different monasteries took sides, some in favour and others against Fray Joaquín Castilloveytía, descendant of a prominent family and considered one of the most holy and meritorious friars in the city. The scandal was of such magnitude that the honour of the priest and that of his wealthy lineage were about to be lost, which motivated the powerful Castilloveytía to use their influence with the monarch himself, who issued a royal decree on August 22, 1798, ordering perpetual silence and reducing to ashes everything that had been done in that case, an exception that further highlights the prevailing rules³⁰⁷.

304 Molina Fernanda, *Colonialidad, disidencia sexual y masculinidades fracturadas* ... pp. 132-150.

305 Solórzano Telechea Jesús Ángel, “Fama pública, infamy and defamation...” p. 412.

306 Solórzano Telechea Jesús Ángel, “Fama pública, infamy and defamation...” p. 412.

307 Pino Iturrieta Elías, *Contra lujuria castidad* ... pp. 91-102.

In addition to the above, in the Indies, the sodomite, apart from being discredited by the aforementioned penalties, was also enunciated as an ambiguous category (man who has sexual relations with other men), contrary to Christianity (heinous sin) and associated with the American world, for which reason the Spaniard was placed as the possessor of a masculine identity that complied with what was demanded by the generic order, that is, to follow a sexual morality that does not alter the characteristics that define a Hispanic (male) man³⁰⁸.

The enunciation of norms for the control of the indigenous and Afro-American, using *sin against nature as a justification*, implied the legitimization of male power through the political power imposed by the Portuguese-Hispanic administration to determine the differences between who are the dominant and the dominated³⁰⁹. Dominant masculinity will condemn the marginalized sodomite as the most obvious expression of dishonour, which would be demonstrated in his expulsion, both family and social repudiation, that is, anyone who has been singled out for being a sodomite was expelled from the bosom of his family, from his native place, from his usual occupations, rejected by his relatives and friends. which represented in the past and even in the present the social death of a person, no matter anything, absolutely nothing, the mere presence of the sodomite was denigrating for those who accompanied him, for those who met with him, public contempt and discrimination was what was dictated by the ecclesiastical and civil codes.

In this way, the dishonour of the sodomite, as a representation of marginal masculinity in its enunciation and association with the indigenous and Afro-descendant who does not meet the requirements to define himself as a man (male) from the peninsular logics, especially in his appearance and behaviour, especially when they were appreciable to the naked eye as in the cases of effeminate men, masculinized women and transvestism.

308 Ojalvo P. Álvaro, *Masculinidades y poder en la pluma del cronista* ... p. 30.

309 Ojalvo P. Álvaro, *Masculinidades y poder en la pluma del cronista* ... p. 49.

4.3. Effeminacy and masculinization

Effeminacy, effeminacy and mannerism are defined as a pattern of behaviour in a male person who presents the gestures of the stereotype assigned to the female gender. Effeminacy is a behaviour in which some men adopt the mannerisms socially attributed to women and show an androgynous identity, in which different psychological characteristics associated with the female gender are appreciable, visible in the social and cultural expression of a masculine that contradicts their conventional behaviour. Because these actions disobey social conventions in which it is expressly prohibited, effeminacy and masculinization transgressed the parameters of society. Despite these interdictions, these behaviours were also present in some sodomites during that Ibero-American colonial period.

Effeminacy and sexual inversion in men, as opposed to the active role, constituted categories that represented a violation of the dominant model of masculinity. Although effeminacy did not necessarily imply sexual orientation by people of the same sex, however, in Ibero-American colonial society, it was only believed that it was typical of those men who altered their masculinity, adopting sexual roles, identities or personal styles associated with the opposite sex, that is, they manifested their role and sexual orientation different from their biological sex.

In practice, effeminacy and/or masculinization was expressed in the ways in which some men and women showed themselves in their physical appearance, especially in their clothing. In the case of men who wore various feminine garments called “feminine dressings”³¹⁰, that degenerated the masculine aesthetic and also in women who dressed in masculine garments, those that distorted the feminine appearance. The greatest disapproval was when effeminate or masculinized clothing coincided with the behaviour represented by gestures, gesticulation and the passive role, in the case of men and active in women, although in colonial society sodomy was only associated with effeminacy³¹¹.

310 Molina Fernanda, “Colonialidad, disidencia sexual y masculinidades fracturadas ... p. 145.

311 Wawzonek Joseph, “Sodomitical Butterflies: Male Homosexual Desire in Colonial Latin America” ... p. 103.

A detailed look at the men and women who expressed those lifestyles, induced by their desires, can allow for a better identification and understanding of those who gave their lives to be them. In this way, effeminacy and cross-dressing, during the colonial period was a strategy to imitate fashionable prostitutes, as well as women who were generally considered beautiful, and in some places were the “only culturally standardized and codified alternative” to a life of macho heterosexuality. This meant that for some who were gay, cross-dressing was effectively a behaviour they could perform to show their sexual individuality³¹².

Among the first effeminate men known in America is that of the Portuguese Juan Correa, who was exiled to Brazil in 1558, “he had a reputation for his speeches and manners, buffoon and patient”.³¹³ In the same way, Gruzinsky explains that in Mexico City in 1656, there were at least eight transvestites³¹⁴, among whom is Juan de la Vega, a mulatto considered by his lovers as delicate and effeminate as a flower, who was said to “wear many ribbons hanging” from the sleeves of his bodice, sitting “like a woman on the floor.” on a platform and... I made tortillas and washed and cooked”³¹⁵. Therefore, in some sodomites feminine traits were valued, as happened with the mestizo nicknamed “La Zangarriana”, Juan Correa, known as “La Estampa”, a mestizo named Alonso, “La Conchita”, Bernabé, a Spanish tailor known as “La Luna”, Sebastián Pérez, “Las Rosas”, an Indian Martín, treated as the “Martina of the Heavens” and a black named “La Morosa”³¹⁶. A few decades later, in 1721, in the same city, they refer to an effeminate man named Juan José Romero Polverín, also known as “la Mora”, “la Mercadera” and “la Francesa” who was tried for sodomy along with several of his sexual

312 Wawzonek Joseph, “Sodomitical Butterflies: Male Homosexual Desire in Colonial Latin America” ... p. 106.

313 Mott, Luiz, “Etno-Historia de la homosexualidad en América Latina” ... p. 133.

314 Gruzinsky Serge, “Las cenizas del deseo. Homosexuales novohispanos a mediados del siglo XVII” ... p. 272.

315 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. p. 21. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Indiferente Virreinal, caja 1482, exp. 7, f. 8]

316 Gruzinsky Serge, “Las cenizas del deseo. Homosexuales novohispanos a mediados del siglo XVII” ... p. 272.

partners, among whom were Juan Joseph García, Marcos de Heredia, Francisco Xavier, Andrés Joseph de Peño, and Pedro Antonio Elías³¹⁷.

In Puebla, Mexico, there were also other effeminate people, who were accused by Mariano Rafael Puente, among them Juan Pablo Suárez, a mestizo, who was forty years old known by the alias “Almoloya”, a thirty-year-old indigenous named Pedro Joseph de Mesa, and a twenty-eight-year-old mestizo named Fernando Sardo, all effeminate and sodomites, whom witnesses described as “public women”. The defendants were imprisoned and in his statements Joseph de la Mesa acknowledged that there were eleven more men who were also effeminate and also accepted that he had tried to have sex with men. Others denounced were Miguel Antonio Vásquez, a mestizo who was married, recognized as “la Golondrina”, a free pardo named Pedro Palacios, known as “la Capulina”, Joseph Gabriel who called himself “la Borrega” and Alberto Ramos de los Dolores, a mestizo; also recognized as “amujerados”³¹⁸.

Another case of effeminacy occurred in Metapán, El Salvador, where Faustino Galdámez, who was described by his lawyer as “very effeminate, sickly and of little spirit”, who was denounced by Salomé Ramírez, Agustín Morales and José Antonio Burgos for sodomy and sentenced to eight years of work in prison, but Galdámez appealed for his sentence to be served in the public works projects in the city of Metapán. However, in 1814, his sentence was modified to forcibly work six years in the public works of San Salvador³¹⁹.

In another facet of sexual behaviour, masculinized women, known as macho women or tomboys, were male, as occurred in 1796, in Mexico

317 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*, p. 21. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Indiferente Virreinal, caja 1482, exp. 7, f. 8]

318 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*, p. 36. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGNP, caja 7, 1700-1799 Penal, Exp. s/n, ss. 51]

319 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*, p. 56. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGCA, A1.15 (3), leg. 269, Exp. 3222]

City, (Mexico) where Gregoria Piedra, also known as “Gregoria la Macho”, was arrested for having expelled the host from her mouth, while wearing men’s clothes. Gregoria was known as a “manly woman” and was accused of having a particular “inclination towards women”, but this could not be proven and she was finally acquitted of the accusation of heresy³²⁰.

One of the most significant cases, perhaps of all the cases studied for its particularity, is the one that occurred in Guatemala (Guatemala) around 1803, where a woman named Juana Aguilar, nicknamed “Juana la Larga” in reference to her enlargement of her clitoris, was arrested for the double crime of concubinage with men and women. In the judicial process that followed, the doctor Narciso Esparragosa was called to examine her, the doctor opined that Juana Aguilar was not a hermaphrodite, but rather someone to whom nature had denied the reproductive organs, proper to both sexes. Certainly, Esparragosa pointed out that Aguilar’s clitoris was a largely flaccid body incapable of erection, and that, lacking a vaginal canal, she urinated and menstruated through the same orifice, making the crime of sodomy, according to him, a virtual impossibility³²¹.

Among the cases of transvestism that are known, there is reference to a black native of the Congo, named Francisco Manicongo, a slave of a shoemaker, resident in Salvador de Bahia (Brazil), who refused to wear the men’s dress given to him by his master, on the contrary he maintained his custom of the blacks of Angola and Congo, where the sometic blacks “who in nefarious sin serve as patient women, are called quimbanda, who wear the cloth girded with the ends in front that there is an opening in front”³²².

Another of the famous transvestites is Catalina de Erauso, born in the San Sebastian parish of San Vicente on February 10, 1592, daugh-

320 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. p. 45. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Inquisición 1349, exp. 28]

321 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. p. 49. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Indiferente Virreinal 5216, exp. 12, fols. 2-8]

322 Mott, Luiz, “Etno-Historia de la homosexualidad en América Latina” ... p. 136.

ter of Captain Miguel de Erauso, Catalina was the youngest of six siblings. At the age of four she was interned with her three sisters in the Dominican convent of San Sebastián el Antiguo. Misfit and rebellious, she was transferred to the convent of San Bartolomé, with stricter rules and enclosure, from where she fled at the age of fifteen, without having become a professed woman. She moved to Vitoria, where she went to work in the house of a doctor, a distant relative, who did not know how to recognize her in men's clothes, because Catalina had decided to live and dress like a man. Three months later he ran away from the house with the money he had stolen from his relative and settled in Valladolid, where he became a page to the secretary of King Juan de Idiáquez and called himself Francisco de Loyola. In search of new horizons, Catalina enrolled in the fleet that left for America and stole five hundred pesos from the captain's cabin of her ship and hid in the port of Nombre de Dios until the ships were far away. Always living like Francisco, he moved to Peru, where he went to work as an assistant to a Spanish merchant whom he served loyally and diligently, so that soon he was in charge of one of the businessman's warehouses in the city of Saña.

In his adventures through Peru and Chile he murdered several people, fought against the Mapuche in Chile where he was given the position of second lieutenant and moved to the city of La Plata (Sucre-Bolivia) where he confessed to the bishop, Agustín de Carbajal, to whom he told in confession all his life and revealed the deception of his clothes: "The truth is this, that I am a woman." The bishop sent two matrons to recognize Catherine and they certified that she was a maiden. The moved prelate agreed that he would serve his sentence in the convent of the Poor Clares of Huamanga. Catalina's extraordinary story was made public and the hallucinatory events of her biography circulated throughout the viceroyalty.

Turned into a celebrity, Catalina was claimed by the archbishop of Lima and the viceroy, eager to meet her. Cloistered in the convent of the Commanders of San Bernardo, she lived in Lima for two years until it was known that she had never professed as a nun as she maintained, because in her native San Sebastian she did not go beyond being a novice. Repentant, forgiven and exclaustated, in 1624 she returned to Spain as a man, calling

herself Antonio de Erauso. On the trip he wrote or dictated the writings that we know today as his memoirs. After being received by King Philip IV, she went to Italy, where she met with Pope Urban VIII, who granted her permission to continue dressing and signing as a man³²³.

Another case of transvestism was observed in July 1742, in Bogotá (Colombia) the judge and mayor of the court don Joachim de Arostegui y Escoto, received the “complaints that some subjects walk at night dressed in different costumes not worn and that some thefts had been committed”. For this reason, the mayor decided to go out on patrol through the city with two bailiffs and found Antonio Morato, a madman, dressed as a woman. Morato was sent to court jail and interrogated for wearing a suit inappropriate for his male condition. In his testimony, Antonio Morato stated in the interrogation that he was dressed as a woman to be able to “glimpse a puppet of whom he had the sex of his wife” and that the clothes in which he had dressed belonged to an aunt of his called María Morales, whom he took from her house without her knowledge. Antonio was a cross-dresser when the mayor found him and arrested him, for which Morato was “ashamed” and immediately undressed and returned the clothes from where he had taken them. For the sheriffs it was strange to find a man in those circumstances, and for the prosecutor who handled the case it was inadmissible that a man was found on the street wearing the clothes that did not correspond to him³²⁴. The man’s excuses and the purposes of doing it as they are expressed are not credible, it is very likely because of what he revealed that he was married, so that his sexual orientation was heterosexual, but he wanted to cross-dress and he did it that way.

Another case of transvestism occurred in Buenos Aires (Argentina) in the last decade of the eighteenth century, when a young man named Antonio Ita arrived at the port of Buenos Aires (Argentina), who served for four years in the house of Bishop Manuel Azamor y Ramírez, for

323 Galindo Cruz Diana, “Historia de un sujeto ejemplar Catalina de Erauso, La monja alférez”, *Cuadernos de literatura*. Vol. 14, N° 28, julio-diciembre 2010, pp. 156-171. Erauso Catalina, *Historia de la monja alférez, escrita por ella misma*. Paris. Imprenta de Julio Didot, 1829.

324 AGNC. *Criminales* T. XI, Causa contra Antonio Morato por andar disfrazado de noche con traje de mujer. Bogotá, 1742. ff. 86-89.

which he resided in the episcopal palace until three years later when the primate died. Antonio had travelled through Rome, Genoa, Barcelona, Malaga and Montevideo and at that time he was forty years old. After the death of his patron, the bishop, he travelled to Peru, but when he arrived in Luján, where he had an accident and broke his leg and had to stop there for four months. Then he continued his journey until he reached Postosí, where he was able to enter the service of Governor Francisco de Paula Sanz, there he met a young girl named Martina Bibas, with whom he fell in love and married her and went to live in Moxos, near Cochabamba in 1797. After four years of conjugal cohabitation, Martina Bibas y Valverde denounced her husband Antonio Ita “for not having used the end of the marriage under the pretext of a vow of chastity and other provisions and having been observed that he always urinated in basenica [sic], always with underpants, menstruation and other observations, such as bulging breasts, and now he betrays him by the continuous disguise of a man and by everything else”³²⁵.

Certainly, Antonio was not a man, when he was called to testify he was described as a small and chubby man who said her name was Doña María Leocadia de Ita, a native of Colmenas de la Oreja, near Madrid and said that at fourteen years of age she had entered a convent of nuns and from there she was thrown out because “the nuns fell in love with her”. Leocadia decided to confess her sin, so she went to Rome, where a friar named Francis, was her confessor, who poenitentiae her by ordering her to climb the stairs of Jerusalem thirty times; “To take a discipline every Friday of the year,” he ordered her never to return to a convent of nuns and also to wear a man’s suit. Leocadia wanted to argue, but the friar was categorical: he only had to dress as a man and as a penitent he did as he was told. For this reason, he left Spain and came to the Indies and here he married Martina. Doña Leocadia was given an “examination of the said María Leocadia, who was a man [...] but it is falsehood, because she is a woman like all others, and she does show herself to be very honest without having any other sign of a man”³²⁶.

325 Bazán Osvaldo, *Historia de la homosexualidad en Argentina* ... pp. 21-78.

326 Bazán Osvaldo, *Historia de la homosexualidad en Argentina* ... pp. 21-78.

4.4. Sodomitic prostitution

In some sodomitical relationships, persuasion was used for mercantilist reasons, in a kind of prostitution, as a result of an economic pact between the parties in exchange for sex. It is enough to remember that more than half of those considered passive in the relationship were servants who combined youth, fragility and economic dependence. Among other cases in 1672, in the city of Mérida, Yucatán, (Mexico) Lorenza Márquez denounced a mestizo named Agustín de Sosa for having tried to pay an indigenous servant of hers, named Diego Chab, for sex, his testimony was ratified in 1674 and Chab was incorrectly interrogated by the local inquisitors and as it was a crime, that was outside their competence, he was not prosecuted³²⁷.

Another such case of male prostitution occurred in 1765 in Toluca, Mexico, where Juan Francisco Díaz, a twenty-year-old mestizo, went to the authorities to denounce a fifty-eight-year-old Spaniard named Manuel Gordillo. Juan Francisco said that Gordillo had assured him that masturbation between men was not a sin and that he had tried to touch him. For his part, Gordillo accused a priest who had also masturbated him, and was also pointed out was Manuel Fajardo, to whom Gordillo had offered money to practice mutual masturbation. Other men also accused him of similar acts, including the use of force. Even though he was tortured, Gordillo denied the fifteen charges against him. Eventually, he admitted to having mutual masturbations with several men, but added that he had done penance after confessing to two priests. Gordillo was sentenced to abjure “vehementi”, publicly receive two hundred lashes, was exiled from Mexico City and Toluca for a period of ten years and imprisoned for six years in a prison in Havana³²⁸.

327 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. pp. 13. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGCA, A2.2, exp. 2888, pierna. 152, fols. 1-17]

328 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. p. 33. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Inquisición 1078, exp. 4, fols. 132-149; AGN, Inquisición 1166, exp. 4, fols. 14-142; AGN, Inquisición 1044, exp. 4. ss. 80-81]

In 1794, in the town of Bacalar, (Mexico) an indigenous Mayan, named Francisco Xavier Vicab, eighteen years old, denounced the priest Julián Quijano for sodomy, according to the complainant, the priest began to touch him and offered him a peso to have sex and penetrate the priest. Vicab accused the priest before the Inquisition not for the sexual encounter but because he did not pay him the promised amount. The Inquisition ignored the complaint. In 1798 the priest, who died that same year, was imprisoned for repeated drunkenness and illicit relations with women³²⁹.

4.5. Pederasty, rape and sodomitic violence

Other relationships that were based on force or the combination of persuasion, seduction or coercion with pederasty. Among other cases is the one involving Lucas de Ibarra, Domingo de la Fuente, and Micaela de la Cruz, residents of Monterrey, (Mexico) in 1637, who denounced the indigenous don Francisco for having committed sodomy with two children, Guacama and Francisco, in prison. The three were arrested and the witnesses said that they had heard when Don Francisco had sexual relations with the children, which was denied by the accused. For his part, Guacama said that he had never committed sodomy, but that don Francisco repeatedly tried to persuade and coerce him, he also said that he saw don Francisco have sex with a young man also named Francisco. The young Francisco was tortured and finally admitted to having been forced by Don Francisco to have sex. The two children were released due to their age and condition. Despite the confessions of the boys, the evidence against Don Francisco was considered circumstantial and therefore released³³⁰.

Among other cases of child rape, it is reported that in 1650, in Cuautla, (Mexico), the slave Pedro Barreto, denounced Francisco de Herrera for trying to rape his own son. Barreto knew what happened because the

329 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*, p. 44. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Inquisición 1373, Exp. 14, fols. 173-204]

330 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*, pp. 10. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AMMNL, Criminal 2]

abused child told him that his father had touched him sexually³³¹. Similarly in Monterrey (Mexico), Ana María denounced Lorenzo de Espitia, a thirty-seven-year-old man, for having raped her son Diego Silgero, a fourteen-year-old free mulatto, in 1704. Diego testified that he worked as a shepherd with Lorenzo and that on four occasions Espitia had raped him, threatening him with a knife. Another pastor named Joseph also testified that one night he woke up to Spitia touching him. For his part, Espitia denied all charges and eventually escaped from prison³³².

