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## Queering the Early Modern Iberian Archive: Recent Trends

Marta Vicente

The study of the intersection of sexuality, gender and identity has recently been at the center of some of the most fruitful scholarship in the early modern Iberian World. Almost ten years ago in her account of the historiography of women's history in early modern Spain, Allyson Poska pointed at the revolutionary nature of gender studies: they force the scholar to rethink the norm, to recast what seems obvious.<sup>1</sup> By 2008, when Poska published her article, women's history had brought gender and power relations to the forefront of historical analysis. As Joan Scott predicted in 1988, women's history has moved from "gathering information about women" to constituting women as historical subjects.<sup>2</sup> Now, scholars are ready to further rethink the nature of gendered historical subjects as well as gender relations as they connect to larger issues of identity and queerness, the latter referring to individuals' sexual non-conforming behavior.

Rethinking sexuality and identity takes scholars to question the validity of some of the sources they use by inquiring into the nature of the archives that have stored and classified the documentation. Archives hold the power to shape the way scholars access and think of the past. As Jacques Derrida warned us: "What is no longer archived in the same way is no longer lived in the same way. Achievable meaning is also and in advance codetermined by the structure that archives." The archive, therefore, becomes a text that shapes our perception of the past.<sup>3</sup> This article will address precisely the recent trends that explore the possibilities that rethinking queerness, in particular in relation to the archive, has for reconsidering the trajectory of historical analysis. This is not a comprehensive study of the entire publication world in early modern Iberian sexuality, but highlights of recent contributions that emphasize the problematic relation between the archive and topics of sexuality in the early modern Iberian world.

When approaching the analysis of those who with their acts did not conform to their society's expected sexual behavior or people who openly voiced their opposition to those expectations, we encounter the possibility of rethinking sex and gender and how they intertwine to construct the individual self throughout history. Apparent physical sex at the moment of birth determined the assigned gender. This combination of sex and gender shaped individuals' sense of the self by conforming to it or fighting it. In the particular case of Spain and Portugal and their extended empires we also have the opportunity to observe how the construction of the self went together not only with sex and gender, but also race and the social and economic status of the individual. This evolving relationship through time also meets the specific nature of the archive: how and in which ways people's voices were recorded or hidden to shape a specific canvas of the human landscape of the early modern Iberia world.

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<sup>1</sup> Allyson Poska, "How Women's History Transformed the Study of Early Modern Spain," *Bulletin of the Society for Spanish and Portuguese Historical Studies* 23, no. 1 (2008): 5–19.

<sup>2</sup> Joan W. Scott, *Gender and the Politics of History* (New York: Columbia University Press, 1988), 18.

<sup>3</sup> Jacques Derrida, *Archive Fever: A Freudian Impression*, trans. Eric Prenowitz (Chicago: The University of Chicago Press, 1996), 18.

To examine the topic of queerness and the early modern archive I will first refer to a two-day symposium that María Elena Martínez and I organized in 2013 called “Race and Sex in the Spanish Atlantic World.” The symposium, sponsored by the Early Modern Studies Institute at the University of Southern California, featured several presentations exploring the many possibilities resulting from combining both race and sex, together, as categories of analysis to study their changing relations with nature and society. Something that came out of that symposium was a concern shared with other fields regarding how much the archive and its format—how some documents are made accessible, while others are not classified and thus invisible to the scholar—has shaped historians’ knowledge of the self. María Elena Martínez passed away a year and a half after our symposium and was working at the time on her book project *The Enlightened Creole Science of Race and Sex: Naturalizing the Body in the Eighteenth-Century Spanish Atlantic World*. From this unfinished manuscript is her posthumous 2016 article, “Sex and the Colonial Archive: The Case of ‘Mariano’ Aguilera,” where Martínez studies the case of Mariano Aguilera, who, raised as a girl, as an adult petitioned the ecclesiastical authorities to be declared a man to marry Clara Eugenia López.<sup>4</sup> Aguilera failed in his efforts as physicians declared Aguilera to be a female and thus unable to marry López. Authorities exiled Aguilera from his community prohibiting him from having any contact with López. The silencing of queer voices like Aguilera’s runs parallel to an evolving effort in domesticating nature at the end of the eighteenth century. The queer individual, whether it refers to people involved in same-sex relations, bestiality, androgynous-looking people or those with ambiguous sexuality, jeopardized the intellectual and governmental project in late colonial Mexico as well as in eighteenth-century Spain that tried to bridge the gap that separated nature and society. This effort extended in documenting queerness as a deviation of nature, as an aberration that was increasingly viewed as unnatural and dangerous to the well-being of society.<sup>5</sup>