Years later, in 1716, in Mexico City, Mexico, a mulatto named Pedro Alcántara, who was 13 years old and raised in the Franciscan Convent of San Diego, denounced Fray Joseph Jiménez for hugging him, kissing him and taking off his pants. The abuse was staged when the priest put the boy in a box to commit a “carnal act” but he resisted. Alcántara also accused the priest of heresy by stating that he had assured him that sex between a man and a woman was a sin, but not between two men. The boy only told the attempted rape to the confessor and his mother³³³.

In 1720, in Guatemala City (Guatemala), a mulatto, very poor, named Magdalena de las Rosas, loaded with daughters and perhaps with the intention of providing her with a trade from which she could sustain herself, gave her son named José Agustín Rosales, a child of barely ten years old, to a mulatto named Miguel de Rojas, who went from town to town, entertaining people with his puppeteer art. At first it was supposed that José Agustín would assist him in the maroma and earn a few reales and from Guatemala they had made a long journey that had taken them to Tabasco, Jalapa, Veracruz to Yanhuitlán, where José Agustín escaped and went to

331 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. pp. 11. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Inquisición 435, exp. 146, f. 254]

332 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. pp. 17. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AMMNL, Penal Legajo A, Exp. 957]

333 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. pp. 19. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGCA, A2.2, exp. 2888, pierna. 152, fols. 1-17]

the authorities to denounce Miguel Rojas, because in the course of a year and a half in which he had accompanied the maromero, he had forced her to commit sodomy, tied up and whipped every night he had been raped, because it was seldom that she abstained, she only got rid of him when people used to come to where they were staying. On several occasions, when they were traveling along the road, “in the part that seemed appropriate, they went into the mountains with the deponent, to commit said fault”³³⁴. Miguel was arrested and acknowledged having carried out the sodomy with the child but also revealed that he had begun homoerotic relations with a Mercedarian priest named Fray Nicolás Prado, who was in the convent of the town of Izquizula, four days away from Guatemala, with whom he had been six times, in the role of passive³³⁵. The mulatto was detained for more than a year and then released.

In 1767, in the town of Puerto Cabello (Venezuela), a young brown man, named Francisco Peláez, arrived at the house of Manuel Antonio Suárez asking for help and told him that a friend of his had been dragged into the mountains, by force, by an unknown person. Then, Suárez ran to the site and could see how a soldier “in flight running to the mountain with a knife attacking his pants and the said boy came to the deponent and told him that in the lot they had poisoned him and threatened him with a knife to carry out his act on him”³³⁶.

The raped boy was called Francisco Biloría, and the soldier was Joseph Díaz, who was identified as a thirty-nine-year-old Canarian. In the statements of the witnesses, it was described how both children were on the road and saw that:

“A soldier was coming and when he approached them, he began to entertain and caress them, mainly him, who was able to dodge him and moved away from him a little. But, when the other friend asked the

334 Camba Ludlow, “Doscientas leguas de camino y penurias. “La fea y gravísima culpa de sodomía” entre un titiritero negro y un mulatillo asistente de maroma”, *Historia Mexicana*, Vol. LXXI, N° 4, 2022, pp. 1577-1609. pp. 1588-1589.

335 Camba Ludlow, “Doscientas leguas de camino y penurias ... pp. 1588-1589.

336 Amodio Emanuelle, “Masculli ad Masculum vel faeminae ad faeminan. Diversidad sexual y control inquisitorial durante el siglo XVIII en Venezuela”, Amodio Emanuelle, *Las profundas cavernas de la memoria*. La Paz, (Bolivia). Fundación Visión Cultural, 2010. p. 89.

soldier for some tobacco and when he passed it to the boy, he took advantage of the proximity to take him from behind by force and put him into the mountains and as the boy began to cry, he gave him a “slap on the wrist”, knocked him down and threw himself on top of him”³³⁷.

The child was examined by the surgeon Don Manuel Zumeta, who found “the sphincter muscle of the anus abused”³³⁸. For that rape, soldier Juan Díaz was sentenced to five years in the prison of San Juan Ulúa, without rations and without pay³³⁹.

In 1797, in the town of Santo Ángelo (Uruguay), Miguel Guarapi and Juan Caguari, both Indians who worked as “Dance Masters” were accused of the sin of sodomy committed with several children and boys to whom the accused taught arts³⁴⁰. The abused were Cecilio Guarapi, possibly a relative of Miguel Ygnacio, who was only nine years old; Francisco Borja thirteen; and although Rafael Yuricuy and Domingo Caguari were sixteen years old, they were also considered “boys”. At each appearance they were asked if the defendants “punished” them for not wanting to consent and they all insisted on it. At least that’s how it was recorded³⁴¹. Later, in 1793, an Indian, named Mariano José, was accused before the authorities of Buenos Aires (Argentina) of sodomy and corruption of minors for having committed “impure acts with some children”³⁴².

Another of those cases of abuse was denounced by María Gertrudis Grijalva, a 20-year-old white woman, who accused Clara Guzmán of

337 Blog del investigador Zully Chacon, disponible desde: <https://anhvenezuela.wordpress.com/2013/05/08/50/>

338 Amodio Emanuelle, “Masculli ad Masculum vel faeminae ad faeminan ... p. 89.

339 Blog del investigador Zully Chacon, disponible desde: <https://anhvenezuela.wordpress.com/2013/05/08/50/>

340 Pérez Gerardo Diana Roselly, “Las prácticas, los silencios y los eufemismos de la sodomía. un caso en Santo Ángelo, banda oriental del Uruguay, después de la expulsión de los jesuitas”, *Temas Americanistas*, N° 48, junio 2022, p. 388.

341 Pérez Gerardo Diana Roselly, “Las prácticas, los silencios y los eufemismos de la sodomía. un caso en Santo ... p. 406.

342 Navarro Martínez, Juan Pedro, “Il vicio fiorentino: la presenza italiana en los pleitos de sodomía de los tribunales del Santo Oficio de la Corona de Aragón (1550-1700)”, Pérez Samper María Ángeles y Beltrán Moya José Luis, *Nuevas perspectivas en investigación de historia moderna. Economía, sociedad y política en el mundo hispano*. Barcelona. Universitat Autònoma de Barcelona, 2018, p. 216.

having repeatedly “touched her impurely” in bed, when she was only eleven years old and said that Guzmán had assured her that those “touches” were not a sin. The inquisitors did not even bother to interrogate Guzmán and recommended that Grijalva frequent the sacraments³⁴³.

Similarly, in the early 1800s in Xaltocán (Mexico), Nicolás de Guadalupe, a free and unmarried mulatto who worked as a teacher, was denounced and tried for having committed sodomy with two students who were brothers, named Manuel Márquez, ten years old, and for having tried to sodomize the younger brother Manuel Joaquín Joseph Márquez, eight years old, and in addition to having consummated it with another of his students named Bartolomé Felipe Domínguez, nine years old, age. Guadalupe was imprisoned and fully confessed to his crimes for which he was punished³⁴⁴. In another case, it occurred in Guanajuato (México), where Fray Joaquín Luciano de la Cruz Zarazas, who went before the inquisitors and confessed to having committed the “most horrible sin of sodomy” with an indigenous child who had been raised by him since childhood. The priest asked the judges for clemency, but no trial was held³⁴⁵.

In those cases, in which he applied physical violence, as occurred in several rapes of minors as described in Guatemala, (Guatemala), in 1806, when Catalina Rojas accused José a twenty-five-year-old indigenous named Victoriano Ambrosio, who had tied up his son a minor of just fourteen years old, had stripped him naked and raped him. The victim was examined by three surgeons and they found signs that he had been abused. The boy said that one night he had been drinking with Victoriano and two Indians in the square. The next morning, Victo-

343 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*, p. 43. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Inquisición1337, exp. 17, fols. 1-3]

344 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*, p. 46. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Indiferente Virreinal 5569, exp. 106]

345 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*, p. 48. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Inquisición 1413, exp. 12, fols. 168-169]

riano took him to the field, where he tied him to a post and violently penetrated the child, leaving him naked and tied to a post. The boy was finally able to free himself and ran naked to a house on the outskirts of the city, where some women assisted him and dressed him. Victoriano denied the accusation and the authorities discovered that he had previously been imprisoned for robbery and accused of murder and for that crime of rape he was sentenced to four years of public works³⁴⁶.

Another of the rapes occurred in Zempoala, (Mexico), in 1808, where the Indian María Paulina de la Encarnación denounced Lorenzo Aguirre, a thirty-three-year-old man for having raped her son, Mariano Marcos, eighteen years old. The surgeon who examined Mariano Marcos, confirmed that his insides and intestines suffered serious damage, which leads to the presumption that the size of Lorenzo Aguirre's penis was too large, as can be seen from his testimony issued after being arrested, when he acknowledged that he had raped Mariano because he could not find a woman. Marcos, as a result of the tearing of his intestines, had a severe infection with high fevers and died after the following eight days. Aguirre escaped from prison, but was quickly arrested in a church and sentenced to ten years of public works³⁴⁷.

In Puerto Rico, which remained during Spanish rule until the end of the nineteenth century, in 1841, a soldier, named Diego López, a native of Andalusia, was sentenced to ten years in prison for having sodomized a seven-year-old boy named Matías Ramos³⁴⁸.

346 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. p. 51. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGCA, A2.2, exp. 4500, pierna. 216]

347 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. pp. 53-54. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Penal 98, exp. 2, fols]; Bracamonte Allain Jorge, "Los nefandos placeres de la carne ... pp. 410-411.

348 Ramos Perea Roberto, "Por maricón" *El proceso por sodomía contra Francisco Sabat y José Colombo*. San Juan de Puerto Rico, Colección teatro Puerto Rico, 2016. pp. 115-149. P. 121

Chapter 5

The spaces of sodomy during the colonial period

The Portuguese-Spanish conquest of the Indies defined the spaces with a vision in which the European tradition was imposed by founding cities and creating rural settlements interconnected by roads. Urban spaces were the seats of both political-administrative and ecclesiastical powers, concentrating a greater fixed and floating population. In them, public and private spaces were established, which could eventually be meeting centres between people of the same sex, located in the most suitable locations for meetings in a discreet way that made these scenarios conducive to developing sociability and even created specific activities to relate and avoid denunciations and the risk of judicial punishment.

In the public spaces that were used among the Sodomites for specific purposes related to meeting and practicing their sexuality, they refer mainly to rural areas, such as roads, while in urban areas there are barracks and prisons, which, although with restricted access due to their characteristic of housing populations of only one sex, they made it possible to communicate and establish sodomite relationships.

In urban private spaces, there were two types, those that allowed public access and those eminently for holding meetings attended only by guests. Among the first are the *temascales*, which were a bathroom, heated with burning stones, in which both men and women showered and there “committed evils”³⁴⁹. Certainly, some men “concur in them from heat, darkness, touches, movements, whippings, vapors, all together it is provocative, it moves irritates or incites clumsiness and more so since

349 Dávalos López Enrique, “La sexualidad en los pueblos mesoamericanos, un panorama general” ... p. 88.

the people who attend there are of vile condition and of very bad habits: from which as a result, as enormous sins as sodomy result”³⁵⁰. Another of the private spaces that allowed public access were the pulquerías with a lot of attendance, in which “the Indians came to satiate their clumsy appetite they dress in women’s evening dresses and lie down among them, drunk and provoke them to the clumsy act”³⁵¹.

In the private spaces with restricted access, they were residences owned or leased by the sodomites, which were described by Guijo, as “houses with all the dressing where they received and were called by the names used in this city by public women”³⁵². They were located in strategic places, particularly in Mexico City in the mid-seventeenth century, it is said that these houses functioned in San Juan de la Penitencia or in the Barrio de San Pablo, they were generally isolated places sheltered from prying eyes, there they met on the days of religious festivities such as the day of Our Lady of the Holy Apostles and others not only because they were days on holiday, but because it corresponded to the devotions of the owner of the house³⁵³.

In these intimate spaces, sodomites gathered, by invitation by various means, since their own network of information and informants was available for those who longed for the pleasure of encounter, company and sex³⁵⁴. In these residences it was possible to meet other neighbours, who also had a homoerotic orientation, harmonize and have sexual relations that could be sporadic, but with a certain periodicity to satisfy desires, without having any other type of relationship and even not knowing the characteristics and activities of the participants, which placed them in secrecy to protect themselves from any judicial danger and dishonour. but at the same time networks were formed through which bodies were exchanged for the satisfaction of desire.

Undoubtedly, the possibility for lovers to achieve pleasure in their unions was to have those meeting centres, in which marginal masculinity

350 Gruzinsky Serge, “Las cenizas del deseo. Homosexuales novohispanos a mediados del siglo XVII” ... pp. 277-278.

351 Gruzinsky Serge, “Las cenizas del deseo. Homosexuales novohispanos a mediados del siglo XVII” ... p. 278.

352 Gruzinsky Serge, “Las cenizas del deseo. Homosexuales novohispanos a mediados del siglo XVII” ... p. 257.

353 Gruzinsky Serge, “Las cenizas del deseo. Homosexuales novohispanos a mediados del siglo XVII” ... p. 277.

354 Wawzonek Joseph, “Sodomitical Butterflies: Male Homosexual Desire in Colonial Latin America” ... p. 106.

could display its sexuality because in those enclosures they could achieve the coincidence, proximity and community of interests of those who congregated within those environments, where the best conditions were provided to sustain homoerotic relationships that had different characteristics.

In this way, in these locations, communication was allowed to establish sexual encounters between men, which could be initiated by the one who assumed the passive role, whose seduction was shown insistently, as expressed in the processes, where it is stated that proposals were repeatedly made, but it was also observed in some cases in which the active ones were imposed by appealing to the friction of the bodies, especially of the genitals and at other times to the use of force in moderation. It is also important to specify the stratification by age, the most common is that older men pressured younger men to perform various sexual acts, although the older man was not always the “active” or more “masculine” partner in the sexual relationship³⁵⁵.

Unlike the previous ones, other private spaces had particular characteristics due to their concentration of population, exclusively belonging to one sex, as happened with convents, schools and ships in the Indies race, which facilitated getting to know each other, establishing friendships and establishing sodomitic relationships, in which marginal masculinity also displayed its sexuality. At the same time, the practice of these relationships in these spaces did not raise suspicions outside, because the sexual and couple bonds that could be established inside those locations were masked with their aims and purposes. In addition, sodomites were protected, in a certain way, from social censorship, when relationships were kept as secret as possible, as well as by harbouring characters with important power relations, who in eventual situations of threat or danger could intervene to protect sodomites, which represented another form of marginal masculinity by resorting to the “strategy of concealment”. Other similar spaces were represented by the schools, to which must be added others located in rural areas, such as the obrajes, the estancias and the haciendas.

355 Tortorici Zeb, “Heran Todos Putos” ... p. 46.

5.2. Private spaces: the ships in the race to the Indies

The Race to the Indies was a maritime transit system that linked the Iberian Peninsula with America, it was composed of two convoys that combined the merchant navy and the military navy, known as the fleets of New Spain and the galleons of Tierra Firme. The fleets linked Spain with the viceroyalty of Mexico, while the galleons went to the mainland, New Granada and Panama, through which they connected with the Pacific ports of Guayaquil, Lima and Valparaíso.

The Race to the Indies summoned a significant number of people in the ports on both sides of the Atlantic, mostly men who were willing to work in the crew of the ships, in the different military contingents that accompanied the commercial ships to protect the convoys, the merchants and those who embarked both legally and as stowaways in search of better living conditions. In this scenario, the system was organized under an iron hierarchy that reproduced the stratification of the society of the time inside the vessels, complemented by marked differences in age among the crew members, to the extent that the experience accumulated in maritime activity was an important indicator of status³⁵⁶.

The fleets were composed of a captain's ship that preceded the rest of the ships and an admiral's ship that closed the formation and was in charge of all matters related to navigation. Both were governed by the Captain General and the Admiral, respectively, who constituted the highest authorities of the fleet. That hierarchical structure was continued in the subordinates of the captains general, admirals and masters, then there were the pilots, who were in charge of the technical aspects of navigation, so it was essential for them to accredit maritime experience and, if possible, knowledge in cosmography, mathematics and astronomy, among other sciences, to occupy these positions. Finally, sailors, cabin boys and pages constituted the lowest rung of the sailors. The pages were the weakest link in the chain of command, insofar as they held the least qualified positions due to their young age and lack of experience in maritime affairs³⁵⁷.

356 Molina María Fernanda, "La sodomía a bordo. Sexualidad y poder en la carrera de Indias" ... p. 10.

357 Molina María Fernanda, "La sodomía a bordo. Sexualidad y poder en la carrera de Indias" ... pp. 10-11.

The concentration of the crew did not begin at the moment when the ship closed its doors. Previously, Seville, which was the port authorized by the Spanish Crown to carry out trade with the Indies, was a centre of attraction for individuals from different parts of the peninsula and even foreigners who wanted to join the maritime activity as a way of social ascent. In that town, the Triana neighbourhood had become one of the largest and was home to sailors or aspiring sailors from the most diverse origins, languages and social strata. Other areas of that city, such as the port of Cadiz, also congregated both passengers and crew members with licenses and also stowaways who were waiting to sneak into a ship when it was time to weigh anchor³⁵⁸.

Inside the ships, high levels of overcrowding were experienced, caused by the reduced space available and the excessive number of people, goods and animals that travelled on board the ships. On average, a ship carrying seventy crew members only had one hundred and fifty square meters of habitable space, where crew members and passengers had to eat, work, recreate, sleep and even exercise militarily during the voyage. This crowding was especially evident during the hours of sleep because with the exception of the authorities of the ships or some wealthy passenger, the rest of the seafarers would have to sleep on the bridge. Instead, they used to set up “ranchos” that brought together several men in a designated and delimited place on the boat, where they put together their precarious and improvised beds to spend the night, which favoured proximity, meeting and communication of various kinds, which is why it was expressed that on the “deck where all the passengers sleep and fornicate”³⁵⁹.

In this scenario, with a mostly male population, it was impossible to prevent the logical manifestations of sexuality, so in an environment of proximity and closeness, sexual encounters with other fellow travellers were encouraged, which took place within the framework of social relations and work. However, several studies devoted to the study of sodomy in Modern Spain have revealed how status, work and age dependencies tended to generate bonds of sodomitic subjection and subordination,

358 Molina María Fernanda, “La sodomía a bordo. Sexualidad y poder en la carrera de Indias” ... p. 14.

359 Molina María Fernanda, “La sodomía a bordo. Sexualidad y poder en la carrera de Indias” ... p. 14.

which cannot be accepted as definitive, because there were evidently other motivations that were imposed with greater force. On some occasions, power relations resulted in non-consensual sexual ties, where the socially dominant individual reduced or “sodomized” the dependent³⁶⁰.

Certainly, the cases reviewed demonstrate the strength of the bonds established between men that constituted decidedly consensual relationships. This was possible in those cases in which those involved belonged and developed in the same space and activity, which is why relationships were easier to establish and maintain and in the event of a couple's union, to be able to cope with it more freely. In the context of the Race to the Indies, it was an ideal environment to establish consensual sodomitical links such as the one starred, in 1560, by the adolescents Gaspar Portugués and Cristóbal Gris, cabin boy and page, respectively, of the captain Nuestra Señora de Clarines. In this case, it was not only two individuals belonging to the same social stratum who, surely, shared similar trajectories and ages. This was revealed through the confrontation in which, finally, both admitted to having consented to carnal access; on some occasions, such as in an active role and, on other occasions, in the passive one³⁶¹.