María Elena Martínez’s “Sex and the Colonial Archive” reflects the recent interest in scholarship about queer sexualities shaping the nature of the archive itself. Titles such as Ann Cvetkovich’s *An Archive of Feelings: Trauma, Sexuality, and Lesbian Public Cultures*, Antoinette Burton’s *Archive Stories: Facts, Fictions, and the Writing of History*, Alana Kumbier’s *Ephemeral Material: Queering the Archive*, and Amy L. Stone and Jaime Cantrell’s, *Out of the Closet, Into the Archives: Researching Sexual Histories*, to which we also need to include María Elena Martínez’s own “Archives, Bodies, and Imagination: The Case of Juana Aguilar and Queer Approaches to History, Sexuality, and Politics,” suggest that scholars’ use and understanding of the archive needs to be rethought.<sup>6</sup> We can no longer see the archive as the physical place housing documents but

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<sup>4</sup> María Elena Martínez, “Sex and the Colonial Archive: The Case of ‘Mariano’ Aguilera,” *Hispanic American Historical Review* 96, no. 3 (2016): 421–443.

<sup>5</sup> For this argument for eighteenth-century Spain see Marta V. Vicente, *Debating Sex and Gender in Eighteenth-Century Spain* (Cambridge: Cambridge University Press, 2017).

<sup>6</sup> Ann Cvetkovich, *An Archive of Feelings: Trauma, Sexuality, and Lesbian Public Cultures* (Durham: Duke University Press, 2003); Antoinette Burton, *Archive Stories: Facts, Fictions, and the Writing of History* (Durham: Duke University Press, 2005); Alana Kumbier, *Ephemeral Material: Queering the Archive* (Sacramento: Litwin Books 2014); Amy L. Stone and Jaime Cantrell, eds., *Out of the Closet, Into the Archives: Researching Sexual Histories* (Albany: SUNY Press, 2015); María Elena Martínez,

instead we must take it as a space that shapes our knowledge of individuals and their bodies. The archive tells stories, becomes “a site of knowledge production, an arbiter of truth, and a mechanism for shaping the narratives of history,” ultimately guiding scholars in what is relevant and superfluous in their historical analysis.<sup>7</sup> As holder of knowledge and meaning, for scholars of gender the archive has tended to reproduce the legal and medicalized discourse of the sexed body. The archive needs to be rethought in a “queer” way, as though not conforming to the norm, where issues such as memory, feelings, and emotions become an important part in the sexual formation of individuals and their sense of self.

In Mariano Aguilera’s case, the focus of Martínez’s study in “Sex and the Colonial Archive,” the discursive organization of the archive, how the documents related to this particular case were bound together, what was excluded, what was included, all combined to reinforce an institutional view of Aguilera’s body as female. In fact, Martínez points at how usually queer sexuality is preserved in the archive as an “aberration,” a deviance to the norm, as queer bodies are subject to punishment or reform. Her reading, however, pulls out those parts in Aguilera’s narrative that show the important place of intention and emotion in the text to offer us a “glimpse at the subjectivity of a person living in eighteenth-century Mexico.”<sup>8</sup> Martínez’s article should then be read as a cautionary tale of how the structure of the archive hides important components in the construction of the queer subject: the role of emotions in the establishment of one’s sexual and gender identity as well as the place that the individual’s own narrative, full of twists and unexpected turns, also has in the ultimate understanding of their sex and gender by authorities and society. Contrasting the authorities’ “narrative” with the queer subject’s own telling of the story allows us to enrich our understanding of how sex and gender were negotiated in the early modern Spanish world.