Another case that demonstrates the significance of dominant masculinities was that of the boatswain of the captain ship San Juan Bautista, Juan Fernández, in 1566. The boatswain had an undoubted homoerotic orientation with the active role as stated and his hierarchical position allowed him to establish continuous relationships with different couples. Certainly, during his stay in the port of Cadiz he met Pedro Hernández, who was a cabin boy, that is to say, he already had experience in the trade of sailor, who had left his land eight or ten years ago, that is, very young and had settled in Seville, he had been a page on a ship in which he travelled to New Spain, then he made another trip to Santo Domingo and finally had embarked on the San Juan Bautista.

The relationship between Juan and Pedro had begun in Cádiz, where they had lived together, because Juan Fernández had invited him to sleep in his bed, which Hernández had accepted, justifying it because “he did

360 Molina María Fernanda, “La sodomía a bordo. Sexualidad y poder en la carrera de Indias” ... p. 15.

361 Molina María Fernanda, “La sodomía a bordo. Sexualidad y poder en la carrera de Indias” ... p. 18.

not have clothes to cover himself with”, most likely with this he wanted to express that he lacked resources, but he also explicitly accepted that with this excuse a consensual relationship had been established, which would continue, when both embarked on the captain’s ship San Juan Bautista and during the next five months that he was in the service of the ship he had committed the nefarious “vice” with his boatswain. In this way, since they set sail from Cádiz he had slept twenty or thirty times with Fernández and at night they caressed each other all over his body and

“He took his pixa and balls with his hand and kissed him a few times and some nights this witness found his thighs full of stiffness that had come out of his pixa and that of the d[ic]ho boatswain[...] and found the bed stained”³⁶².

revealing the affective and sexual union that remained constant between the two³⁶³.

Certainly, according to the testimony of Pedro Hernández who assured that “he had felt fond of him since the city of Cádiz”, in addition to how in relationship goals were established to be fulfilled between the two, in a prolonged time and in the future, because in those nights that they slept together and shared the pleasure of his company and sex “he would take him to his land and honour him and marry him and this witness would give him a good time. Dezia Ansy would do it and that she thanked him”³⁶⁴. Likewise, Pedro showed his affection by ratifying that he had accepted his offers and in it he apologized for not having denounced Juan, alleging his fear of torment, and also that when the pages rebuked him for acceding to the boatswain’s wishes he had not slept with him again and that he no longer remembered how many times they had slept together on the ship. At the end of his statement, he added that “he wants the said Juan Hernández badly because of what has happened with him and that before he did not want him bad”³⁶⁵, which can certainly refer to a rupture in their consensual relationship.

362 Camba Ludlow Úrsula, “El pecado nefando en los barcos de la carrera de Indias en el siglo XVI ... p. 119.

363 Molina María Fernanda, “La sodomía a bordo. Sexualidad y poder en la carrera de Indias” ... p. 16.

364 Camba Ludlow Úrsula, “El pecado nefando en los barcos de la carrera de Indias ... p. 119.

365 Camba Ludlow Úrsula, “El pecado nefando en los barcos de la carrera de Indias ... p. 119.

But Juan Fernández's homoerotic relationships were not only limited to the one expressed, which shows that the environment of the ships and sailors was propitious for the exchange of bodies, in which men maintained both occasional and continuous relationships, as happened on other dates. Certainly, the boatswain's sexual orientation and role among the crew and his preference for adolescents and young people was public and notorious. This was attested to by the pages, cabin boys and sailors who had been sexually required by the lustful boatswain. Among others, the cabin boy Miguel Martín, who was sixteen years old and related that while the ship was still in Cádiz, the boatswain had ordered him to make the bed and that he had also asked him to lie down with him alleging the alleged pain in his leg and heart that he suffered and when midnight passed Fernández tried to touch him, as he had done with the other boys, then Martín refused and when he wanted to leave, Fernández ordered him to shut up and slapped him several times³⁶⁶.

The complaint against Juan Fernández was initially filed by a young man named Juan de Sauzedo, sixteen years old, who is so ambiguous that it is difficult to explain his sexual preferences. Saucedo said that one night he went to sleep with Fernández, and while they were sleeping, he put his hand through the opening of the zaragüelles, to touch his member. Sauzedo objected, saying that it was "mischief" that he should leave and then he was asked if Fernandez ever asked him to "ride" or did he hear that he had asked someone else to do so?; and he replied that "he never said such a word to him"³⁶⁷. Despite having affirmed that he had refused to have sexual contact with Hernández, in the second part of his statement Sauzedo acknowledged that on some occasion: "Hernández took this witness's pixa while he was sleeping and made the punch that they told him until he [made] pour dirt and when this witness woke up [Hernández] told him that he had pissed [but] that this witness had ever happened to this witness in his life thing"³⁶⁸. It's quite naïve to accept that he was asleep while Hernandez masturbated him until he reached

366 Camba Ludlow Úrsula, "El pecado nefando en los barcos de la carrera de Indias ... p. 119.

367 Camba Ludlow Úrsula, *El pecado nefando en los barcos de la carrera de Indias ... p. 119.*

368 Camba Ludlow Ursula, *El pecado nefando en los barcos de la carrera de Indias ... pp. 120-121.*

an orgasm. For his part, Hernandez said that indeed one night when they were in bed, the boy “had his panties unstitched and the pixa and the balls outside,” so Hernandez touched him but only to cover him³⁶⁹.

Another of Juan Hernández’s accusers was Pedro Díaz, a fourteen-year-old page, who recounted how Hernández put his hand to touch his member and explained that one night, after anchoring in the port of Nombre de Dios, (Panama), the boatswain sent him to look for his partner, the cabin boy Pedro Fernández, “who was the one I slept with every night” but the aforementioned refused to attend the call, claiming to be tired and sleeping. In view of this refusal, Hernández ordered Díaz: “Come here, lie down with me tonight for the love of my bad leg.” The boy obeyed and at midnight, being asleep “on his chests” he felt that the boatswain put him on the

“his pixa between the buttocks of this witness who wanted to dig him up” but he slipped away. In response to that accusation, Hernández said that one day “he found the pixa from outside and passed his hand [...] and he told him you don’t have a blanket or where to lie down” and that “to play”, while the boy fell asleep, he put his hand on his member”³⁷⁰.

Another of the witnesses, named Lazaro Hernandez, a page of fifteen years, said that, passing the Canary Islands, one night, the boatswain had also asked him to lie down with him on the deck because he had “an evil heart and to take him by the hands until it was gone”³⁷¹. Lazarus obeyed, repeating at midnight the same scene that the rest of the pages and cabin boys lived and recounted. In response to what Lazarus said, the boatswain maintained that it was true that the boy slept with him a few times and that “he played with him tickling him and taking the pixa with his hand”³⁷².

Then, the fifteen-year-old cabin boy Alonso Salas appeared, who also testified of his sexual encounters with the boatswain and referred to Hernández’s repeated attempts to touch him, as had happened with the other pages and cabin boys, but added that one day almost arriving at

369 Camba Ludlow Úrsula, *El pecado nefando en los barcos de la carrera de Indias* ... p. 119.

370 Camba Ludlow Úrsula, *El pecado nefando en los barcos de la carrera de Indias* ... p. 119.

371 Camba Ludlow Úrsula, *El pecado nefando en los barcos de la carrera de Indias* ... p. 119.

372 Camba Ludlow Úrsula, *El pecado nefando en los barcos de la carrera de Indias* ... p. 119.

the Dominica and being alone in the ship's pantry, the boatswain asked him if he had "cut the asshole", because days before "he had told this witness to take it away and he would give him a knife, then Hernández put his hand in it and taking his member made him squeeze "and spill two or three drops of dirt"³⁷³. In response to that testimony, Hernández maintained that it was only limited to a matter of hygiene, since he assured that the boy's member was constantly coming out of an opening in his pants, so he only took it to cover it and that when he saw the pubic hair so long, he had told him that "why didn't he wash? That he was very dirty." He added that he had ordered him to cut his hair and offered to lend him a knife and scissors because he had observed that the other pages and cabin boys had started swimming naked and that "they don't bring so much asshole"³⁷⁴.

The frequent homoerotic relationships in the ships of the Carrera de Indias were evident in the relationship established between Gaspar Carvallo, a mulatto, who had set sail from San Juan de Ulúa, in Mexico in 1591, who was part of the lower segments of peninsular society, and who was part of the crew of the ship, property of Ruiz Díaz. In it, the mulatto had established sexual relations assuming the active role with a page named Pedro Merino, with whom he used to kiss and who on a certain night told him: "that he wanted to fuck him" and Pedro replied that "he did not want to", then Gaspar Carvallo untied his pants by force, but Merino held them, and so he fell asleep "and after a while he remembered and found the fallen pants (...) And he had his nature next to the back glass of this witness who wanted to put him inside."³⁷⁵. Undoubtedly, the penetration was consummated, but the motivation must have been on this occasion, as in most of the Afro-descendants that will be related hereafter, it was how many centimeters of pleasure Merino had?. In this case, as María Fernanda Molina affirms, the active role reaffirmed the masculinity of the mulatto unlike Pedro who appears as marginal masculinity, like other young men who could not

373 Camba Ludlow Úrsula, *El pecado nefando en los barcos de la carrera de Indias* ... pp. 120-121.

374 Camba Ludlow Úrsula, *El pecado nefando en los barcos de la carrera de Indias* ... p. 119.

375 Molina María Fernanda, "La sodomía a bordo. Sexualidad y poder en la carrera de Indias" ... p. 17.

resist the temptation that Afro-descendants represented due to the size of their genitals. Likewise, it was said that the mulatto had also offered other material benefits, as testified by the page Francisco Quijada who declared that Gaspar Carvallo “told him that he wanted to ride him and that he told him that he would give him a lot of money”³⁷⁶.

It is so interesting what happened in the ships of the Race to the Indies, because the crew members of the same knew each other, knew of their sexual preferences and the desire and pleasure that they provided to each other, which was encouraged by the time that elapsed in their occasional separations, when they embarked on different ships, for which intermittent relations were maintained that were consummated when they arrived at the different ports. This occurred with some frequency and periodicity, as the fleets anchored in the docks and the sailors descended ashore temporarily at the anchorage sites. A port of exceptional importance was Havana, where the fleet arrived annually and where sailors from Peru, Mexico, Panama, La Guaira and Cartagena de Indias also met. In 1596, it is related that upon the arrival of the armada commanded by General Don Bernardino de Avellaneda, a “large sum of Sometics had arrived from Peru and New Spain and gathered in Havana to commit this crime and heinous sin.” Among them was a soldier who was in the galleys with the surname Ponce who had invited a slave named Jerónimo Vázquez to

“He went with him to the mountain and other secret and hidden parts that he had to tell him certain things and with flattery and words he took him out to the mountain and being there he stabbed him attentive to his shame and did other dishonest acts.”³⁷⁷

The slave Velázquez went to Lucas Gómez Ronquillo, lieutenant general of the city, who immediately imprisoned Ponçe; and after being “condemned to torture” he confessed that he had had sexual relations with other people. In his testimony, Ponçe also reported other sodomites from Peru, New Granada and New Mexico.

376 Molina María Fernanda, “La sodomía a bordo. Sexualidad y poder en la carrera de Indias” ... p. 17.

377 Camacho Jorge, “Lucas Gómez Ronquillo y el proceso contra los sodomitas en La Habana 1596. Sesenta someticos delincuentes a los cuales hice quemar”. Julio, 2019. Disponible desde: <https://rialta.org/lucas-gomez-ronquillo-y-el-proceso-contra-los-sodomitas-de-la-habana-cn-1596/> P. 2. pp. 1-9

Likewise, another mulatto named Juan Sanchez had landed in Havana from Peru and while he was in that city “he had used this sin and within twenty days after he arrived he was arrested and discovered many criminals in Peru and the New Kingdom of Granada, because “he was entering through the soldiers of the prisons of Havana and through the people of the atos and estancias so that he was getting lost the land and the Indies” because the mulatto was well known, as evidenced by the fact that the investigation that followed allowed the incrimination and execution of “50 Sometics, without many others who died fleeing from this justice”³⁷⁸.

A year after the Havana event, another mulatto sailor named Gerónimo Juan Ponce, who was barely twenty years old and had resided in Seville, where he was accused of sodomy with Manuel Rodríguez, who denied the accusations, but was sentenced to the galleys and therefore continue on his transatlantic voyages. In 1597 he was on one of those voyages and had arrived at the port of Havana, in Cuba, where he was arrested and sent back to Seville to be tried for the aforementioned crimes. During his stay in prison he met Domingo López, another mulatto slave who was also a prisoner, accused of the same charge and of the same age as Ponce, whom he took in his face and said loving words and penetrated him. Although Ponce was repeatedly tortured in Havana, Seville, and at sea, he flatly denied the charges, but admitted that he had previously been implicated. In 1603, Ponce and López were sentenced to death by garrote in the port of Jerez, and their bodies were reduced to ashes. All of Ponce’s belongings were confiscated and on November 3, 1605, he was executed³⁷⁹.

In other cases that occurred in the ships of the Race to the Indies, seduction was resorted to, as happened with the second lieutenant of the galleon San Bartolomé Juan Ginés del Castillo, who, in 1606, occupied the most important position within the military organization. The se-

378 Camacho Jorge, “Lucas Gómez Ronquillo y el proceso contra los sodomitas en La Habana 1596. Sesenta sométicos delincuentes a los cuales hice quemar”. Julio, 2019. Disponible desde: <https://rialt.org/lucas-gomez-ronquillo-y-el-proceso-contra-los-sodomitas-de-la-habana-en-1596/> P. 2. pp. 1-9

379 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. pp. -5. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> AGI, *Pleitos de la Casa de la Contratación*, Escribanía 1075C, ss. 117.

cond lieutenant ordered his subordinates, cabin boys or pages to perform different personal services for him, including making his bed, then he asked them to take off his shoes and undress him and what seemed to be the main delight of most of those accused of the sodomitic vice: “scratching him and bringing him his legs”³⁸⁰, at this moment the excitement of both participants must have been very high, they must have been enjoying the pleasure and then the boatswain placed the guest’s hands on his genitals, at the same time caressing his. This is clear from the statement of Jerónimo Lesmes de Mazuelos, page on the ship to whom the ensign sent him:

“To scratch her legs (...) and while the said second lieutenant Xines del Castillo took this witness’s hand with his own and took it to his nature and prowess and with force and then the said ensign put his hand on this witness between his legs and put them on and truxo because of his shame”³⁸¹.

The ensign’s dalliances were not unknown to Jerónimo, because other pages had told him about their experiences with the ensign and in view of what had happened, he decided to abandon the galleon. The same fear was expressed by Martín de Licarza, servant of the Captain General of the galleon, who also related a similar experience. Likewise, others said they were harassed by the ensign were his servants, one named Francisco, a young boy, who maintained that “his master brought him persecuted because he scratched his legs and his cocks and nature and because he let him bring and take his nature the said ensign and also complained Domingo de Larmendi”³⁸². What stands out in this case is that Xinés del Castillo was a man with a significant possibility of having frequent sexual encounters, and evidently his sexual orientation was towards his own sex, it is most likely that numerous young people had sexual relations and perhaps as a couple, as can be inferred from this file.

This type of sodomitic behaviour was probably mediated by economic necessity and implied the submission of the youngest to those who were in a position to assist them materially. Although it is considered that the search for material benefits by young people and adolescents was one of

380 Molina María Fernanda, “La sodomía a bordo. Sexualidad y poder en la carrera de Indias” ... pp. 17.

381 Molina María Fernanda, “La sodomía a bordo. Sexualidad y poder en la carrera de Indias” ... p. 16.

382 Molina María Fernanda, “La sodomía a bordo. Sexualidad y poder en la carrera de Indias” ... p. 16.

their motivations³⁸³, but the fundamental one was to satisfy their sexual desire, to have a male figure who would offer them the security of the provider and the protector when they were in a situation of loneliness, orphanhood and total helplessness, the most pressing needs were affective.

Certainly, the children and adolescents who embarked on the Race to the Indies constituted the weakest link in peninsular society at the time. Despite their young age, many carried a long history of loneliness, abandonment, hunger and misery that multiplied when their sexual orientation was towards their own sex. As a way of solving this problem, obtaining a place in the Carrera de Indias represented the possibility of achieving a certain economic improvement, escaping social censorship and entering a social space that by its very nature homoerotic relations were propitiated and tolerated.

One of the illustrative cases of this situation occurred in 1698, when the Sicilian Juan Molle, a young man of just 13 years old, stated that even at his young age he had already had several homoerotic experiences, among others he reported that, in a square in the Levant, an ensign “had cavalcated him from behind most of the day that he was there”. Another of his partners had been a cook named Phelipe Esmeralda who “had also cavalcated him some nights” and who had slept with him and as Molle points out, they were relationships that had lasted a certain duration. But, evidently, his sexual prowess was remarkable, because he had managed to have sexual relations and perhaps more lasting ones, not with one, not with two, but with three sailors named Bartolomé Barres, the aforementioned cook Felipe de Esmeralda and Juan Bautista Pino, the three Italians, who were crew members of the galleons of Nuestra Señora del Carmen and Las Ánimas, and as a result of that triad, the three sailors introduced Juan Molle, in one of the ships about to set sail for the Indies, illicitly giving him a seat on the ship as a stowaway and in exchange Molle would provide them with “certain services” not specified, you don’t have to ask much to know what those services consisted of, the truth is that Molle went to enjoy his trip³⁸⁴.

383 Molina María Fernanda, “La sodomía a bordo. Sexualidad y poder en la carrera de Indias” ... p. 15.

384 Molina María Fernanda, “La sodomía a bordo. Sexualidad y poder en la carrera de Indias” ... p. 17.

After they were denounced, the four were imprisoned and tried in Spain, several witnesses testified that they saw that Molle's butt was wet with semen. Although the four men denied the charges, the surgeon who examined Molle confirmed that sodomy had occurred. Barres was sentenced to death by garrote, with his body later burned. Mollé was sentenced to be publicly shamed, forced to witness Barres' execution and to be "passed through the flames." Subsequently, he was exiled from Spain. Esmyrle and Bautista were perpetually banished from Spain and its colonies³⁸⁵.

5.3. Private spaces with public access: temascales and pulquerías

In 1604, in the town of Valladolid, Michoacán, (Mexico) a Purépecha Indian named Simpliciano Quyne was drinking in a house near the convent of San Agustín with other Purépecha friends, when two black slaves, whom they did not know, came to sell them wine and pulque. In the middle of that meeting, a stranger appeared, a man, named Pedro Quini, who approached them trying to sell a blue garment (a blue cloth ring)³⁸⁶. But none of those present wanted to buy the textile, and then Cuyne and his friends left the house and went to some corrals, located behind the church, where Quini followed them, begging the others to buy the blue cloth. In the end Cuyne and Quini left together, the former justifying this because he was "defeated by their pleas". When he left the company of his friends, Cuyne told the man with the blue cloth that he wanted to sleep, with which Quini suggested that they go to a nearby temascal, where they went and when they arrived Cuyne entered first and lay down, then Quini arrived and began to hug and kiss him and then put his hand inside the bottom of his pants. and told him that "he was really looking forward to

385 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. p. 16. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> AGI, Pleitos de la Casa de la Contratación, Escribanía 1075C, ss. 117. [AGI, Pleitos de la Casa de la Contratación, Escribanía 1105B, ss. 103]

386 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. p. 5. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AHMM, caja 30, exp.20]

it” and that He would give her the blue cloth if they made love³⁸⁷.

According to that testimony, it was this desire that Quini felt for Cuyne that led him to initiate sexual contact. Certainly, although Cuyne acknowledged that he wanted the blue cloth, but that after the advance of Quini, who “took off his belt and pulled down his pants and then untied them, at the same time that he untied his own pants and stretched himself on the ground and immediately Cuyne got on top of “said [Pedro Quini] and placed his virile member in Quini’s anus, and having it inside as if he were with a woman to whom he completed [the sexual act, that is, he ejaculated] and had carnal copulation on this part [the anus] with said Indian”³⁸⁸. Once the intercourse was over, Cuyne turned his head towards the door and saw two Indians who had entered the temascal, who found them with their legs intertwined³⁸⁹. Cuyne maintained that this was the only time he had committed sodomy and also claimed not to know where the large amount of blood on the white underpants came from and that, in the end, the blue cloth was not given in exchange for sex because he bought it from Quini³⁹⁰.

These pleasant encounters did not only take place in the tenascales and as has already been expressed, another of the spaces for the meeting, to meet and even have sexual relations were the beverage outlets, with different names such as pulquerías, pulperías and others. In them, men drank liquor that made them uninhibited and freely express their feelings and desires, as happened in 1636, in the city of Arequipa, (Peru) where the pulpero Lorenzo Miguel and the adolescent José de Retamozo were found naked in a carnal act, where the first penetrated the second. This situation led to them being tried in the Royal Court of Lima and condemned to relaxation by the secular arm. The trial was very scandalous because the young José de Retamozo was “a boy son of a very valid xente”, and after they were sentenced, a cousin of the accused, Don Fernando de Cárdenas, threatened the accusers with death, for which

387 Tortorici Zeb, “Heran Todos Putos”: Sodomitical Subcultures and Disordered Desire in Early Colonial Mexico.” *Ethnohistory* 54, N°. 1, 2007, pp. 35-67. P. 37

388 Tortorici Zeb, “Heran Todos Putos” ... p. 37.

389 Tortorici Zeb, “Heran Todos Putos” ... p. 37.

390 Tortorici Zeb, “Heran Todos Putos” ... p. 37.

reason they withdrew their complaints and suspended the application of the sentence and both were released³⁹¹.

Later in 1714, in Puebla, (Mexico) where an indigenous named Cristóbal de Contreras complained because one night, after accompanying the procession of the image of Jesus Nazareth to the house of Francisco Marcial, he was invited by another indigenous named Antonio Pérez, to drink pulque, after they had ingested the pulque, Pérez had tried to kiss him, touching him and inciting him to commit sodomy³⁹². Later, in 1720, in Mexico City, (Mexico), Miguel de Yescas had gone to a pulquería accompanied by Agustín Ortiz, according to Yescas' version he had gotten drunk drinking pulque and on his return, both got on a horse, and in the meantime Ortiz took advantage of it to touch Yescas on her genitals, who felt those hands that excited him in such a way that he immediately penetrated Ortiz, once the sexual act was over, Yescas felt great regret for what he had done, so he tied Ortiz up, picked him up and handed him over to the authorities, saying: "they should burn us"³⁹³.

5.4. Intimate spaces: residences

During the Indo-Hispanic contact, relationships were established between the sodomites who had been born in the Indies and those who came from beyond the seas. Especially between 1534 and 1539, in the Villa de Villanueva de Puerto Viejo (Ecuador), arrived one of the conquerors of that city, named Bartolomé Pérez, a man who stood out for his contribution to the conquest, one of the representatives of the dominant masculinity, who received Indians in encomienda, he was also a merchant, owner of his own ship in order to market products on the Pacific route³⁹⁴.

391 Molina Fernanda, "Entre la doble vara y el privilegio" ... p. 379.

392 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. p. 18. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGNP, caja 39A, 1700-1800 Civil, Criminal, Testamentos, exp. sin numerar]

393 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. pp. 14-15. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGCA, A2.2, exp. 2888, pierna. 152, fols. 1-17]

394 Glave Testino Luis Manuel, "Bartolomé Pérez acusado de puto por Francisco de Orellana

On that date, Francisco de Orellana was appointed governor of that city, and upon arriving in Puerto Viejo he learned that the practice of sodomy was customary among the natives of that region and that it was shared by the Spaniards themselves, since by then two sometics, named Alonso Núñez and Lope Gutiérrez, had already been burned.

Shortly after Orellana had arrived in Puerto Viejo, a neighbour of the village named Francisco Flores and his servant named Joanes Vizcaíno appeared, who accused Bartolomé Pérez “because he is very public among the Indians and even among some Christians offending our lord in heinous sin.”³⁹⁵. Once the testimonies were received, the arrest of the accused was ordered. In the meantime, Bartolomé Pérez, who had been warned of what was happening by one of his brothers, met with Gonzalo Pizarro, who fully supported him against Orellana and removed him from his position as governor.

In this process, as Glave Testino affirms, it was possible to verify what happened in the cities of the Indies to “the sodomites or sodomites as they came to be called, were known and were not repressed until the baldón, cruelly sanctioned by medieval norms that were renewed, allowed them to be eliminated from some political or economic competition”³⁹⁶. Finally, with the arrival of another viceroy in Peru, the trial of residence was ordered and Bartolomé Pérez’s accusers were convicted of false testimony against him, but he was certainly a sodomite, only one with power, unlike most who died victims of the genocide.

na” *Narraciones Históricas Andinas*. p. 2. Disponible desde: https://www.academia.edu/98427388/Bartolom%C3%A9_P%C3%A9rez_acusado_de_puto_por_Francisco_de_Orellana_Una_p%C3%A1gina_perdida_de_la_historia_de_la_conquista_entre_Puerto_Viejo_y_Quito

395 Glave Testino Luis Manuel, “Bartolomé Pérez acusado de puto por Francisco de Orellana” *Narraciones Históricas Andinas*. p. 2. Disponible desde: https://www.academia.edu/98427388/Bartolom%C3%A9_P%C3%A9rez_acusado_de_puto_por_Francisco_de_Orellana_Una_p%C3%A1gina_perdida_de_la_historia_de_la_conquista_entre_Puerto_Viejo_y_Quito

396 Glave Testino Luis Manuel, “Bartolomé Pérez acusado de puto por Francisco de Orellana” *Narraciones Históricas Andinas*. p. 2. Disponible desde: https://www.academia.edu/98427388/Bartolom%C3%A9_P%C3%A9rez_acusado_de_puto_por_Francisco_de_Orellana_Una_p%C3%A1gina_perdida_de_la_historia_de_la_conquista_entre_Puerto_Viejo_y_Quito

Similarly, in Andean America in the town of Checa (Peru), several Yanaconas were denounced to the village priest, because the sodomites “scandalized the community and the surrounding territory with [their] infamous, horrible and ruinous behavior.” According to the testimony of the accusers, a native named Lucas Tayro was the centre of this “vile trade” with his friend Don Ramón Moscoso, a kuraka of a local ayllu, who justified his close communication with Tayro, as part of his duty to take care of the people of the community and in particular was only deferential to Tayro because he was educated and “of beautiful properties”³⁹⁷. The case underwent a wider review by the church after a doctor inspected Moscoso’s anus and found it swollen and disfigured. Those involved pointed out that the perpetrators could be burned, although in this case the church did not plan to burn Moscoso, if he was found guilty, but rather that he would be excommunicated. Eventually, the case was dismissed for lack of conclusive evidence, so Moscoso was acquitted³⁹⁸.

Likewise, it is reported that in Brazil there were forty-four cases of sodomy between 1591 and 1620, predominating relationships between couples of different ethnic groups, who were engaged in different activities from a governor general of Brazil, named Diego Botello, also included priests, sugar mill lords, public officials, soldiers, students, butlers, servants and slaves³⁹⁹. These trials involved two hundred and eighty-three complaints from Brazilians or Portuguese, of those thirty-two defendants eleven were sentenced to the galleys, six were exiled to other colonies, two were executed in San Luis de Marañón in 1613, a Tupinamaba Indian, publicly infamous and recognized as a Tibira was tied to the mouth of a cannon, his body was shattered by the explosion to purify the land of his wickedness. In 1678 another black slave was killed by whipping⁴⁰⁰. As for lesbians in Brazil, there were twenty-nine complaints in the Brazilian Northeast between 1591-1593, five of which were sentenced to pecuniary and spiritual penalties and two to public floggings⁴⁰¹.

397 Wawzonek Joseph, “Sodomitical Butterflies: Male Homosexual Desire in Colonial Latin America” ... p. 106.

398 Wawzonek Joseph, “Sodomitical Butterflies: Male Homosexual Desire in Colonial Latin America” ... p. 106.

399 Mott, Luiz, “Etno-Historia de la homosexualidad en América Latina” ... p. 134.

400 Mott, Luiz, “Etno-Historia de la homosexualidad en América Latina” ... p. 135.

401 Mott, Luiz, “Etno-Historia de la homosexualidad en América Latina” ... p. 135.

Unlike the previous one, among other sodomites who travelled to Peru, the case of Fray Juan de Valenzuela, from Jerez, in Seville, doctor of theology and missionary, after his return to Spain in 1598, in Seville, was tried for sleeping locked up with his servant Juanillo, who was only thirteen years old and was also accused of being “as fucking as there were in Italy”⁴⁰², it was said that on the voyage to Spain, he was about to be thrown into the sea by the sailors, scandalized by the friar’s dalliances, fearing that the ship would sink in punishment from heaven for the sodomies of the religious⁴⁰³.

Years later, in 1604, Pedro Quini revealed that the first time he had been with another man had occurred four years earlier with an indigenous man named Ziziqui, and that he was in the company of two other natives, one named Marcos, now deceased, who was the cook of the Spanish treasurer Pedro de Aguaya, and a young painter from Uruapan named Miguel⁴⁰⁴, who was of good body and good appearance. For Quini, these men were whores and he himself had heard from Ziziqui that “they all hurt whores”, that is, they were used to committing a heinous sin”⁴⁰⁵.

In addition to those mentioned, Quini said that eleven days earlier he had had a sexual encounter with a Purépecha baker named Francisco Capiche, which occurred because that night Capiche invited him to sleep at the house of Don Francisco Muñoz, where he worked. Around midnight the two entered the house, where there was a large oven, and there Capiche began to beg Quini “to do it”, so Quini “copulated with him” placing his penis in Capiche’s anus and ejaculated inside it⁴⁰⁶.

402 “Las fuentes españolas acusaron a los italianos de «viciosos irredentos». Mateo Alemán, en su *Guzmán de Alfarache*, escribe que la sodomía se podía encontrar en abundancia en toda Italia, así como en Turquía mientras que Gaspar Escolano sitúa la introducción del vicio por el puerto de Valencia, donde eran asiduos marineros italianos”. Navarro Martínez, Juan Pedro, “IL vicio fiorentino: la presencia italiana en los pleitos de sodomía de los tribunales del Santo Oficio de la Corona de Aragón (1550-1700)”, Pérez Samper María Ángeles y Beltrán Moya José Luis, *Nuevas perspectivas en investigación de historia moderna. Economía, sociedad y política en el mundo hispano*. Barcelona. Universitat Autònoma de Barcelona, 2018, p. 459.

403 Mott, Luiz, “Etno-Historia de la homosexualidad en América Latina” ... pp. 137-38.

404 Tortorici Zeb, “Heran Todos Putos” ... p. 37.

405 Tortorici Zeb, “Heran Todos Putos” ... p. 37.

406 Tortorici Zeb, “Heran Todos Putos” ... p. 37.

Likewise, Quini revealed that a month earlier he had had another sexual encounter with an Indian from Cuisco, named Miguel, who had invited Quini to enter a school, where he worked washing clothes, he would have walked next to some side walls so that no one would see him enter. Quini sneaked into the school and found Miguel waiting for him and the two went to “sleep in the kitchen and there the said Miguel began to insist that Pedro try to put his penis inside him”, and while he was doing this, “the said Miguel served him as a woman”. Quini claimed that this was the only time he had sex with Miguel and that he did not know if Miguel had had sex with other men⁴⁰⁷.

In the same way, Pedro Quini related that in the house of another Indian named Conduyi, which was located next to the church of Tzintzuntzan and just past a small bridge, where a few years before 1604, Quini learned for the first time to commit the heinous sin. Quini said that he knew that Conduyi was “a whore and that he has committed the heinous sin and the first in the profession of committing sodomy because he has seen him do it about three years ago and also saw him serve numerous times as a woman.” Quini claimed that Conduyi’s father was dead, his mother was called Ysabel, and that an indigenous man named Ticata lived with him. Quini also made a rather vague reference to “the other Indian (this may or may not have been Ticata) who served the said Francisco Conduyi, as if she were his wife”⁴⁰⁸.

Even more interesting is the fact that Conduyi’s house was actually a meeting place for men seeking sexual activity with other men, which is why, about three years earlier, the local authorities of Tzintzuntzan had tried to imprison Conduyi on charges of committing the heinous sin with other men. The authorities never caught him because Conduyi was escaping, returning sometime later, secretly to the village⁴⁰⁹.

Years later in 1612, Damián de Morales, was accused by a slave named Antón, when he reported that on several occasions Morales had asked him to have sexual relations, on a certain occasion Morales had

407 Tortorici Zeb, “Heran Todos Putos” ... p. 37.

408 Tortorici Zeb, “Heran Todos Putos” ... p. 37.

409 Tortorici Zeb, “Heran Todos Putos” ... p. 37.

invited him to go to some rooms that were behind the main house of his master, at the same time that with some mischief he told him that: “an Indian servant was waiting for him there to enjoy her company. Antón, delighted with the proposal, went to the rooms to “discover that the Indian was none other than Damián de Morales who, according to his testimony, “turned black hands and face and put on a *bestido de india*, azo and lliquilla and lay down on his bed and called the said black Antón saying, *beni aqui que te quiero mucho Antón*”⁴¹⁰.

In 1620, the corregidor and chief justice of the city of Huamanga (Peru), accused Juan Ponce de León, for having tried to commit the heinous sin with several blacks, Indians and other people. One of the accusers was the Indian Juan Yanque, who in the “general language of the Indians” related that, one night, while he was returning home, Juan Ponce had stopped him in a dark alley with clear lustful intentions and after calling him in his “language”, he had offered him a *patacón*, in exchange for going together to the butcher’s shop, where he proposed to have sex, which caused him great confusion and uncertainty, in the face of whose doubts, Ponce de León told him not to worry “that I am a lady dressed in a man’s plane, let’s do it, do it to me and this witness was frightened”⁴¹¹.

Among the rooms used by sodomites to hold meetings and sexual relations, the houses where they lived are referred to, as is told in Mexico City (Mexico), in 1656, when the dwellings of Juan de la Vega were described, an effeminate mulatto, who dressed in feminine clothing who called himself “Cotita”, and thus his acquaintances named him so as not to disturb him. “Cotita” had a house rented to Doña Melchora de Estrada and in its rooms, she received and hosted her friends, who took advantage of that hospitality to have sex. On one occasion, the Indian Tomás de Santiago, who spent the night in “Cotita”’s chambers, with the help of the moonlight, witnessed how a young mestizo named Joseph Durán, a resident of Puebla de los Angeles, made love to another boy named Gerónimo Calbo, a resident of Mexico City. It is also said that when the authorities arrived at “Cotita”’s house at midnight, they caught the mulatto *red-handed* with

410 Molina Fernanda, “Colonialidad, disidencia sexual y masculinidades fracturadas ... p. 146.

411 Molina Fernanda, “Colonialidad, disidencia sexual y masculinidades fracturadas... p. 146.

Joseph Durán, Gerónimo Calbo, Miguel Gerónimo the mestizo and Simón de Chaves the Indian, all together and naked⁴¹².

Another of the residences usually frequented by sodomites in Mexico City (Mexico), in that year, was that belonging to Juan Correa, a mestizo of more than forty years, known as “la Estampa” (apparently the nickname of one of the most beautiful women in the city), who frequently organized meetings in his home, in which he flitted from one side to the other with his cloak tied around his waist complaining of “evils of mother.” The men and boys invited gave him chocolate to “ease his pain” and covered it with “tender expressions of affection” and syllogisms of “appreciation, soft and loving.” “La Estampa” was actually a kind of mail that informed those interested about future meetings, with dates and places. These soirées frequently coincided with the feast days of the religious calendar and took as a pretext to get together to pay tribute to virgins and saints. Another Indian named Juan Zurrador, owned an oratory, in which the devotees congregated to celebrate their meetings and it is said that devotions to the images and their chapels took on different meanings for many of these New Spanish sodomites⁴¹³.

In those houses in Mexico City (Mexico) very crowded meetings were held, especially attended by regular guests such as Gerónimo de la Vega, who was known by the nickname of “la Zangarriana”, given his promiscuity and in reference to a well-known prostitute of the city, and who came to host one of those meetings in his house, where the attendees made love to each other. Others who belonged to that select group was a black man named Nicolás de Pisa, a Spaniard named Cristóbal de Vitoria, over eighty years old, one-eyed in one eye, half-blind in the other, small in stature, bald and hunchbacked, who had also practiced the love of men for many years and who, like “La Estampa”, he had taught many others to practice it. Other assiduous attendees of these soirées were Alonso the mestizo, alias “la Conchita”; the whites Sebastián Pérez, known as “the Roses” and the tailor Bernabé, called “la Luna”; Martín el indio, with the nickname

412 Páez Granados Octavio, “Dos hombres jugando como perros” ... pp. 120-121; Levis Laura A., “De la sodomía a la superstición. El pasivo activo y transgresiones corporales en la Nueva España”, *Cuadernos de Literatura*. Vol. 25, 2021.

413 Páez Granados Octavio, “Dos hombres jugando como perros” ... p. 121.

of “the Martina of the heavens” and a black man simply known as “la Morosa”, the count extended to one hundred and twenty-three sodomites, most of them inhabitants of Mexico City and neighbouring Puebla de los Ángeles; which were divided into thirty-three Indians, twenty-nine mestizos, twenty-eight Spaniards, nineteen mulattos, ten blacks, generally slaves and domestic staff and two Moors, one castizo and one portuguese, who exercised different trades such as vendors and artisans and students. The festivities were enlivened by a mulatto puppeteer and a mestizo harp player⁴¹⁴, so that there was no doubt that sodomy was widespread in all ethnic groups and trades known in Mexico City.

In these spaces, the sodomites enjoyed their social environment, the possibility of getting to know each other, of having company in places where they were accepted and also of obtaining sexual pleasure, as stated by Juan Correa, a sixty-three-year-old mestizo, who evoked memories of “a distant, joyful past,” recounting “that she was a pretty girl and that she dressed as a woman with other men and that she had had many nights of pleasure committing the heinous sin. Others were more specific in their experiences of enjoyment by telling the number of lovers they had or discussing how they felt offended because some lovers had never referred to them with certain adjectives that expressed affection, even though they lavished them on others⁴¹⁵.

Years later, in 1673, Don Manuel de León, judge of the Royal Audience of Chile, was accused of perfect and imperfect sodomy, committed with young blacks, mulattoes and Indians from the city of Santiago de Chile. Among other witnesses was a black creole, a slave of captain Francisco Muñoz del Tejo, who said that on a certain night he was walking along the street of the Cañada de San Agustín, driving a cart loaded with firewood, when he was called by a man who hid his face behind a shawl and who told him: “Beni here dark-skinned where you bais and in the abla talle and face because it was the clear night he knew that it was the Dr. Manuel de León Escobar and this witness answered boy to the ravine to unload a cart of firewood.” At that moment and in a surprising way “the said doctor

414 Páez Granados Octavio, “Dos hombres jugando como perros” ... p. 122.

415 Wawzonek Joseph, “Sodomitical Butterflies: Male Homosexual Desire in Colonial Latin America” ... p. 106.

don Manuel [told him] waits and so he went alone put his hand on this witness in the fly the said don Manuel and tempted the lower parts". At that moment the negro replied with a certain harshness: "What is your worship doing, señor, am I a woman that your worship should do that with me? and the said Mr. Don Manuel told him to say that he wanted to be silent if you were a capon". Immediately the slave fled from that place and went to his house where he told his master what had happened⁴¹⁶.

The meetings of the judge with his partners were apparently frequent, as can be seen from the testimony of the Indian Marucha, who was part of the magistrate's servants, the woman recalled that one night, at about seven or eight, she had seen a mulatto dressed in blue cloth with white stockings, waiting in the street for some time, until Don Manuel came out and invited him to enter his residence and both entered a dark group "where they stayed for a long time and this witness bio them entered and that it took a long time". Likewise, on other occasions he was able to observe a mulatillo, who also served Don Manuel, whom he entertained by giving him apples and other things "he stayed to sleep many times at his house"⁴¹⁷. Likewise, Doña Mariana de Figueroa, who had also lived in the company of the judge and who apparently "knew many things about Don Manuel and that mulatto", in addition to the fact that "Mr. Oydor brought into his house many men plus women" and in particular many aruca Indians". He also recalled with some perspicacity, that there would be a month or so "that a black man passed by on the street and the said Mr. Oydor called him and the said black man started and left without wanting to listen to him"⁴¹⁸. The process followed against the magistrate was a power struggle between the oidores and the bishop of Santiago de Chile, for which the judge had to remain detained in Lima for more than eighteen years⁴¹⁹.