Other recent works in early modern studies explore how new approaches to the archival material and the narratives they produce can bring us a new understanding of sexuality and gender. For instance, in her work on eighteenth-century Portugal, Palmira Fontes da Costa has shown how bodies that progressively did not conform to the expected anatomy of what a man and woman had to be were removed from the documentation. Some of the most revealing documents of the debate over the existence of hermaphrodites—from medical reports to anatomical engravings—were silenced in the documentation or archived as unimportant, perhaps in an effort to deny the existence of what we would call now inter-sexed people.<sup>9</sup> In his forthcoming *Sins against Nature: Sex and Archives in Colonial New Spain*, Zeb Tortorici opens up a new venue of

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“Archives, Bodies, and Imagination: The Case of Juana Aguilar and Queer Approaches to History, Sexuality, and Politics,” *Radical History Review*, 120 (2014): 159–182.

<sup>7</sup> Burton, *Archive Stories*, 2.

<sup>8</sup> Martínez, “Sex and the Colonial Archive,” 436.

<sup>9</sup> Palmira Fontes da Costa, ed., *O Corpo Insólito: Dissertações sobre Monstros no Portugal do Século XVIII* (Porto: Porto Editora, 2005); *The Singular and the Making of Knowledge at the Royal Society of London in the Eighteenth Century* (Newcastle: Cambridge Scholars Publishing, 2009).

understanding sexuality in early modern Iberia connected to the study of the archive.<sup>10</sup> Tortorici looks at “the archival implications of the ‘sins against nature’ of sodomy, bestiality, and masturbation in colonial New Spain,” and how a biased classification in the archive responded to the unnatural component of these sexual acts. Ironically, Tortorici points out, it was individuals’ unruly and unnatural desires that made them visible in the archive.<sup>11</sup>

The process by which the archive is created and stores documentation—whether it is a private or state archive, whether documents are purchased or bequeathed, or even whether it is of easy access or difficult to consult—all form a body of knowledge that creates a specific profile of past lives. In this process the identity of some actors (those we could call privileged) seem to be easier to document and to follow, while other individuals’ actions and their identities are obscured in the documentation. This takes us to yet another topic that links to queerness and the archive: the trouble with identity, and whether in fact it is the archive and its ordering and storing of sources that creates our view of individuals’ identities in the past.

It is challenging to talk about early modern identities, since our contemporary understanding of identity inevitably bears a political component. Yet, the fact is that early modern people did have an identity or the many characteristics that shape the way they were and who they were, even if they did not name it as such. While Sebastián de Covarrubias’s dictionary *Tesoro de la Lengua Castellana o Española* (1611) does not have an entry for identity (*identidad*), there is ample discussion instead for *carácter* (character) referring to the “divine grace that is imprinted on the Christian at baptism and that distinguishes them from others.”<sup>12</sup> Unlike Covarrubias, a century later the *Diccionario de Autoridades* has an entry for *identidad* (1734): “By which in reality those two things that appear as different they are the same thing.” But it is a definition still disconnected from the personal, individual component that identity has nowadays. For the *Diccionario de Autoridades* “character” (1729) is still “the spiritual sign that the Sacrament of Baptism, Confirmation and [Religious] Ordination print on the soul (*imprimen en el alma*) and that can never be removed.”<sup>13</sup> Interestingly, early modern identities, whether they were gender, sexual or otherwise, all had to be connected to this religious component. Character is, then, something permanent (*indeleble*) since it is in fact imprinted on the soul.

In her most recent work (2016), Fernanda Molina questions how individuals shaped their own identities as subjects confronting themselves with priests, judges and

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<sup>10</sup> Zeb Tortorici, *Sins against Nature: Sex and Archives in Colonial New Spain* (Durham: Duke University Press, 2018), see also Zeb Tortorici, “Archival Seduction: Indexical Absences and Historiographical Ghosts,” *Archive Journal*, 5 (2015). <http://www.archivejournal.net/essays/archival-seduction/>

<sup>11</sup> I would like to thank Zeb Tortorici for allowing me to preview his forthcoming book.

<sup>12</sup> Sebastián de Covarrubias Orozco, *Tesoro de la lengua castellana o española* (Madrid: Editorial Castalia, 1995 [1611]).