416 Argouse Aude, "De los momentos del delito al monumento archivístico: el expediente criminal del oidor León. Santiago de Chile, 1673-1675", *Revista Historia y Justicia*. N° 1, Santiago de Chile, 2013, p. 13.

417 Argouse Aude, "De los momentos del delito al monumento archivístico: el expediente criminal del oidor León. Santiago de Chile, 1673-1675" ... p. 13.

418 Argouse Aude, "De los momentos del delito al monumento archivístico: el expediente criminal del oidor León. Santiago de Chile, 1673-1675" ... p. 13.

419 Argouse Aude, "De los momentos del delito al monumento archivístico: el expediente criminal del oidor León. Santiago de Chile, 1673-1675" ... p. 13.

Later in 1691, in Mérida, Yucatán, (Mexico) the Indian Andrés Chan and a mulatto named Juan Ramírez were denounced by Pascual Couoh, who saw them having sex in a corridor next to the church. Couoh confronted the two men, but both fled and were later captured by authorities. Chan admitted that Ramírez had repeatedly touched him against his will. For his part, Ramírez confessed that he had touched Chan's penis in an attempt to excite him so that Chan penetrated him. Both were imprisoned, and after a prolonged conflict of jurisdiction, the inquisitors concluded that sodomy was not under their jurisdiction and the prisoners were handed over to secular authorities⁴²⁰.

At the beginning of the year 1700, in Coyoacán (Mexico), a free mulatto named Juan de Dios and the Indians Joseph de Santiago, the mulatto slaves Gaspar de los Reyes and Andrés de la Cruz, periodically had sexual relations in the facilities of a workshop, owned by Juan Pabia. Juan de Dios admitted that he made love to several other men among whom he mentioned Andrés Lagos, Joseph Hernández Cantarecio, who were never arrested. John of God, Joseph of Santiago, and Andrew of the Cross were condemned to public ridicule, being taken through the streets, whipped two hundred times, and then imprisoned for life. Gaspar de los Reyes was tortured three times, but he maintained his innocence. For his part, Juan Pabia, the owner of the workshop, was accused of complicity, because it was assumed that he knew of the links of his workers and for not reporting them to the competent authorities, his property was confiscated⁴²¹.

Later, in 1775, in the city of Pachuca (Mexico), resided a mulatto named Manuel de Arroyo, who was prodigal to grant pleasure, because he was brought before the Inquisition for allegedly performing nocturnal

420 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. pp. 14-15. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> AGN, Inquisición 498, exp. 16, fols. 160-185; Levis Laura A., "De la sodomía a la superstición. El pasivo activo y transgresiones corporales en la Nueva España", *Cuadernos de Literatura*. Vol. 25, 2021.

421 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. p. 16. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> AGN, Inquisición 498, exp. 16, fols. 160-185. [AGN, Indiferente Virreinal, caja 5182, Exp. 48, fols. 38-68; AGN, Indiferente Virreinal, caja 1482, exp. 7, f. 6]

sessions of oral sex on his mestizo friend. In his testimony, Manuel de Arroyo acknowledged that he performed fellatio on his friend on numerous occasions, but that he only did it out of charity and “in God’s charity”. That “charity” cost him two hundred lashes and he was banished for ten years⁴²².

Subsequently, in 1780, in the town of Tepeaca (Mexico), a galician named Francisco Pavía was denounced and imprisoned by the Inquisition for the crime of sodomy with an adolescent. The complainant also said that Pavia was guilty of committing sodomy with an indian named Sacarias in 1772, but Pavia’s power and fortune had allowed him to emerge unscathed in that process. However, the trial did not continue because the inquisitors expressed that the crime was not within their competence. Years later, in 1791, María Jerez, Pavia’s wife, filed for divorce because her husband had committed the heinous sin with several indigenous people⁴²³.

In 1793, a zambo named Gabino Barrillas y Carrión, a native of the city of Piura (Peru), and who in that year resided in the town of Tarapacá in Chile, over fifty years of age, cook and tailor, was the owner of a store to sell food and other things was accused by Balentín Cevallos, because on a certain occasion he passed by the front of Gabino’s store, he invited him to eat fruit and then addressed him with loving words, which he repeated on several occasions, whenever he happened to pass through that street.

In addition, Carrión, when he saw him talking to other people, told him “Not to talk to anyone and what he had with them”; and Cevallos continued to accept those attentions until one day “he manifested himself with very dishonest and indecent actions of stamping himself” for which he fled. The same charges were made by Jacinto Perea, another fifteen-year-old boy named Tomás Llanos, who told his mother and for that reason, she had sent him to Cochabamba. In response to these ac-

422 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. p. 38. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [BANCO MSS 96/95m, 13:1; AGN, Inquisición 1179, exp. 30, fols. 287-289; AGN, Inquisición 1167, exp. 6, fols. 76-79]

423 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. p. 39. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Inquisición 1197, exp. 9, fols. 47-50; AGN, Inquisición 1336, exp. 2, fols. 21-31]

cusations, Gabino Barrillas Carrión denied that he had harassed them and that the gifts he gave them were “a joke to be bought” and that he had not been jealous of Cevallos either, he only acknowledged that he had committed sodomy with an Indian who had died. For what he declared, he was sentenced to twenty-five lashes, tied to the prison fence and banished perpetually from Tarapacá⁴²⁴.

In 1796, in Mexico City, Mexico, an elderly mother of a six-year-old girl denounced her servant, a fourteen-year-old indigenous woman named María Manuela Trujana, for having lifted her daughter's skirt and lying on top of her. Manuela Trujana was also reportedly “same-sex inclined.” In the end, she was placed in her mother's custody and warned to live as a Christian⁴²⁵.

5.4.1 Private spaces: Convents

One of the spaces most desired by sodomites were ecclesiastical institutions, especially monastic ones for several reasons. Among others, the religious profession, apart from being socially accepted and revered, established that those who took their vows should assume chastity as a way of life, which meant that sodomites did not have to explain why they were single or lack of partners. Monastic institutions allowed monks to move away from their families and immediate surroundings to move to other communities, where they were unknown and at the same time being within their walls, they were relatively safe from surveillance and social censorship. Internally, religious institutions were closed centres in which their inhabitants were of only one sex, they resided in cells, where they could be visited by other religious, both internally and externally, which made it possible to hold sexual encounters, with a certain ease and privacy⁴²⁶.

424 Transcripción completa del expediente se halla en: Rodríguez Latapiatt Ariel, “A cometido, o intentado cometer el enorme y abominable delito de sodomita, que debe ser castigado como merece tal criminalidad”: criminal de oficio contra Gavino Carrión por sodomía. Tarapacá, 9 de diciembre de 1793”, *Revista Historia y Justicia*, 18, 2022. pp. 1-11.

425 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. p. 45. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [Penyak 1993: 291-292]

426 Díaz González Juan, *La casta de Sodoma ...* p. 20.

Another advantage offered by ecclesiastical spaces was that during confession the faithful told the confessor their sexual experiences, which made it possible to know the sexual orientation of the confessor, whose information was fundamental for the confessor when he was a sodomite, because he knew in advance what kind of reaction the listener would have when he made a proposition, which would be positive, if the faithful had externalized his sexual orientation by the same sex, for which reason during confessions there were states of mutual excitement between confessor and confessor that ended in “touching” each other, as mutual masturbation was then called, or they met to meet, both inside the cells of the monastery or another space to carry out another type of sexual encounter.

In this sense, solicitation, understood as the crime committed by religious when making proposals or having sexual relations during the priestly ministry, but especially during confession. A case in which solicitation can be seen was that of Fray Pedro Coronado, who was imprisoned in 1584, in the prisons of the Inquisition of Lima, accused of heretical propositions. However, when the interrogations were carried out, countless “dishonest and abominable” acts were revealed. The defendant acknowledged that, throughout his life, he had committed the heinous sin of sodomy on many occasions and with various people, both religious and secular, “all of them children of confession, with whom he had been “patient” and when he had not been “it was because they did not want him, although he wanted it and tried for it”⁴²⁷.

Among other cases of solicitation refers to the complaint filed in 1604, in the town of Cachula (Mexico), by a white man named Gaspar de los Reyes, who was twenty years old, against Fray Pedro de San Francisco, for touching him inappropriately and attempting to commit the heinous sin, the accuser added that the priest had offered him food, clothes and other gifts in exchange for sex⁴²⁸. Another marriage took place in Mexico City, in 1614, where Mateo Gallardo, a white man of seventeen years of

427 Molina Fernanda, “Colonialidad, disidencia sexual y masculinidades fracturadas. ... p. 135.

428 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. pp. 5-6. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Inquisición 368 (I), exp. 38, fols. 140-142]

age, denounced Father Patricio de Arcaya for having laid on his bed in the convent, stripped him naked, and touched him improperly, which had also happened on several other occasions during confession⁴²⁹.

Years later, in 1622, in the town of Tlaxcalilla, San Luis Potosí (Mexico), Fray Esteban Muñoz was tried for inciting teenagers and men during confession and for using the belt of his Franciscan habit to “pray” for men’s penises, that is, asking that they not sin with them. The priest admitted to the acts of solicitation, but denied committing sodomy. The inquisitors sentenced him to four years in a convent, exiled from Tlaxcalilla and San Luis Potosí, and his right to confess was revoked. However, in 1639, this privilege was restored⁴³⁰.

Another of the relationships established inside the convents was referred to in 1659, in the town of Comayagua (Honduras), where Juan Altamirano, priest of the parish church, denounced a Franciscan friar named José de Barrera and revealed that in a “moment of weakness”, he committed the heinous sin with Barrera. In Altamirano’s account it is described that Barrera constantly required him to have sexual encounters and despite the defendant’s repeated attempts they only had sex once. Altamirano also claimed that Barrera had solicited another cleric named José de Mesa, who was also accustomed to committing the heinous sin⁴³¹. Likewise, in that locality, there is the trial and conviction of an Indian named Juan Martin who, when he was led to the gallows, was saved due to a disturbance caused by four clerics and other civilians⁴³².

Other cases of sodomy that were committed in the cities of Mexi-

429 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. pp. 7. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Inquisición 291, exp. 4, ss. 5]

430 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. pp. 8. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [CA-ZAR, vol. 15 HM 35109]

431 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. pp. 12. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Inquisición 483, Exp. 5, fol. 53]

432 Mott, Luiz, “Etno-Historia de la homosexualidad en América Latina” ... p. 133-134.

co, Zacatecas, Oaxaca, Puebla and Veracruz (Mexico), between the years 1659 and 1663, when several men and women denounced the Jesuit priest Nicolás de Chaide, for solicitation in the confessional. A man accused him of having offered them clothes, gifts and money in exchange for sex. Chaide was imprisoned in 1661 and confessed to inciting about twelve men and having a bad friendship with a woman. In 1663, he was found guilty of heresy, forced to abjure Levi, sentenced to spend four years in a convent, and was revoked perpetually from the right to administer confession⁴³³.

Similarly, at the siege of Tenancingo in Mexico City (Mexico), in 1696, Melchor Rodríguez Lucio denounced Father Francisco de Zavala for having requested it in the confessional. Years later, in 1705, Zavala himself publicly confessed that he had solicited a boy named Salvador de Lara and had had “illicit acts” with him. Father Zavala spoke fluently in Nahuatl, which he took advantage of to communicate with indigenous children and also with whites to whom he had confessed and after administering the sacrament he had invited them to accompany him home with the intention of committing the heinous sin. In his testimony he said that he had had “sixteen sodomies” with a white boy, named Agustín Gómez Camacho, who, in turn, testified that the priest was a hermaphrodite. Zavala also admitted in his statements to having paid different indigenous men to have sex with him. In addition, she said that, in San Mateo, she had had sex with a Spanish boy, surnamed Origuela. In 1708, Zavala was sent to prison and a few years later the inquisitors permanently revoked his right to confess and he was condemned to serve the poor in the hospital of Mexico City, at the same time he was permanently exiled from Tenancingo⁴³⁴.

Other cases of solicitation were carried out by the Carmelite friars, including Fray Antonio de la Asunción, who had been in the cities of Vall-

433 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. pp. 12. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Inquisición 445 (II), exp. 3, fols. 418-522]

434 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. pp. 15. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Inquisición 547 (I) Exp. 1, fols. 1-122]

adolid, Oaxaca and Toluca (Mexico), where he had touched the genitals of at least six penitent men and anally penetrated one of them.⁴³⁵ Similarly, in Oaxaca (Mexico), in 1716, Fray Ignacio de la Madre de Dios, went before the inquisitors and accused himself of having committed acts of perfect and imperfect sodomy with two children named Lorenzo and Ygnacio, both mestizos. In addition, he said that he had also requested two women after confession, because he was aroused during it and “moved by the material related to the sin of lust that she confessed”⁴³⁶.

In the same way, it occurred in 1732, between Mexico City, Puebla, Toluca and San Luis Potosí (Mexico). It all began when Joseph Lucas de Anaya denounced Fray Anastacio de San Joseph for having masturbated him and absolved him of the sin they had committed. Later, between 1742 and 1744, about six boys also denounced Fray Anastasio for touching them during confession or masturbating them in his cell. The priest was imprisoned in 1744, fell ill and was finally tried in 1750. That year, in a hearing against him, he admitted to soliciting about six children, of all ethnicities, in San Luis Potosí over a period of ten years, twelve children in Toluca, a woman and a child in Puebla, and a white child in Atlisco. In 1750, he was sentenced to abjure Levi, his right to confess men and women was revoked, and he was exiled from Mexico City, Toluca, and San Luis Potosí for a period of six years, the first four of which he would spend at the Colegio de San Angel. He was also ordered to go to confession and perform spiritual exercises. After he was sentenced in 1752 and again in 1755, similar complaints were filed against him for events that had taken place years earlier⁴³⁷.

435 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. pp. 18. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Inquisición 746 (II), Exp. 20, fols. 510-513]

436 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. pp. 19. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Inquisición 764, fols. 401-418]

437 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. pp. 24-25. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Inquisición 469, exp. 3, fols. 235-338; AGN, Inquisición 836, exp. 27, fols. 603-620]

Later, in 1765, in Mexico City (Mexico), a white man named Francisco Xavier de la Vega, twenty years old, denounced the Jesuit priest Angel María Quesa for inciting him to have “sodomite relations” for four months. Five years later, Xavier de la Vega went before the inquisitors to accuse himself of having had sexual relations with another priest, of not believing in the mysteries of the faith, and of having wanted to sexually desecrate the sacred images in the sanctuary of a church. The judges doubted his mental health and admitted him to the Hospital de Jesús Nazareno where doctors concluded that he suffered from satyriasis, a male form of hysteria⁴³⁸.

In 1797 in Caracas, (Venezuela) Joseph Martín García, a free pardo denounced that having gone to confession with Father Joseph Joaquín Liendo, in the oratory of San Felipe Neri, the priest told him to wait for him while he made another confession. Once it was over, he asked him to accompany him to the banks of the Guaire River, and having reached the bank “he asked him ad turpia, touching his shameful parts, which the deponent resisted”⁴³⁹.

5.4.2 Private spaces: Schools

Another of the spaces conducive to sodomy were the schools, male and monosexual spaces that offered favourable conditions for the practice of nefando, where students were interned and shared their rooms with both the religious and their teachers, in fact Gruzinsky recognizes that the most homogeneous sector that participated in sodomy in Mexico City in the mid-seventeenth century, they were the students enrolled in the various schools of that city⁴⁴⁰. Inside the schools, there was that coexistence that allowed couples to form who practiced sodomy, as happened in 1694, in Santiago de Guatemala, (Guatemala) where Pedro de Alcuño, a twenty-two-year-old white student at the Royal University of San Carlos, said that four years earlier Fray Felipe de Monroy placed

438 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*, p. 33. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Inquisición 1189, exp. dieciséis, fols. 115-126]

439 Amodio Emanuele, “Masculi ad Masculum vel faeminae ad faeminan ... P. 88.

440 Gruzinsky Serge, “Las cenizas del deseo. Homosexuales novohispanos a mediados del siglo XVII” ... p. 269.

the child's hands on his genitals, after which the priest ejaculated and then proceeded to absolve him of his sins.⁴⁴¹

Later, in 1718, in Oaxaca, (Mexico) it was known of a sodomite relationship that was held in the Jesuit school of that city, between the student Pedro Arias, aged ten and seven, with the Ignatian priest, Marcial de Melo, with whom he had sex on more than ten occasions. Arias described that their friendship had begun two years earlier and that they had progressively grown closer until the priest provoked him so that they would have lewd acts (clumsiness). Melo, well aware of what his sexual orientation represented and that it could never be changed, warned Arias that even if he intended to change the convent or the order, this could not prevent him from sinning in a similar way in the future "because in that religion, he could find himself with the same sin." In the same way, Arias was aware of the danger that his relationship represented that his relationship would be known by other priests in the school and also, he knew that confessing to another priest would betray his sodomy, because that way they would know about his sexual encounters, so he only confessed to Melo, the same priest with whom he had committed sodomy⁴⁴².

Years later in 1732, an interesting case occurred in Mexico City (Mexico), where a priest denounced for heresy a mestizo named Bartolo Machorro of fifty-five years of age, who publicly stated that "sodomy is not a sin", and for trying to have sexual relations with Francisco Antonio Maldonado, Juan Antonio de Arroyo and Nicolás Benavides, young students of the Colegio Máximo de San Pedro y San Pablo. Benavides, in his testimony, confirmed this and also related that a priest named don Juan López, a professor of rhetoric, had also touched him about three times. In the same way, he said, that certain priests regularly confessed boys and absolved them for having "touched one another impurely." Machorro ac-

441 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. pp. 15. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Inquisición 529 (2), exp. 19, fols. 344-346]

442 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. pp. 19. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Inquisición 781, ex. 5, ss. 81-92]

knowledge touching Arroyo, but claimed he never said it wasn't a sin. The inquisitors condemned Machorro to be whipped twenty times and he was ordered to confess his sins to a priest. The sentence was carried out on October 26, 1733, when he confessed to a priest. In 1745, Maldonado, already a priest, wrote a letter to the inquisitors, stating that he had testified falsely against Machorro, when he was eleven years old⁴⁴³.

Similarly, in the convent of Cholula (Mexico), a student denounced Father Gaspar Sana for asking him to commit "acts of sodomy" in 1723. Years later in 1728, Sana was also accused by a young white man named Joseph Dionisio Hernandez, twenty-one years old, who claimed that he had been incited to commit sodomy six years earlier⁴⁴⁴.

Subsequently, in 1773, in Comaguaya (Honduras), Francisco Antonio de Nájera, a fifteen-year-old boy, denounced Bernardo Ramos de la Cruz, a lay brother of the convent of San Juan de Dios, for locking him in his cell and forcing him to lie down and imitate the act of sodomy, even with his clothes still on. When questioned, Ramos de la Cruz admitted his guilt and said that "out of weakness" he had had sex with the boy between the thighs on four occasions in his cell, behind the church and in the hospital. He also revealed that he had committed perfect sodomy, with three other men⁴⁴⁵. In that same year, in Mexico City (Mexico), a white student barely seventeen years old denounced Father Ignacio María Nápoli for committing repeated "impure acts" in his cell. Years later, in 1739, Fray Esteban Morales also denounced Nápoli for acts of imperfect sodomy, when he was still a child and studying to become a priest⁴⁴⁶.