<sup>13</sup> *Diccionario de la lengua castellana, en que se explica el verdadero sentido de las voces, su naturaleza y calidad, con las frases o modos de hablar, los proverbios o refranes, y otras cosas convenientes al uso de la lengua* (Madrid: Imprenta de Francisco del Hierro, 1726–39). This eighteenth-century six-volume dictionary is also known as *Diccionario de Autoridades*.

doctors in the early modern Spanish world. While people with ambiguous sexuality struggled many times with the challenge of presenting themselves before authorities often intending to justify their actions to avoid punishment, those same authorities were also confronted with the challenge of creating an identity, either as men or women, for those individuals they were judging.<sup>14</sup> Molina does not discuss the connection between identity and its religious component, but the relationship is inevitable since many of the authorities involved in the cases she studies were in a position of authority in the Catholic Church. In particular, Molina's article refers extensively to the trial of Elena/Eleno de Céspedes, a document housed in the Archivo Histórico Nacional in Madrid and that has drawn scholarly interest since the early 1980s.<sup>15</sup> Born a slave in Alhama around 1546, Elena de Céspedes married first at sixteen a man with whom she had a child, and years later, in 1586, Elena, now as Eleno, living in the town of Ocaña, outside Toledo, married María del Caño. A year later, the town *corregidor* arrested the couple for committing the "nefarious crime of sodomy." The case passed to the Tribunal of the Inquisition of Toledo that charged Céspedes with sorcery and "disrespect for the marriage sacrament." Céspedes' case, available now in digital form through PARES (Portal de Archivos Españoles) is an interesting example of how the archive structure and organization may shape the way scholars have accessed and understood cases like Céspedes'.<sup>16</sup>

The pronouns used in the documentation to refer to Céspedes reflect the confusion that the accused created before authorities. Richard Kagan and Abigail Dyer, in their translation and edition of Céspedes' declaration to the tribunal, explained how the scribe who wrote down the accused's declaration occasionally used the masculine pronouns for Céspedes thus translating into the text the ambiguity of someone who while dressed as a man had to be referred to as a woman. The document itself reproduces this ambiguity as well by having in its main page the description to the case as "Elena de Céspedes, alias Eleno de Céspedes." The archive that houses the case, the Archivo Histórico Nacional in Madrid, nevertheless archived the document as "Proceso de fe de Elena de Céspedes,"

<sup>14</sup> In Fernanda Molina, "Disputas por la identidad. Representaciones sociales, discursos médicos y prácticas judiciales ante los fenómenos de ambigüedad sexual (España, siglos XVI–XVII)," *Anales de Historia Antigua, Medieval y Moderna*, 50 (2016): 79–93; and "Identity, Gender and Sexuality among the Colonial Sodomites (Viceroyalty of Peru, XVI–XVII)," in *Sexuality and the Unnatural in Colonial Latin America*, ed. Zeb Tortorici (Oakland: University of California Press, 2016), 141–61.

<sup>15</sup> Marie-Catherine Barbazza, "Un caso de subversion social: el proceso de Elena de Céspedes (1587–1589)," *Criticón*, 26 (1984): 17–40; Israel Burshatin, "Elena Alias Eleno: Genders, Sexualities, and Race in the Mirror of Natural History in Sixteenth-Century Spain," in *Gender Reversals and Gender Cultures: Anthropological and Historical Perspectives*, ed. Sabrina P. Ramet (London: Routledge, 1996), 105–22 and Israel Burshatin, "Written on the Body: Slave or Hermaphrodite in Sixteenth-Century Spain," in *Queer Iberia: Sexualities, Cultures, and Crossings from the Middle Ages to the Renaissance*, eds. Josiah Blackmore and Gregory S. Hutcheson (Durham: Duke University Press, 1999), 420–56. See also, Emilio Maganto Pavón, *El proceso inquisitorial contra Elena/o de Céspedes. Biografía de una cirujana transexual del siglo XVI* (Madrid: E. Magantón, 2007), Richard Kagan and Abigail Dyer, eds., *Inquisitorial Inquiries: Brief Lives of Secret Jews and Other Heretics* (Baltimore: The Johns Hopkins University, 2004), Aurelia Martín Casares and Magdalena Díaz Hernández, "Nuevas reflexiones sobre 'Elena, alias Eleno de Céspedes', transgénero, redes sociales y libertad en la España del siglo XVI," *Bulletin for Spanish and Portuguese Historical Studies* 41 (2016), 27–41 and Lisa Vollendorf, *The Lives of Women: A New History of Inquisitional Spain* (Nashville: Vanderbilt University Press, 2005), 11–31.

<sup>16</sup> Archivo Histórico Nacional (AHN), Inquisición, Tribunal de Toledo, Proceso de Elena de Céspedes, leg. 234, exp. 24 (1587/1589).

removing the ambiguity and returning Céspedes to the gender assigned at birth, or more correctly at baptism, the ritual that offers individuals their *carácter*, in this case Céspedes' gender identity as a woman.<sup>17</sup> The ambiguity of the sex and gender of individuals displayed in the documentation itself is not rare. Well-known is the seventeenth-century autobiography attributed to Catalina de Erauso, where de Erauso freely changes the gender pronoun from female to male back and forth throughout the narrative.<sup>18</sup> Yet, in other examples the gender ambiguity of the narrator is removed in the documentation when the scribe—unlike in Céspedes—attributes a fixed gender to the individual right away. In many cases, however, gender ambiguity is purposely lost in translation. Archives are filled with cases where the initial gender ambiguity of the narrator ultimately becomes a fixed gender identity granted by the authorities.

Three cases illustrate how medical assignments of an individual to a certain sex directed their gender identity in the documentation and the archive: the seventeenth-century Valencian Francisco Roca, the eighteenth-century Sebastián/María Leirado from Madrid and Juana Aguilar from Guatemala. Twenty-four-year-old Francisco Roca, or the “woman married as a man,” “tall, beardless and with small eyes,” was born in 1624 in Perpignan, before the city became part of France. Around 1642, when Perpignan was besieged and taken by the army of Louis XIII of France, Roca had to flee the city and move to Valencia, where he married María Fuster.<sup>19</sup> In 1649, Roca's wife along with two other women denounced Roca before the tribunal of the Inquisition in Valencia for alleged sexual encounters Roca had with men. The wife denounced her husband to the Inquisition after she secretly saw him on “fourteen or fifteen” occasions sleeping with other men. She testified that during the sexual act, Roca and his (or her) male lovers behaved “as if man and woman were together.” Her husband, she declared, was no hermaphrodite but “had no use as a man” either. Moreover, during the sexual act, Roca played the part of the submissive female. The inquisitors ordered two examinations of Roca's genitals, which dismissed such claims. The case concluded in 1651 when the tribunal, based on the evidence provided by the physicians and the testimony regarding Roca's relations with other men, condemned Francisco as a “passive sodomite.” Roca was incarcerated and punished according to the “style and laws of the kingdom.”<sup>20</sup>

On November 20, 1769, more than a century after Roca's trial, three Madrid officials accompanied one of the city *alcaldes* to the Leirados' inn on *calle* San Ildefonso,

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<sup>17</sup> Yet, if one looks up for the case in PARES it can be found either as Elena de Céspedes or Eleno de Céspedes.

<sup>18</sup> Rima de Vallbona, ed., *Vida i sucesos de la monja alférez. Autobiografía atribuida a Doña Catalina de Erauso* (Tempe: Arizona State University, 1992).

<sup>19</sup> In parts of the document 1646 appears as the date while in others the year given for Roca's marriage is 1647.

<sup>20</sup> Roca's goods were also seized. For Francisco Roca, see AHN, Inquisición, Tribunal de Valencia, libro 941, fol. 350–358 (1651). This case is discussed in Cristian Berco, *Sexual Hierarchies, Public Status: Men, Sodomy, and Society in Spain's Golden Age* (Toronto: University of Toronto Press, 2007), 30–1, in Rafael Carrasco, *Inquisición y represión sexual en Valencia* (Barcelona: Laertes, 1985), 146–48, and in François Soyer, *Ambiguous Gender in Early Modern Spain and Portugal: Inquisitors, Doctors and the Transgression of Gender Norms* (Leiden: Brill, 2012), 96–124.