443 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. p. 24. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Inquisición 836, exp. 7, fols. 258-281]

444 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. p. 22. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Inquisición 799, exp. 19, folios 392-401]

445 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. p. 37. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Inquisición 1167, exp. 14, fols. 293-298]

446 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. p. 25. dispo-

In 1797, in Caracas (Venezuela), don Juan Nepomuceno López, a student from that city, denounced Father Fray Luciano Santo, who had been his teacher in the Convent of San Francisco and was also his confessor, which had occurred seven years before the denunciation. López said that Father Luciano sent for him twice to come to his cell, on the first occasion he did not want to go, but on the second occasion he did obey him and being with the priest he asked him *ad turpia*. The student had manifested his sexual orientation to Luciano Santo during his confession and this was expressed in his complaint, saying that: “he does not know if from the confession he had made that day before with said father he would take the opportunity to request it knowing that such a priest knew his fragility”⁴⁴⁷.

In general, the clergy enjoyed the benefits it provided them, the economic resources that either by inheritance, through chaplaincies or from indigenous tributes or tithes, with whose income they enjoyed a privileged economic condition, as owners of haciendas and slaves with whom sodomitic relations were frequently maintained. Among these religious, the case of don Juan Vallejo Hermosillo, priest owner of the holy cathedral church of Mexico City⁴⁴⁸ (Mexico), a white priest who had been born in it and who had had relations with other men since the age of thirteen is recounted. Juan Vallejo received numerous lovers in his house, with whom he had frequent sexual encounters, including his servants, especially a slave of his named Diego Magdaleno, who denounced him to the inquisitors. Juan Vallejo Hermosillo confessed for several days and admitted to having had sexual relations with more than one hundred and twenty men, mostly mestizos, mulattoes and indigenous people from Mexico City and its surroundings. One of the accused, for having relations with Vallejo, a mulatto named Nicolás de

nible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Inquisición 845, exp. 21, fols. 331-345]

447 Amodio Emanuelle, “Masculli ad Masculum vel faeminae ad faeminan ... p. 88.

448 Así aparece en un asiento de bautismo de un expósito llamado Juan que fue bautizado en su casa el 27 de junio de 1697. <https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSS1-DS8M-3?view=index&personArk=%2Fark%3A%2F61903%2F1%3A1%3A6DT7-1V32&action=view&groupId=TH-909-56682-63090-87>

García, who, in turn, also reported that he had other lovers, with whom he had had sexual relations. Vallejo died in prison in 1715⁴⁴⁹.

A particular case that demonstrates the level of control and domination through the use of fear that the Catholic Church exercised over its faithful, by denying them paradise and only condemning them to hell and the loss of the soul for committing the sin of sodomy, occurred in 1761, in Ciudad Real (Mexico), where Fray Francisco Pulido went before the inquisitors to confess that he had committed sodomy four out of five times with an Indian servant and “so repentant before me he can go to that city to appear before that painful tribunal he accused, denounced, of himself, having committed the sin of sodomy four or no time more or less, out of human fragility forgetting the knowledge he has of its gravity”⁴⁵⁰ and although he had poenitentiae his sin in confession, his conscience was not clear, for that reason he went to the inquisitors to “absolve him, and impose penance that he is about to fulfill”⁴⁵¹.

Between 1797 and 1799, in Calimaya (Mexico), several white and indigenous children denounced Father José Gregorio Zebrian, a forty-five-year-old white priest, for acts of mutual masturbation both in the confessional and outside it. Father Zebrian was imprisoned and his property confiscated in October 1799. The priest confessed that since 1784, two years after his ordination, he had had sexual relations with more than forty boys who had come to the confessional. In 1800, he was banished from the courts of Madrid. and the City of Mexico and Calimaya for a period of ten years, the first two of which were to be

449 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. pp. 18. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Indiferente Virreinal, caja 5264, exp. 9, fols. 1-77; AGN, Indiferente Virreinal, caja 1482, exp. 7, f. 7]

450 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. p. 25. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Inquisición 1042, f. 97];]; Bracamonte Alláin Jorge, “Los nefandos placeres de la carne. La Iglesia y el Estado frente a la sodomía en la Nueva España, 1721-1820. *Debate Feminista*, Vol. 18, 1998. pp. 393-415. p. 409.

451 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. p. 25. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Inquisición 1042, f. 97];]; Bracamonte Alláin Jorge, “Los nefandos placeres de la carne ... p. 409.

spent in the convent of San Cosme, doing spiritual exercises, and his right to hear confession was perpetually revoked⁴⁵². Likewise, in 1784, in Teotitlán (Mexico), Pedro Donors, a man who was fifty-seven years old, denounced Father Serafin, almost forty years after the events occurred, accusing him of repeatedly inviting him to his cell, offering him candy, sweets and begging him ad turpia. Donors acknowledged that the priest penetrated him on one occasion⁴⁵³.

5.4.3 Public spaces: The barracks and fortresses

Sodomitical relations also existed in military institutions, as referred to in the prison of San Juan de Ulúa (Mexico), in 1675, when a slave named Ana denounced two soldiers of the same, named Pedro González, who was forty years old, and Cristóbal Fontanilla, for sodomy. In the subsequent investigation, it was learned that González also had a sexual relationship with another man named Francisco de Vitoria, which was “public and notorious.” Other men also testified that Gonzalez had tried to touch them. González, Fontanilla and Vitoria were tortured, but all three continuously denied the charges. Despite this, González and Fontanilla spent more than five years in prison and were respectively sentenced to eight and three years in the galleys in Spain. On appeal, this sentence was overturned in 1678 and Fontanilla was acquitted and released. González was sentenced to ten years in a prison in Africa⁴⁵⁴.

A few decades later, in Michoacán (Mexico), Antonio Caturano, a native of Albania, was accused of heresy, a military officer who had previously been convicted of sodomy, for which he was expelled from his

452 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. p. 41. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Inquisición 1374, exp. 11, fols. 166-254]; Bracamonte Allain Jorge, “Los nefandos placeres de la carne ... p. 413.

453 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. p. 41. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, inc. vol.1275, exp. 12, ss. 87]

454 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. pp. 14. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGI, Escribanía 119C, ss. 142; AGI, Escribanía 959]

regiment and sentenced to prison in the Philippines for several years⁴⁵⁵. In 1771, in Veracruz (Mexico), the soldier Josef de Castro tried to sodomize Josef Caro and was sentenced to four years of hard labour in the Castle of San Juan de Ulúa.⁴⁵⁶ In that same year, in Guatemala (Guatemala), the soldier Salvador Vila was arrested accused of the crime of sodomy with another soldier and sentenced to exile for an unspecified period of time. In this 1773 petition, Vila claimed that he had been falsely accused of the crime in 1771 and asked to be released⁴⁵⁷.

In 1806, in Mexico City (Mexico), the thirty-seven-year-old white soldier Macedonio Guerra was caught having sex with a mixtec indian named Marcelo Lara in an alley at three in the morning by another soldier named Juan José Guerra. Lara admitted to having sex with Garcia twice as a passive, but Garcia denied everything, saying he was only guilty of drunkenness. Garcia was sentenced to four years of service in a hospital, but after mistreating patients there, he was sentenced to hard labour on the highway to Veracruz⁴⁵⁸.

5.4.4 Public spaces: Prisons

Another of the spaces that fostered sodomitical relations were prisons, as happened in 1756 in the prison of Guatemala (Guatemala), where Ygnacio Peralta, also known as “Benaraciones”, who was imprisoned in the prison for sodomy was accused by several inmates of committing the heinous sin.

455 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. p. 34. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Inquisición 1000, Exp. 15, fols. 176-253]; Bracamonte Allain Jorge, “Los nefandos placeres de la carne ... pp. 409-410.

456 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. p. 36. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Correspondencia de Diversas Autoridades 16, exp. 164, fols. 408-409]

457 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. p. 36. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGCA, 2.2, exp. 6604, p. 297]

458 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. p. 52. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Indiferente de Guerra 45b, fols. 170-214]

Among other accusers, Pedro Rodríguez appeared, who recounted how “Benaraciones” had tried to touch him and caress his genitals. Another inmate, named Antonio Capricho also confirmed that it had been his turn. Rodríguez also said that on a certain night he could hear “Benaraciones” having sex with an indigenous boy named Laureano in his cell⁴⁵⁹.

In 1780, Don José Martínez, mayor of the public prison in Mexico City (Mexico), reported that he had heard from several prisoners that Leandro Hurtado de Mendoza, a thirty-nine-year-old white murderer, shared his bed with an Indian named Pedro Joseph Pinedo and in it they slept on top of each other. Pineda denied wrongdoing. A medical examination found some intestinal irregularities in Pineda, but the doctor said that this was not sufficient evidence, to convict him of sodomy. Hurtado said the charges were false. Another man, named Gerardo Vazquez, was also implicated in the sodomy charges. Vázquez, initially with immunity, was eventually sentenced to eight years of work in Havana’s arsenals⁴⁶⁰. Years later, in 1817, in the prison of Guatemala (Guatemala), a murderer named Cesario León was accused of having committed sodomy with another prisoner named Potenciano Auleo⁴⁶¹.

5.5. Rural areas

Other sexual encounters took place on sidewalks, especially busy, where passers-by who knew each other and had sex in the nearby woods were waiting, where sexual desires were transformed into kisses, tenderness, caresses and the waste of pleasure, which was forbidden to be more desired, as happened in 1723, in Tecomán, Colima, (Mexico) where two Nahua

459 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. p. 30. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGCA, A2.2, exp. 2.652, p. 144]

460 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. p. 30. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Indiferente Virreinal 1182, exp. 31, ss. 30; AGN, Inquisición 1323, exp. 2; AGN Inquisición 1313, exp. 3, fol. 5]

461 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. p. 57. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGCA, A2.2, leg. 265, exp. 5799]

Indians named Lorenzo Flores and Salvador Montaña were accused of having committed sodomy in Hacienda de Palmas of Aguatitlán. The couple was seen by a young Nahuatl-speaking woman having sex under an avocado tree, and alerted other inhabitants, who were able to see Flores penetrate Montaña, an act that one person referred to as “culontiendo”, a Nahuatl term derived from *cuolini*. The steward of the hacienda ordered the two men to be tied, whipped, and sent to a prison in Tecomán, from where Flores escaped. For his part, Montaña, who was married to Maria Antonia, denied the charges and said they were just “playing” since they had been drinking together. Flores was eventually captured and the case was sent to the Royal Court in Guadalajara to determine what should be done⁴⁶².

Eight years later, in 1731, at the site of Santa Fe, in New Mexico (Mexico), a white man named Manuel Trujillo went out into the countryside to look for some goats that had damaged his plantation. When he was in the forest he could see an indian named Antonio Yuba, a native of the town of Tesuque, and another indian named Asunción Povia, a native of Nambé, who loved each other with all passion. The indignant Trujillo whipped the lovers, at the same time that he denounced them to the judicial authorities. The defendants admitted that they slept naked and fondled each other, but denied that they committed perfect sodomy. For lack of evidence, the governor banished Yuba to Pueblo Zuni and Povia to the town of San Felipe for a period of four months⁴⁶³.

In 1746, José Antonio de Osorno denounced himself for having had sodomitical relations with a mestizo named Juan. At the same time that the mestizo Juan maintained relations with José Antonio, he also did so with another mestizo named Antonio Pérez. All three admitted their love affairs, for which they were punished⁴⁶⁴.

462 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. pp. 21-22. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AHMC, Caja 6, exp. 39, ff. 20]

463 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. pp. 23-24. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [SANM, 360, MF 454, rollo 6, marcos 830-889]

464 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. p. 28. disponible des-

Years later in 1772, in a pasture on the road to Antigua (Guatemala), Cristóbal Desiderio, a 40-year-old mulatto, and the young indigenous Juan Joseph Vivir were committing sodomy in one afternoon, when they were seen by Esteban Pérez, indigenous alderman of the town of San Lucas Cabrera, who witnessed Vivir penetrate Desiderio, and he was able to apprehend the latter. We live fled and was never found by the authorities. At the trial, Desiderio denied having had sexual relations with Vivimos, stating that the two had been drinking brandy together, when the boy invited him to go to the pasture, where he tried to hug him and took off his pants, just as Pérez arrived and apprehended him. A surgeon found no injuries or other evidence of sodomy (semen or blood on clothing) on Desiderio; however, he remained a year and a half in prison for “the sodomy they aspired to commit”, both Desiderio and We Live Who Was Never Imprisoned were sentenced to receive fifty lashes, in three separate days and to three hours of public shame by being placed on an iron necklace⁴⁶⁵.

de: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGN, Indiferente Virreinal, caja 1482, Exp. 7, f. 10]

465 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*, p. 37. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AHMC, Caja 6, exp. 39, ff. 20]

Chapter 6

Sodomitic loves

6.1. The need for love

Undoubtedly, man's sexuality is inextricably linked to his capacity to feel affection, joy and pleasure, as well as the need to maintain proximity⁴⁶⁶, to another person, to whom he feels irresistibly attached. For this reason, eroticism is immersed in the essence of that wonderful human experience that is "falling in love", encompassing the captivating impact that emanates from the personification of the ideal of beauty that when visualized is personified in the loved one⁴⁶⁷. In this way, love becomes that sensation that ecstatic men and women, inspiring desires, affections, passions and desires, with a multiplicity of feelings that motivate the need to establish affective ties, thus constituting the basis of the being itself, because with the projection of these emotions lasting interpersonal bonds are established.

The concept of love includes "eroticism", that is, it is extended to behaviours that go beyond sexual encounters that motivate the sensation of individual detachment and communion with the partner, modifies the state of being and the dimension of life in terms of duality, transforming the selfish sense of "I" into "we"⁴⁶⁸. In this sense, Claude Calame rightly affirms that the difference between sexuality cantered on the "desire man" and the collective aspiration to find a rational love, in the

466 La proximidad es definida como la capacidad de los participantes de una relación en interactuar frecuentemente y cara a cara. Schmidt Steffen W., *The Transformation of Clientelism in Colombia*. Schmidt, Scott (et. al.) *Friends, followers and factions*. University of California press, 1977. p. 305.

467 Boswell Jhon, *Las bodas de la semejanza* ... p. 45. Murueta Marcos Eduardo, "Identidad, amor y poder", ... pp. 4-21. p. 15

468 Helminiak Daniel A., *Lo que la Biblia realmente dice sobre la homosexualidad* ... p. 41.

search for a partner who provides tenderness, sensuality, affection and the most romantic feelings is indisputable⁴⁶⁹. That goal has been difficult for many people to achieve, but in the case of the sodomites during the colonial period in the Indies it was almost impossible to achieve, due to the excessive censorship and rigor with which the sometics were persecuted at that time. The rejection, discrimination and exclusion of marginal masculinity made the possibility of establishing lasting homoerotic monogamous relationships unfeasible, the risks faced were very high on the one hand and the correspondence of couples was very difficult to achieve, although sporadic relationships must have been frequent, but stability between couples was practically unattainable, in addition to the fact that they were always illicit relationships⁴⁷⁰.

In this underworld, despite the existing prohibitions, on certain occasions it was possible to establish couples who maintained their homoerotic relationship for a certain time, it is most likely that the positions of power and dependence influenced the stability of some of these unions. In these cases, sodomitic relationships were intertwined that were the result of personal ties formed on different social and sexual levels of superiority and inferiority, that is, asymmetrical ties, with a mutual and unequal dependence between the parties. In this sense, María Fernanda Molina affirms that “the links between these men went beyond the sexual, another of the characteristics that can be observed in the trials is their extension in time, which questions the isolated and punctual nature of sodomy. Since they had long-lasting sexual and emotional relations with the same person, they constituted true cohabitations”⁴⁷¹.

In this order of ideas, some of the scholars who have investigated sodomy in America and Spain have tried to explain homoerotic relationships as a result of relations of dependence and as a consequence of economic and social differences and also of the racial purity and exclusion prevailing in those societies⁴⁷², which is invalid for homoerotic relationships for two reasons:

469 Calame Claude, *Eros en la antigua Grecia*. Madrid. Ediciones Akal, 2002. p. 17. Boswell Jhon, *Las bodas de la semejanza* ... p. 41.

470 Boswell Jhon, *Las bodas de la semejanza* ... p. 60.

471 Molina Fernanda, “Los sodomitas virreinales. Entre sujetos jurídicos y especie” ... p. 35.

472 Molina María Fernanda, “La sodomía a bordo. Sexualidad y poder en la carrera de Indias” ... p. 19.

the first is that couples who could have been constituted as same-sex could never marry or procreate, which nullifies any possibility of applying the policy of marriage alliances that prevailed in the societies of the old regime.

In this aspect, it is necessary to point out that in most cases, the protagonists did not stop small considerations such as their differences in age, skin colour, wealth, social status and hierarchy, the most important thing for them was to achieve an affective bond that was worth more, because it was so difficult to achieve and even more impossible to give temporal continuity to those loves through cohabitation, for which reasons the differences and their permanence over time are amazingly marked. In most cases, cohabitation was so evident that couples shared the same room and even the same bed, which became a real “conjugal bed” and led a relationship of cohabitation, recognized by the neighbourhood, as described in the first colonial nuclei of Brazil, where some sodomites, assuming offices and postures generally attributed to women were accused of “living as husband and wife as if they were cohabited”⁴⁷³.

Although, in some cases, appearances were maintained, including showing separate beds and rooms, the closest and most indiscreet relatives were able to certify what the true situation was inside. Sometimes, the expressions of love and affection that the lovers lavished on each other were made in the presence of guests and servants, in whom they caused amazement and astonishment, whose stories are evident proof of a very pleasant reality that was lived in the intimacy of those couples, as were visualized the caresses that were lavished between Cristóbal de Zamorano and his servant, who kissed and at the same time slid their hands over their genitals, while inciting each other with provocative phrases, expressing their intense desire and the search for the desired pleasure and after such friction they lay down in a hammock, as reported by a prejudiced witness, who observed them when they performed their “dirty touches and in the shameful parts, seeing each other, lying down together in an amaca and being alone saying nonsensical words to each other”⁴⁷⁴, only that the touching had nothing dirty, a lot of com-

473 Mott, Luiz, “Etno-Historia de la homosexualidad en América Latina” ... p. 136.

474 Molina Fernanda, “Los sodomitas virreinales ... p. 36.

placency and the words that were said were not at all dishonest and were most likely expressions of love and desire.

In the same way, it happened with Luis de Herrera, who was expelled from the province of Chayanta to the town of Potosí in 1603, after the love affair he had with his master don Diego Díaz de Talavera was discovered. In that case, a servant commented how, during the time he was living in the former's house, one of the beds was unoccupied every night "and Luis de Herrera did not sleep in it but with Diego Díaz in a bed"⁴⁷⁵. The above was reiterated when lovers for different reasons had to spend the night in houses other than theirs, then it was public knowledge that "among them going outside there is only one bed". The sentimental proximity between Diego Díaz Talavera and his servant Luis de Herrera lasted for several years, they kept it under the guise of a servile relationship between master and servant, but the evident signs of affection motivated family pressure for Diego Díaz to distance Luis from him. Although his relatives had advised him to expel his servant from his service, given the voracity of the rumours that ran through the city and that destroyed his fame and public voice, Diego Díaz de Talavera's love for Luis had remained unscathed and he always maintained "that he did not want to fire him and that wherever they said Luis de Herrera was to go with him"⁴⁷⁶. Díaz's love for Luis and his refusal to separate from his lover, provoked the intervention of justice and with the aim of silencing the scandal that was raging in the province and for that purpose it was decided to banish Luis de Herrera in Potosí⁴⁷⁷.

That fearful decision decreed the inescapable separation of the lovers and plunged Díaz into a deep depression, in his solitude he remained afflicted and taciturn, melancholy and grief, in the memory of his moments of happiness, torn and bewildered in a state of grief that kept him unappetizing and at times, he begged heaven that God would send him death to overcome his unbearable pain⁴⁷⁸, this is how one of his servants remembered him, who related that during that time, "he did not want

475 Molina Fernanda, "Los sodomitas virreinales ... p. 36.

476 Molina Fernanda, "Los sodomitas virreinales ... p. 34.

477 Molina Fernanda, "Los sodomitas virreinales ... p. 34.

478 Molina Fernanda, "Colonialidad, disidencia sexual y masculinidades fracturadas. ... p. 142.

to have lunch and that the said Diego Dias was very sad at the table”⁴⁷⁹. However, the distance that extinguishes small loves, only ignites great passions as happened with Díaz and Herrera, so Diego only begged for the return of his servant and beloved, for which for ten months that painful estrangement lasted in which Luis remained in Potosí, he sent him love letters begging him to return; he also sent emissaries to bring him back and finally surrendered to the evidence that there was no other possibility he personally went to meet him with the aim of bringing him back to the hacienda where they previously lived⁴⁸⁰.