at the heart of Madrid, to arrest an alleged woman, “dressed in man’s clothes.”<sup>21</sup> When asked about her “nature,” she answered: “as you see me dressed as a man then I am.” His name was Sebastián Leirado López. Leirado was taken to prison. Once there the accused had to go through several medical examinations that confirmed Leirado’s genitalia as that of a “perfect male” without mixture of sexes. This sealed Leirado’s identity in the documentation as a male. Leirado’s case contrasts, thirty years later, with the examination of the alleged hermaphrodite Juana Aguilar in Guatemala City.<sup>22</sup> In 1799, the *Real Audiencia* prosecuted Aguilar for the crimes of *concubinage* (sexual relations outside marriage) and sodomy. The *Real Protomedicato* (the medical tribunal) in the colonies commissioned the physician Narciso Esparragosa to determine whether Aguilar was a hermaphrodite. Esparragosa found she had an unusually enlarged clitoris that allowed Aguilar to have sexual relationships both as a man and as a woman. Esparragosa concluded Aguilar was not a woman or a man but “neutral.” The physician made his findings public by publishing them in the *Gazeta de Guatemala*, aware of the expectations and publicity the case had received. Yet, in his public report of the case Esparragosa refers to Aguilar as Juana, or Juana La Larga, referring to Aguilar’s enlarged clitoris, always in feminine, in spite of his conclusion that Aguilar was “not a woman or a man.” While Leirado’s genitals determined his masculine gender in the documentation, Aguilar, on the other hand, hard-to-determine sex translated into a neutral denomination.

The three cases examined here may be representative of other queer individuals in the early modern Iberian world, where we find an antagonism between the narratives that the protagonists constructed and how the authorities wanted to portray them. Classified with the name that identified their genitalia, either as men or women, as established by the medical examinations for each of them (Francisco for Roca, Sebastián for Leirado and Juana for Aguilar). Their narratives, however, fight this categorization by bringing at the very least doubt to the reader.<sup>23</sup> These different approaches to gender identities represent a challenge for the historian, who facing an identity difficult to discern sometimes assigns a gender identity either as a man or a woman to the historical individual. By doing this, one seems to be “siding” with the individual or the authorities, while in fact it is the ambiguity that would more closely represent the intention behind their narrative. This is difficult to put into the practice of writing about the past, particularly because in most cases the narrative that has survived is the one produced by the authorities, a narrative that almost always intends to establish order by having expectations of heterosexual sexual behavior from the individual examined. Sherry Velasco, for instance, in *Lesbians in Early Modern Spain* looks at how same-sex desire between women is constructed in the documentation from a heteronormative perspective,

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<sup>21</sup> The entire trial of Sebastián Leirado and documents belonging to the case are housed in AHN, Consejo 5373, Causas Criminales, n. 4, 1769; “Madrid causa criminal contra Sebastian Leyrado”; for an analysis of Leirado’s case, see Vicente, *Debating Sex and Gender*; Cristian Berco and Stephanie Fink Debacker, “Queerness, Syphilis, and Enlightenment in Eighteenth Century Madrid,” *Revista Canadiense de Estudios Hispánicos* 35, no. 1 (2010): 31–4.

<sup>22</sup> Ignacio Beteta, *Gazeta de Guatemala* (1797–1816); this case has been studied by Martha Few, “‘That Monster of Nature’: Gender, Sexuality, and the Medicalization of a ‘Hermaphrodite’ in Late Colonial Guatemala,” *Ethnohistory* 54, no. 1 (2007): 159–176; and Martínez “Archives, Bodies, and Imagination.”

<sup>23</sup> In Aguilar’s case we do not have the accused’s narrative, although it appears in the examination by Esparragosa that confirms the ambiguity of Aguilar’s identity.



where even the place of the narratives of women is set aside to give place to the authority of institutions.<sup>24</sup> When we read women's declarations or the testimonies referring to women's sexual practices, Velasco affirms a lesbian identity can be assigned similar to current definitions of the term. Yet, it is the resolved dispute of someone's identity in the legal terrain that offers the last words: Elena/Eleno is declared a woman unable to marry another woman; Mariano Aguilera is also unable to marry Clara Eugenia López; while Juana Aguilar is defined as androgynous, unable to marry.<sup>25</sup>

Ultimately, rather than trying to maintain the gender ambiguity sometimes reflected in their narrative many of these individuals were probably searching for legal certainty. The gender ambiguity was oftentimes meant to respond to a supposed mixture of sexes that had to be resolved by a legal dictate declaring them either a man or woman. They expected the final verdict of either the judge, the priest or even the monarch could allow them to freely live as either men or women but not as an in-between gender, such as in Aguilar's case. This is the final outcome of Catalina de Erauso's case. By royal permission Erauso was allowed to become Antonio de Erauso and to live as a man. An interesting and uncommon resolution since in this case examination of Antonio de Erauso's genitals as a female declared him to be an "intact virgin." More frequently, perhaps, one would expect the outcome of the process to be similar to Magdalena Muñoz's, the nun from Úbeda, who in 1617 experienced a sudden, and in the view of her father, fortunate spontaneous sex-change, in the Dominican convent where she had been for twelve years. By growing a penis, Magdalena became Gaspar, a "very manly son" (*un hijo muy hombre*), delighting his, until then, heirless father. Gaspar's father could now pass on his inheritance to his only son, hoping for Gaspar's marriage and rightful heirs of his own.<sup>26</sup>

The way documents are classified and preserved in the archive reinforces this legal component of sexual and gender identity. Identity becomes a performance mixed with the legal needs of the individual, dissected and selected by the interrogator (in criminal and inquisitorial cases) to organize the case as it reaches the historian. The archive thus constructs legal fictions, as Natalie Zemon Davis wrote in 1987 in her *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France*.

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<sup>24</sup> Sherry Velasco, *Lesbians in Early Modern Spain* (Nashville: Vanderbilt University Press, 2011).

<sup>25</sup> Fernanda Molina draws the parallel with racial issues quoting Joanne Rappaport, "Who is Mestizo? Discussing Race Mixture in Nova Granada Realm, XVI and XVII centuries," *Varia Historia*, 25 (2009): 49. Ann Twinam, "Racial Passing: Informal and Official 'Whiteness,'" in *New World Orders: Violence, Sanction, and Authority in the Colonial Americas*, eds. John Smolensky and Thomas J. Humphrey (Philadelphia: University of Pennsylvania Press, 2013), 249–72.

<sup>26</sup> *Relación verdadera de una carta que embió el padre Prior de la orden de Santo Domingo, de la Ciudad de Úbeda, al Abbad mayor de San Salvador de la Ciudad de Granada, de un caso digno de ser avisado, como estuvo doze años una monja professa, la qual avía metido su padre por ser cerrada, y no ser para casada, y un día haziendo un ejercicio de fuerza se le rompió una tela por donde le salio la naturaleza de hombre como los demás, y lo que se hizo para sacalla del convento. Agora sucedió en este año de mil y seys ciento y diez y siete* (Granada, Spain: s.n., 1617); Biblioteca Nacional de España (Madrid) "Informe sobre Magdalena Muñoz dominica profesa de la Coronada, de Úbeda, que se convirtió en hombre y tomó el nombre de Gaspar Muñoz" by Licenciado Moreno, manuscript number 12179; see also Francisco Rafael de Uhagón Guardamino (marqués de Laurencín), *Relaciones históricas de los siglos XVI y XVII* (Madrid: Impr. de la viuda é hijos de M. Tello, 1896), 335–7.

Davis tells us how she “marvels at the literary quality of those texts or, I might say, their “fictional” qualities, by which I mean the extent to which the authors shaped the events of a crime into a story.”<sup>27</sup> The performance of one’s identity is in fact a “storytelling” usually to the authorities all entangled in a legal setting where many times the life of the teller is at stake. What sometimes is forgotten is that in fact this storytelling is done in relation to those who record the telling and will judge the accused.<sup>28</sup>

Until here we have seen how topics of queerness from same-sex relations and transgender stories force the scholar to rethink larger issues of identity, belonging and the self, but also how authorities presented and physically stored them in the archive in a way that preserved the legal identity of the individual. There is a final component to identity in need of brief examination. Gender and sexuality sometimes get entangled with race, particularly in colonial Spanish America. Aguilar’s sexual ambiguity blended with her mixed race as a *mestiza* made her (or him) even more an in-between individual. This is one of the focuses of Thomas Abercrombie’s forthcoming *Née Maria, Yta: A Trans-Atlantic, Transgressive Life in the Twilight of the Spanish Empire* where he analyzes the story and life trajectory of Antonio Yta, born Maria.<sup>29</sup>