Another very interesting case of sodomitical love was that of Dr. Gaspar González de Sosa, due to the particularities shown by his personal and collective situation. The enlightened Gaspar was a character with a significant academic training, he was a doctor of theology and his rapid rise was evident; since he had been vicar priest of the town of Copacabana (Department of La Paz, Bolivia)⁴⁸¹ and then had been elevated to a canongía in the cathedral chapter of the city of La Plata (Sucre-Bolivia), in the late decades of the sixteenth century, during the full heyday of mining activity in that region, which meant that the decimal income of that diocesan see must have been substantial, for which reason the allocation of the allowances to the members of the cabildo must have been considerable amounts, which determined that Dr. González Sosa was a wealthy and prestigious man, a member of one of the institutions holding power, that is, wealth, power and influence were administered in his hands.

Dr. Gaspar González Sosa had a sexual orientation towards men and in the active role, his pleasure was obtained in penetrating another man and establishing a relationship of dominance and subjection with his partner, González’s previous experiences with other men are unknown, before the events described in the two processes in which he was prosecuted, the first in 1596 and the second in 1608, but certainly the canon had tried to obtain that pleasure with women, as revealed by Juana Díaz who declared that he “wanted to fuck her by the ass and that he would

479 Molina Fernanda, “Los sodomitas virreinales ... p. 34.

480 Molina Fernanda, “Colonialidad, disidencia sexual y masculinidades fracturadas. ... p. 142.

481 AGI. 74-6-49. Proceso por sodomía contra el Dr. Gaspar González de Sosa, canónigo de La Plata. Manuscritos. Biblioteca Universitaria de Sevilla. p. 6.

give her a thousand pesos if he did it and tried to force her but the woman did not want to”,⁴⁸² which kept him in a state of dissatisfaction.

In the search for sexual pleasure of the religious he had designed a stratagem of inviting those men with whom he wanted to have relations to sleep in his rooms, at the foot of his bed, apparently it was a very frequent custom at the time and did not arouse suspicion, the guests only spread a kind of quilt, usually made of alpaca wool and covered themselves with a blanket, at the same time the doors of the room were closed from the inside with a knocker. When the guests had fallen asleep, Dr. Contreras approached and touched them, caressed them, especially on their buttocks, on which he rubbed his genital member and if the guests showed their satisfaction with those requests, he penetrated them immediately, obtaining the long-awaited pleasure. In the event that the guest rejected their requests, he would try to force or apply blackmail to obtain their wishes, he made them see their importance and in fact threatened them if they dared to divulge what happened.

In this way, students of the school had been invited to sleep in the room of the canon, among them a canary named Juan Ruiz, twenty years old, who while sleeping on his stomach was awakened when he felt that the doctor's penis brushed against his buttocks and immediately expressed his refusal to assume the passive role and uselessly tried to leave that bedroom, at the same time that the canon asked him with “loving” words to please him, Ruiz's refusal was maintained until dawn and he was able to leave that room, but not before receiving the respective warnings not to divulge what had happened⁴⁸³.

On another occasion, Dr. Contreras met Juan González, an apothecary, who had come from Spain, had been in Santo Domingo, then moved to Panama, then to Lima and from there to La Plata. Juan was a passive sodomite who had had frequent relations and acknowledged that in Santo Domingo he had had sexual relations with a religious named Fray Juan de Valenzuela. In addition, in Panama he had been with a

482 AGI. 74-6-49. Proceso por sodomía contra el Dr. Gaspar González de Sosa, canónigo de La Plata. Manuscritos. Biblioteca Universitaria de Sevilla. pp. 95-96.

483 AGI. 74-6-49. Proceso por sodomía contra el Dr. Gaspar González de Sosa, canónigo de La Plata. Manuscritos. Biblioteca Universitaria de Sevilla. pp. 25-28.

man named Escobar, who was married, broad-shouldered, with a black beard and served as a secretary. In Copacabana, Juan had had sexual relations with two men, one of whom had been Fray Luis de Guzmán, of the Order of the Holy Trinity, with whom he had assumed an active role.

On one of those afternoons, being in Copacabana, he went to the residence of Dr. Gaspar Contreras Sosa, who at that time was working as a priest in that town, in order to procure a slave who washed his clothes, who lived in that residence, when he arrived he looked out of a window and Dr. Sosa, he called him, invited him to sit in the living room and engaged in a lively conversation, during which he invited him to stay in that house and sleep in his room, implicitly between them they had established a mutual attraction and in their acceptance to sleep in that house was the first step towards a sexual encounter.

That night, Juan lay down at the foot of the Dr. de Rezas's bed. The door of the room was locked from the inside and after two hours had elapsed the doctor called him to get on the bed, which was accepted by Juan, where Contreras rode him, penetrated him and performed the *coitus interruptus*.⁴⁸⁴ the successive meetings were repeated about six times and while this was happening, the Dr. interceded with Cristóbal Velázquez, the town's apothecary, to employ Juan, which he did, although he complained about González's work performance because he was frequently absent to go to Contreras' house⁴⁸⁵. John said that after those affairs, the canon had lost interest in him and that they did not meet again.

After that experience, which occurred before 1598, in the early 1600s, Contreras Sosa had to fulfill his religious obligations and began an ecclesiastical visit in his jurisdiction, which took him to the city of Potosí (Bolivia), where a lawsuit arose between the barber of the city's hospital and a certain Diego Poblete a "gentleman, a young man of good stature and face", a gambler, poor, who only had a suit of cloth from Quito and who dragged several gambling debts, for whose arbitration the canon was sent, who received the parties, including Diego, when

484 AGI. 74-6-49. Proceso por sodomía contra el Dr. Gaspar González de Sosa, canónigo de La Plata. Manuscritos. Biblioteca Universitaria de Sevilla. p. 6.

485 AGI. 74-6-49. Proceso por sodomía contra el Dr. Gaspar González de Sosa, canónigo de La Plata. Manuscritos. Biblioteca Universitaria de Sevilla. pp. 31-32.

they met they only needed that moment to experience a strong sexual attraction. That night they slept together, Dr. Gaspar was able to ride Diego with ease, obtaining great sexual pleasure.

A few days later, the members of the canon's entourage were amazed that this friendship had become so close, in such a short time, because Diego moved to Dr. Gaspar's house, where a front room had been arranged for him, although they met at night and at the same time the canon dismissed his secretary from his service to replace him with Diego. In the same way, Dr. Gaspar paid more than five hundred pesos for Poblete's gambling debts, who allowed himself to be surnamed that way and left Potosí in the company of González, now with the name of Diego Mexía.

That was the beginning of a love affair that would last for the next few years and that would scandalize La Plata and its entire region because of the publicity it had in it. Diego moved to live in the canon's house and despite having a room for himself in that residence, every night he slept with the canon behind closed doors, at dawn he moved to his room, but the servants frequently observed him, as he moved from one room to another. In this way Dr. Gaspar managed to "relax and take pleasure in being publicly married to a man inside his house"⁴⁸⁶.

Both enjoyed the company of one and the other and Diego made him food and they ate together⁴⁸⁷, the servants were surprised that there were so many women who took care of the kitchen, the canon only ate the food prepared by another man. They often sat at the table together and shared food, in the midst of scenes in which they expressed special tenderness that showed the affection between them. On one occasion, "while the said Diego was sad, the doctor said to him, 'What is it Diego, what are you sad about? why don't you eat?, eat this and that he had taken a torrija and bit it and gave the said torrija bite to the said Diego, putting the torrija himself in his mouth'"⁴⁸⁸.

486 AGI. 74-6-49. Proceso por sodomía contra el Dr. Gaspar González de Sosa, canónigo de La Plata. Manuscritos. Biblioteca Universitaria de Sevilla. p. 179.

487 AGI. 74-6-49. Proceso por sodomía contra el Dr. Gaspar González de Sosa, canónigo de La Plata. Manuscritos. Biblioteca Universitaria de Sevilla. p. 132

488 AGI. 74-6-49. Proceso por sodomía contra el Dr. Gaspar González de Sosa, canónigo de La Plata. Manuscritos. Biblioteca Universitaria de Sevilla. p. 84

The lovers enjoyed his company and the pleasure of tasting the food, during their meals, this was evident when Dr. Gaspar González de Sosa had no qualms about demonstrating his annoyance to a distracted guest who occupied the place where Diego Mejía used to sit, which motivated that during that lunch, he did not want to eat a morsel and when asked about the reason for his lack of appetite, he exclaimed: “What do I eat if the one who feeds me sat down down there”⁴⁸⁹. The answer did not surprise any of those present, who on more than one occasion observed the satisfaction of both of them at being “eating together on a plate and seeing in a cup breaking the drink first seeing the said doctor and then giving drink to the said Don Diego saying drink this Diego, for love of me, for my life and the same thing was done on the viands, the said doctor biting them and giving them bites to eat to the said Don Diego”⁴⁹⁰.

In the privacy of their room, in the silent nights, both Gaspar and Diego had found the fullness of their sexual pleasure, they shared a nuptial bed, in which they slept naked and embraced, sheltered only by sheets and blankets, under which they felt the touch of their skin and obtained the immense pleasure of the warmth of their bodies. At the same time that they kissed incessantly, illuminated by the uncertain light of the moon under which they travelled all the routes of love, without leaving a place where they had not explored to show their affection and tenderness, embracing in close communion in which they loved with the strength of their beings, as some intruder could see, who dared to raise the curtains to spy on what the lovers were doing in his thalamus and who could see how:

“the said Dr. González and Don Diego Mexía were both lying naked in shirts on a bed under the blankets and sheets and the said Dr. González was in the front and Don Diego Mexía on the other side and both were embracing in this way that Don Diego had his arm tucked under the neck and neck of the said Dr. González and the same was embraced with the face to face And this witness, as he saw them like this, was disturbed and frightened to see two men in that form as if he were a man and a woman”⁴⁹¹.

489 Molina Fernanda, “Los sodomitas virreinales ... p. 34.

490 Molina Fernanda, “Los sodomitas virreinales ... p. 34.

491 AGI. 74-6-49. Proceso por sodomía contra el Dr. Gaspar González de Sosa, canónigo de La

That level of affection between the lovers was also observed by numerous intimates in the multiple trips that the canon had to make, in which he was always accompanied by Diego, in whose journeys they were never separated, they always slept together, and even on one occasion, an astonished observer, observed them urinating and at the same time kissing each other on the mouth.

These conjugal relations were not only limited to the bedroom and the dining room, on the contrary, Diego Mexía became an important part in the business and activities of the canon, at the same time that he managed part of his wealth and also his personal relationships, it was said that Diego's approval should be obtained to access the decisions of Dr. Gaspar. In the same way, Gaspar paid for the position of alderman of the city of La Plata to be occupied by Diego, he also gave him clothing, jewellery paid his debts and both acquired a chacara in Zocta, in which they retired to be alone, although they did not succeed.

As in heterosexual conjugal relationships, in homoerotic relationships jealousy also occurs and with greater intensity, because the fear of the loss of the partner is a terrible prospect for a sodomite, who was persecuted, who did not find it easy to get company, even less a relationship with a certain stability as Dr. Contreras had achieved thanks to his power, wealth, and influence, in fact he had already escaped a trial for sodomy and was now on a razor's edge in this relationship. He was frequently attacked by these insecurities, for which reason Dr. González was frequently jealous of Diego and at the same time "gave him so many gifts, that at the table he gave him snacks and loved him so much that he did not allow him to deal with any woman"⁴⁹²

In the case of Diego Mexía's sexuality, it is important to explain that he is a bisexual, who in his relationship with a man wants to be passive, dominated and penetrated, but conversely with women he assumes the active role and penetrates them, which can be seen in the relationships that he established in parallel, while living with Dr. Gaspar, among

Plata. Manuscritos. Biblioteca Universitaria de Sevilla. p. 107.

492 AGI. 74-6-49. Proceso por sodomía contra el Dr. Gaspar González de Sosa, canónigo de La Plata. Manuscritos. Biblioteca Universitaria de Sevilla. p. 85.

others with an Indian woman of his service who had an affair with Diego, which was known by Gaspar, who being certain that Diego had dealt “carnally with a woman named Francisca, out of jealousy he whipped her and burned her body with an axe”⁴⁹³.

On another occasion, Dr. Gaspar sent for the licensed priest Roque Maldonado to his residence, in their conversation he explained that he was the owner of a chacara and that next to them there was another chacara, which was owned by a woman who had daughters, one of them was with Diego Mexía “and that there was nothing in the world that he felt more because that woman brought him restless”⁴⁹⁴. Then, he told him the reason for his call; he asked him to talk to Don Alonso Ortiz Maldonado, corregidor of this party so that he would banish the said woman and her daughters”⁴⁹⁵, in this way Diego was separated from his lover.

The details, the nature of the conjugal relationship of Dr. Gaspar Contreras de Sosa and Diego Mexía, as it was publicly known, was described by the cathedral chapter of the city of La Plata, when it declared that the canon lived with:

“A young man, gentleman, of good stature and face, poor and whom he himself confesses, had nothing but a dress of mixture of cloth from Quito and who was imprisoned for debts and received him in his house so that he would have an account with the horses, without knowing him he had not seen him in his life, and pay his debts and then put him to sleep with him in his own room and lock himself with a key and with great modesty in all the rooms, where they slept making the beds together and throwing out of the rooms the Indians and people of their service and any others who offered themselves and giving them rich clothes, decorations of their person gold chain and ribbons”⁴⁹⁶.

493 AGI. 74-6-49. Proceso por sodomía contra el Dr. Gaspar González de Sosa, canónigo de La Plata. Manuscritos. Biblioteca Universitaria de Sevilla. p. 89.

494 AGI. 74-6-49. Proceso por sodomía contra el Dr. Gaspar González de Sosa, canónigo de La Plata. Manuscritos. Biblioteca Universitaria de Sevilla. p. 162.

495 AGI. 74-6-49. Proceso por sodomía contra el Dr. Gaspar González de Sosa, canónigo de La Plata. Manuscritos. Biblioteca Universitaria de Sevilla. p. 89.

496 AGI. 74-6-49. Proceso por sodomía contra el Dr. Gaspar González de Sosa, canónigo de La Plata. Manuscritos. Biblioteca Universitaria de Sevilla. p. 141.

Another of these sodomitical loves was that of a cordovan named Juan Sánchez de Contreras, who in 1604 had arrived in the city of Pamplona, (Colombia), after having spent a few months in Bogotá. In that city he opened a grocery store, he was a single man of thirty years of age, who was frequented in his store by the young students of that city, among whom are Francisco de Castro a young man of barely fifteen years and Bartolomé Sánchez of the same age. Among the residents of Pamplona, it was reported that Juan Sánchez had been seen talking secretly with the aforementioned young people and that on one occasion “he had taken their hands, squeezed them and put them to his face, thus demonstrating affection of love and friendship”⁴⁹⁷.

Undoubtedly, a love affair had been established between José Sánchez and Francisco de Castro, which was extremely close, because a neighbour reported that on one occasion he arrived at the store at about ten o'clock at night and found Juan “crying and arguing with Francisco de Castro”⁴⁹⁸. The murmurings reached the mayor of the city who arrested Juan Sánchez and subjected him to torture, in which torture he declared “that it was true that he had sinned carnally and against nature with Castro, riding each other, lying in bed and that with Bartolomé he had only committed the punch with his hands and that to incite Castro he gave him and gave him what he needed”⁴⁹⁹. After that statement, Sánchez was sentenced to be discredited in the streets of the city, to die by garrote and his body had to be burned, his assets seized and pay the costs of the trial⁵⁰⁰.

Another of the sodomitical loves occurred in Panama, where a white man named Cristóbal Zamorano lived, who was eighty years old and was accompanied by a servant from La Laguna, Canary Islands, named Juan Moreno, twenty-four years old, in 1621. Both slept in the same room, caressed and kissed each other in public, and exchanged lewd words, they also masturbated, for which they were denounced and imprisoned. In

497 Vega Umbasía Fernando, “Escándalo y pecado en Pamplona. El caso de Juan Sánchez quemado por sodomita”, Hernández María Eugenia et. al, *Ensayos de arqueología y etnohistoria historia cultural de la provincia de Pamplona*. Pamplona. Universidad de Pamplona 1999. p. 70.

498 Vega Umbasía Fernando, “Escándalo y pecado en Pamplona ... p. 70.

499 Vega Umbasía Fernando, “Escándalo y pecado en Pamplona ... p. 72.

500 Vega Umbasía Fernando, “Escándalo y pecado en Pamplona ... p. 74.

prison, Moreno denied the sodomy charges, but admitted that Zamorano had touched him and that they had kissed. Moreno was later tortured, but did not confess to anything else. Zamorano denied everything, but said that on one occasion Moreno had exposed himself to him. Zamorano was sentenced to be publicly shamed and to pay a fine of four thousand ducats and half of the costs of the trial and was then expelled from the city for the lapse of six years. Moreno was sentenced to two hundred lashes and to serve for two years in the galleys. On appeal, authorities reversed Moreno's flogging and Zamorano's public embarrassment⁵⁰¹.

In 1693, in the city of Tegucigalpa (Honduras), José Villegas and Gabriel Ortiz maintained a close relationship of couples, despite the fact that José was a married man with children, but for a year he had remained with Gabriel, who was a native of Guatemala and in his testimony recognized that they had sexual relations, evidently there were feelings of love between the two⁵⁰².

Years later, in 1748, in Valladolid (Morelia) Mexico, Bernabé de la Huerta, a mulatto slave, was caught sleeping with the indian Alejandro Valdés "as husband and wife". Valdés was sent to a worksite from which he escaped. For his part, Bernabé de la Huerta denied the sodomy charges, saying that he had simply shared his bed with a boy named Joseph Alexandro and had taken off the pants of another man named Antonio Bernabé as a joke. Huerta remained imprisoned for the next few years and in 1752, another convict named Nicolás Ventura Corona denounced him for trying to kiss him, touch him and have sex with him in his cell. In addition, other prisoners also accused him of similar acts in prison. Still pending his trial, in 1756, Bernabé de la Huerta was sent to a hospital for being seriously ill with bubas, possibly syphilis. Despite his "malevolent inclination" toward the same sex, the sodomy charge was never proven⁵⁰³.

501 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. pp. 8. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [AGI, Pleitos Audiencia de Panamá, Escribanía 541A, ss. 242]

502 Valladares Omar Aquiles, "Sexo y represión en el periodo colonial en la alcaldía mayor de Tegucigalpa", *Revista de Estudios Universitarios de Costa Rica*, N° 21, pp. 39-40.

503 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*. pp. 28-29. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20>

In 1774, in Maracaibo (Venezuela), long-lasting relationships were maintained between some women, who lived in the same house. In that year, Bishop Mariano Martí made his pastoral visit to that port city and among the numerous complaints he heard he was told that “some women” who “have some friends and sleep together and commit sins,” although Fray Andrés de los Arcos assures him “that there are not many”⁵⁰⁴. Among these cases, it only includes the concubinal relationship of a mulatto woman named María Concepción, who had been a slave of doña María Carmen González, a twenty-year-old single woman who “lives badly with another woman, her friend, free, named María Josefa Bohórquez. As to the fact that the bad friendship between these two women is taken for certain, this vicar has ordered them to be put in prison and then banished. The mulatto happiness is no longer a slave”⁵⁰⁵.

Another of these continuous relationships occurred in Coro, Venezuela, where Antonio del Hoyo, who was known by the nickname of “Carora” in 1784, resided. According to the testimonies presented, Antonio was bisexual because he was married and it was also said that “he walked with the boys from behind” and it was also said that he had been imprisoned because Francisco Gaoma had accused him of persecuting his son, just as while exercising the position of mayor of the prison he had beaten a white young man of thirteen or fourteen years old because he resisted “committing the crime of sodomy”⁵⁰⁶.

But, Antonio Hoyo in his incessant search for pleasure had not limited himself to the previous attempts, because on July 21, 1784 he was caught *red-handed*, committing a sodomy with none other than his brother-in-law Ignacio Quero. The couple was found in some cujiales in the San Nicolás neighbourhood, in the city of Coro. Those who found them had been watching them for some time and related how Antonio and Ignacio called each other every night with a whistle, so they stalked

[Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf](#) [AGCA, A2.2, exp. 2888, pierna. 152, fols. 1-17]

504 Martí Mariano, *Documentos relativos a su visita pastoral de la diócesis de Caracas. 1771-1784*. Caracas. Academia Nacional de la Historia, 1988. T. I. p. 250.

505 Martí Mariano, *Documentos relativos a su visita pastoral de la diócesis de Caracas* ... p. 180.

506 Amodio Emanuelle, “Masculli ad Masculum vel faeminae ad faeminan ... p. 90.

them until they both met in the bushes and approached and could see them lying on the ground. When the lovers noticed the presence of the pursuers, they acted quickly, so the boy hid behind some weeds, while the “Carora” had squatted down, as if he were doing his business.

The intrusive surprised the “Carora” with his underpants, and found that his penis was “altered” and “wet”, while there was no trace of the needs he had allegedly done. They also “found the boy there immediately behind a cují whom the deponent caught and found trembling with his pants in his hand”⁵⁰⁷. The relationship had been maintained for some time as stated by one of the witnesses named Andrea Lugo, who related “that every night, without stopping once, the referred to a cujisal, because at the house of the one who responds that it is closest to said cujizal the referred one arrived at most at night at about seven o’clock and asked for a candle and began to smoke *tavaco*, until the deponent heard that “Carora” shouted and then they whistled at him from the cujisal”⁵⁰⁸. After the “Carora” heard that signal, he said goodbye to the deponent and went to the nearby mountain, in this way it had happened daily since “last year”.

In addition, the same woman said that one night she had gone out to run an errand and then walked back to her house and to get there faster, she cut the road and crossed the cujisal, where the lovers met “and when she passed through some cujías she almost bumped into the aforementioned “Carora” and a boy lying down next to him and the deponent was frightened and they remained there and although they did not recognized the boy assures that the bull was “Carora”.⁵⁰⁹ Among other qualifications that were issued about the lovers was that: “it is public that this “Carora” is empowered to access the boys”⁵¹⁰.

For his part, Quero acknowledged that they had a relationship that dated back barely a month, but, according to the other testimonies, it was of longer duration and also admitted that they only limited themselves to masturbating each other, which is evidently a naïve way of at-

507 Amodio Emanuelle, “*Masculi ad Masculum vel faeminae ad faeminan ...* p. 90.

508 Amodio Emanuelle, “*Masculi ad Masculum vel faeminae ad faeminan ...* p. 90.

509 Amodio Emanuelle, “*Masculi ad Masculum vel faeminae ad faeminan ...* p. 90.

510 Amodio Emanuelle, “*Masculi ad Masculum vel faeminae ad faeminan ...* p. 90.

tenuating the crime, because by spilling the semen they were both fully guilty. In addition, Hoyo denied that he had had any relationship and accused his neighbours of having animosity towards him and maintained that the accusations made against him were the product of the hatred of his neighbours. The process was delayed for the following years, meanwhile, the defendants escaped. There was no news of Quero and Antonio was captured again and it is said that he was ill in prison⁵¹¹.

Around that time, in 1786, in Cartagena de Indias (Colombia), two muzzle slaves, named Francisco Xavier Curacao and Luis Cardales, who were working in the Aguardientes Factory, were punished for their “perverse customs”. In the file there is no accusation of sodomy or heinous sin, which was probably due to the fact that the owners of the slaves silenced it to avoid exposing them, because otherwise it would have represented the loss of both, but the “urgent need” to separate these slaves to correct their “irreparable excesses” was demanded of “incorrigible and evil inclinations” and finally of “perverse habits”⁵¹². This couple was tried to be separated, but it was not possible, but the slaves were punished “by putting on each of them a shackle with a chain” that in a certain way alerted their superiors to prevent their approach, which indicates the strength of their affections⁵¹³.

In 1800, Alejo Franqui was a man with a certain solvency in Puente Real (Santander, Colombia), he was the owner of a hacienda and had been mayor of that town, he was recognized as a good lineage, he remained united with a mulatto named Miguel Vargas, who was married, but they lived in the same house and slept together. Franqui and Vargas had met around 1786 and for the next fourteen years had remained close, in a relationship that had been described as sinful. Approximately around 1797, (in the file it says that three years earlier) Franqui married Juana María Pinzón, whom he took to live in the same house where he lived with Vargas.

511 Amodio Emanuele, “Masculi ad Masculum vel faeminae ad faeminan ... p. 90.

512 Giraldo Botero Carolina, “Esclavos sodomitas en Cartagena colonial. Hablando del pecado nefando”, *Historia Crítica*, jul.-dic. 2000, pp. 177-178.

513 Giraldo Botero Carolina, “Esclavos sodomitas en Cartagena colonial. Hablando del pecado nefando” ... pp. 177-178.

Juana María described her bitter relationship with Franqui by saying that she had demanded that Alejo throw the mulatto out of the house and that on some occasions he slept with her, but when he woke up, he had gone to sleep with Vargas. The situation had become untenable for Juana María, the third in discord, when on one occasion Franqui proposed that she sleep with Vargas, supposedly to pay her the sexual favours she was doing to Alejo. Juana responded negatively to such a request, which resulted in death threats against her and even beatings, but the worst thing was that Franqui abandoned her for six months, in which she was only with Miguel⁵¹⁴.

In view of such a terrible situation, Juana María went to the parish priest to call Franqui and talk to him about the need to maintain the conjugal union. In the statement of the Pinzón it seems that there is a slip in reference to the fact that they had requested his sexual favours, but it can be seen that the Pinzón was not aware of the seriousness and scope that such a complaint would have. When the authorities called her to ratify her statement, she refused to do so and justified it by saying that during her births she had had mental lapses and that is why she had made such an accusation. What is certain is that Franqui maintained his love affair with Miguel before marrying her and afterwards as well. Finally, Vargas was expelled from Puente Real and no other evidence was found on Franqui.

Years later, in 1801, in Guadalajara (Mexico), a strange case occurred in which José Nabor de la Encarnación was linked, who was publicly known as an effeminate pimp, who occasionally cross-dressed as a woman. Nabor was denounced by his neighbours because prostitutes met with their male clients in his house and had illicit relations there. When that brothel was raided, among other things, some love letters addressed to Nabor by a young man named Apolinario Salmerón, twenty-one years old, were found, which led to his being charged and tried for sodomy.

In his defence, Salmerón confessed to having written the letters, but alleged that he had written them at the request of another man and they were addressed to a married woman, who frequented Nabor's house, but

514 AGNC. SC. 19, 65, D. 6. *Criminales*. Juicio contra Alejo Franqui por el pecado nefando. Bogotá, 1800. ff. 847-867.

in them he referred to Nabor de la Encarnación as “my most esteemed friend and dear friend of greatest appreciation and veneration; to whom I write with the greatest subordination that a captive heart desires with such a sovereign master”⁵¹⁵. In it, he described his situation in prison, where he had been confined in a dark room, and tied with shackles, at the same time that he asked him to send him a real and four ounces of blue thread to make some stockings, he said goodbye with the phrase “your black who esteems you” and ended with a postscript that is very suggestive in reminding him that “I am not always captive. I will have my freedom, all the pleasure you have had, pleasure will be given to you, and I send you two dozen kisses and well hugs, that your hand kisses”⁵¹⁶.

However, during the investigation that had been carried out against Salmerón it was revealed that he had previously been involved in a criminal case, accused of using an “obscene instrument” (dido) and was sentenced to receive one hundred lashes and five years in public works projects, whose sentence was overturned. In 1805, the trial for the love letters between Nabor and Salmerón was concluded and the judges ruled that the “pestilential correspondence” was not sufficient proof of sodomy and finally in 1807, Salmerón was released⁵¹⁷.

Around the same time, in Nemocón (Colombia), Martina Parra, an illiterate domestic servant, probably under twenty-five years of age, probably of indigenous or perhaps brown features, was a neighbour of Suesca, a town located forty kilometers northeast of Santa Fe de Bogotá, was in the service of Juana María Martínez, where she slept in the sheep pen, while his mistress lived in the main house with his daughter-in-law and grandchildren. After the death of her mistress’s husband, whose death occurred in August or September 1802, the friendship of Martina Parra and Juana Martínez, despite the servile relationship, became closer⁵¹⁸.

515 Miranda Guerrero Roberto, *Homosexualidad, derechos naturales y cultura popular* ... p. 296.

516 Miranda Guerrero Roberto, *Homosexualidad, derechos naturales y cultura popular* ... p. 296.

517 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*, pp. 47-48. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [BPE]-FE, Caja 11, exp. 6, prog. 64]

518 Herring Torres Max S., “Prácticas sexuales y pasiones prohibidas en el Virreinato de la Nueva

A year later, in 1803, Juana María Martínez appeared before the authorities of Zipaquirá and denounced Martina Parra, at the same time that she recounted what had happened in one afternoon, when the two had moved from Suesca to Nemocón with the intention of delivering a load of firewood. The complainant explained that after traveling the considerable distance and having consumed chicha she was sleepy and asked Martina to rest, “on one side of the road to the other path of the Nemocón mountain between a small mountain and there she went to sleep”.

When he woke up, Martina had her buttocks up, so he scolded her, but apparently, he did not dislike it much, because since that day he had been living in “bad condition” with Martina. In her sexual relations Juana testified that Martina had “the parts of the generation of women; but that at the time of sinning a member comes out like a man’s and a cohavita as such; but who has menstruation”⁵¹⁹. Some years later, another lesbian relationship was reported in Guanajuato (Mexico), where Antonia Silva and Juana Gómez were found guilty of “illicit friendship” and sent to prison for an unspecified period of time in 1808⁵²⁰.

At the beginning of 1839 in San Juan, (Puerto Rico), there lived Francisco Javier Sabbat, a free mulatto, unmarried twenty-two years of age, natural son of Juan Almira and later recognized by his father Antonio Arriaga Sabat, a Spaniard, discharged from the Battalion of Granada⁵²¹, who was a recognized sodomite, because he had previously been imprisoned and accused that on a certain night, he had invited another soldier named José Bahamonde to have sex behind the walls, while he

Granada”, Herring Torres Max S. y Pérez Benavidez Amanda Carolina (eds.), *Historia Cultural desde Colombia. Categorías y debates*. Bogotá. Universidad de Los Andes, 2012, p. 73.

519 Herring Torres Max S., “Prácticas sexuales y pasiones prohibidas en el Virreinato de la Nueva Granada” ... p. 73.

520 Tortorici Zeb, *Sins against Nature: Sex and Archives in Colonial New Spain*, p. 59. disponible desde: <https://archive.nyu.edu/bitstream/2451/42172/3/Tortorici%2c%20Sins%20against%20Nature%20%28Archival%20Database%2c%205.31.2018%29.pdf> [DA-FH-UG, caja 44, leg. 5, exp. 9, f. 18]

521 Ramos Perea Roberto, “*Por maricón*” *El proceso por sodomía contra Francisco Sabat y José Colombo*. San Juan de Puerto Rico, Colección teatro Puerto Rico, 2016. pp. 115-149. 121. Salcedo Chirinos César Augusto, “Entre el delito y el pecado la representación de la sodomía en el Puerto Rico del siglo XIX”. *Identidades*, N° 7, octubre 2009. pp. 11-33.

was on guard at the tierra gate.⁵²² In that same year, he met José Colombo, second sergeant of the Iberia Infantry Battalion, perhaps of Spanish origin, at the home of Felipa Sierra. After they met, they established a very close friendship, it is said that they walked together in the city and that Colombo frequented Sabat's house, where they shared food, some had seen them walk to the Morro of that city and they also wrote to each other frequently⁵²³.

That love was so strong that Sabat said "that after God it was Colombo that I wanted most in this world." That relationship had lasted for more than a year and in 1841, it was already public in San Juan and was considered a "bad friendship". Evidently Sabat and Colombo had not stopped at anything, and the former had proposed to his lover that he desert the battalion, the subject of which was what was dealt with in the letters that were found on him. Another of the disappointments in that relationship was the jealousy that Sabat had caused by the friendship that Colombo maintained with Felipa Sierra and in order to solve that problem he demanded that Colombo end that deal with Felipa, which was immediately obeyed by Colombo. When Felipa was separated from Colombo she felt the terrible hatred of the wounded beast, which had been displaced by the love of another man, which moved her to denounce those happy lovers to the authorities⁵²⁴.

As a result of that accusation, José Colombo was charged with sodomy and attempted desertion, the charges of which were proven against him, and consequently he was sentenced to prison in the Ceuta Prison for ten years, and Francisco Sabat was also found guilty of incitement to desertion from Colombo and was sentenced to six years in prison in San Juan, Puerto Rico. The couple's separation was consummated by the disappointment of a despised woman.

522 Ramos Perea Roberto, "*Por maricón*" *El proceso por sodomía contra Francisco Sabat y José Colombo* ... p. 131. Salcedo Chirinos César Augusto, "Entre el delito y el pecado la representación de la sodomía en el Puerto Rico del siglo XIX" ... pp. 11-33.

523 Ramos Perea Roberto, "*Por maricón*" *El proceso por sodomía contra Francisco Sabat y José Colombo* ... pp. 11-33.

524 Ramos Perea Roberto, "*Por maricón*" *El proceso por sodomía contra Francisco Sabat y José Colombo* ... pp. 11-33.

Conclusions

In the Indies, two sex/gender systems have predominated, during different historical periods, the first analogue in pre-Columbian times, when respect for sexual orientation, role and identity prevailed, with which the existence and manifestations of the third gender were allowed and accepted, in which men who had same-sex attraction were included. They were allowed to dress as women and to behave as such; at the same time that they assumed their female roles. In the same way, it happened with women, who assumed a masculine role and were accepted as such, whose actions, when observed by the peninsulars, motivated them to call them as the Amazons.

That sexuality characterized by responding to the psycho-social needs of humans was abruptly modified with the arrival of the Europeans, who imposed the digital sex/gender model, based on Judeo-Christian beliefs, exclusive, binary and repressive, in which homoerotic behaviours were qualified with the term sodomy, with which a sin that also became a crime was designated. Although it does not cause any harm, but when criminalized, he was outlawed and persecuted, therefore the sodomites were sentenced to death by beating with a club and after his death, his bodies were incinerated, his goods confiscated and his name reduced to infamy, along with that of his lineage.

In addition to the condemnation established in the Laws of the Indies, sodomy was also used as a justification to occupy, subdue and dominate the territories of the New World and subjugate the natives, who were considered idolaters, barbarians and sometics, whose behaviours fully justified the “just war”, whose express purpose was to teach the natives to live in police, to believe in the Catholic religion and of course not to commit sodomy. That discourse determined the ideological

conceptions in Ibero-American colonial society, with an evident and marked domination of the peninsulars over the aborigines and Africans, forcibly transferred to the Indies, for which their language, their skin colour, their religion were exalted and they were placed in their predominant place, as both civil and ecclesiastical authorities, whose dominant masculinity was imposed on the dominated who were reduced to the condition of a subaltern masculinity. But, apart from the previous ones, there was another masculinity called marginal, in which those who were excluded from the expressed hierarchies were included, due to relapses, sinners and criminals.

In response to this criminalization, marginal masculinity had different ways of behaving, in that hostile and repressive environment, for which there were some who resorted to concealment and masking their sexual orientation, trying to simulate and ascribe themselves to subordinate masculinity and in part comply with the established patterns to avoid the fearsome penalties imposed. Unlike the previous ones, others explicitly showed their sexual identities and roles through effeminacy and transvestism, whose behaviours were also present during that period, although they were and are the target of the greatest harassment, persecution and discrimination.

Although officially the sodomites were rejected and harassed, there were spaces of tolerance, in which they were able to develop their sexuality and externalize their sexual orientation with a certain freedom, some were public such as prisons, barracks, others private, but with access to the public such as *temascales* and *pulquerías*; others private with restricted access, only allowed to certain guests. In them, the sodomites came to get to know each other, to share, to establish interpersonal and sexual relationships. The intimacy of these rooms made it possible to articulate networks of sodomites through which the circulation of bodies was allowed, through which it was possible to obtain the enjoyment of sex and pleasure, whose forms of socialization have lasted over time, in a similar way and are appreciable today, as it happens in bars, saunas and gay clubs.

It is also important to highlight the prevalence of sodomitical practices in religious spaces, both convents and schools, in which the sexual

orientation of the ecclesiastics was very evident, to the point that close ties were established between the monks and schoolchildren, both sexual and amorous, and, in the same way, they also interrelated with the faithful who came to the confessional. That behaviour that has also been maintained over time, sometimes silenced and on other occasions has been revealed, motivating scandals, product of the numerous complaints that have made it possible to prove pederasty and other crimes committed by religious, corresponding to different hierarchies and countries, which have been the result of a hypocritical and detestable position of the ecclesiastical authorities, who have systematically refused to recognize an unquestionable reality that is present among their members.

On the other hand, the establishment of homoerotic relationships, differentiated by their duration period, in which there were occasional, sporadic and also continuous, characterized by the presence of affective bonds, unquestionably, evident in the undoubted expressions of love and pleasure, whose unions were possible thanks to the availability of resources and power that made it possible for them to live “as man and woman” or as they were then called “publicly married”, which was inadmissible at that time. The permanence of these unions from the sentimental and affective point of view is a palpable demonstration of the consolidation of one of the behavioural needs of the human being, in particular of people who manifest a sexual orientation towards the same sex, which represents a further proof to reinforce the right that is currently required to establish oneself legally in marriage and as a family.

Despite the fearsome penalties and persecutions that were imposed against sodomites during the colonial period, reality has shown that the sexual orientation of humans has prevailed over the absurd laws that humans themselves have invented to make life more difficult than it is to martyr innocents, for which the story that has been told in this work is nothing more than a certain proof of a genocide applied systematically and continuously to a population, only for religious reasons and driven and sustained by fear, created, sustained and promoted by the ecclesiastical hierarchs, with the sole purpose of maintaining control over the faithful and also the ruling elite, holder of power in the State, to subdue

its opponents and political enemies. Certainly, one of the manifestations of this domination, which endures to the present day, are the laws that criminalize homoeroticism, which are the living legacy of this process of European colonization, both in America and in Africa.

The discussion regarding diversity in sexual behaviours is very current today and when comparing the manifestations of sodomitic behaviours with the current manifestations of love, sex and pleasure in LGBTQ+ communities and also the demands by which their right to establish legalized relationships through marriage is recognized, in a ritual form and also as a figure of law, in which the legitimation of families that function in fact, but not in law, is also enshrined. In essence, it is admitted that sexual orientation is a constant with which it has historically been expressed in human sexuality, which has not been able to be covered up, annulled and extirpated, therefore, it is necessary to establish the regulation that regulates this conduct, with the due measures that protect and punish the genocide, persecution and discrimination with which the heterodiverso have been harassed so far.

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Sodomy in the Indies. Homoeroticism in Ibero-America during the colonial period describes and analyzes the historical behavior of homoeroticism in the American colonial domains, it shows the causes of the persecution of sodomites and the behaviors that they assumed in response to it, from masking, feminization and/or masculinization, transvestism, spaces for their meeting, to have meetings and sporadic or continuous relationships and their cohabitation. It is a detailed explanation of the historical performance of LGBTQ+ communities in the midst of a repressive society that carried out a selective genocide, using fear with the sole purpose of strengthening the powers of the throne and the altar.

Dr. Jorge F. Vidovic

Director Fundación Ediciones Clío

ORCID: <https://orcid.org/0000-0001-8148-4403>