In October of 1803, Doña Martina Vilvado denounced her husband of more than four years, Don Antonio Yta, to church and crown authorities in the city of La Plata. She claimed Don Antonio was in fact a woman posing as a man. The denunciation led to a medical inspection, which confirmed Don Antonio as a female, in spite of his clothing and reputed life as a man. In the narrative of his story, following picaresque conventions, not unlike de Erauso’s narration of his adventures, Don Antonio called into questions prevailing binary sex and gender categories. Abercrombie looks at how Yta’s claim to fame and impressive social climbing was a combination of Yta’s masculinity and his place in late-colonial society as a Spaniard, in a century when notions of racial difference were developing along with marked sexual differences.<sup>30</sup> Yta’s claim to whiteness as a Spaniard helped him to convincingly gain the authority of a male for many years. It is this combination of gender and race that accounted for his upward-mobility until the unfortunate denunciation of his wife.

In his analysis, Abercrombie follows Michel Foucault’s emphasis on the archive’s “classificatory” service to “governmentality,” or the way government exercise’s control over its population.<sup>31</sup> Foucault’s concept is particularly helpful in understanding how it is

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<sup>27</sup> Natalie Zemon Davis, *Fiction in the Archives: Pardon Tales and their Tellers in Sixteenth-Century France* (Stanford: Stanford University Press, 1987), 2.

<sup>28</sup> This was analyzed in Marta V. Vicente and Luis R. Corteguera, *Women, Texts and Authority in the Early Modern Spanish World* (Aldershot: Ashgate, 2003), 1–16.

<sup>29</sup> Thomas Abercrombie, *Née Maria, Yta: A Trans-Atlantic, Transgressive Life in the Twilight of the Spanish Empire* (University Park: Penn State University Press, forthcoming 2018). I would like to thank Thomas Abercrombie for allowing me to read his unpublished manuscript.

<sup>30</sup> For a recent discussion on racial notions in colonial Mexico before the 1700s, see Robert C. Schwaller, *Géneros de Gente in Early Colonial Mexico: Defining Racial Difference* (Norman: University of Oklahoma Press, 2016), 17–49.

<sup>31</sup> Michel Foucault, *The Archaeology of Knowledge and the Discourse on Language*, trans. A.M. Sheridan Smith (New York: Routledge, 1972 [1969]).

in the regulation of sexuality that the archive's classification guides the scholar to think of Yta as a woman. The perception may be different if scholars had the chance to rearrange the records on this case, putting documents together otherwise kept separate and realize perhaps how Antonio's social and racial status was in fact offering him the gender category of a male that would erase his possible female genitalia. According to Abercrombie "like clothing and the performative 'social skin,' archives conceal as much as they 'reveal.'<sup>32</sup> Sometimes, archival documents seem to have recorded only the voice of authority. But when we have access to the accused subjects' own accounts (as we do through Yta's confession, even if coercively produced), other readings are possible."<sup>33</sup> In fact, contrasting the authorities' narrative with the queer subject's telling of the story allows us to enrich our understanding of how sex and gender were negotiated in the early modern world. The Spanish theorist of trans and queer subjects, Paul B. Preciado, also relies on Foucault and his theory on biopolitics to see how the effort to normalize the body in the eighteenth and nineteenth century turned any body that did not fall into the norm into a queer body, a dysfunctional unproductive body, archived as such.<sup>34</sup> Although Preciado is not a historian, his contrast of the past with the future represents also a new venue of study of queerness, sexuality and the archive as he notices how and why archival patterns of organization and classification changed over time.

All these new publications on sexuality and the body in early modern societies are not only making us reconsider the powerful influence of the archive. They also provide support to Thomas Laqueur's argument in *Making Sex* that modern notions of sex that separate clearly men from women were "invented" in the eighteenth century.<sup>35</sup> Scholars who are part of this "queering the archive" movement are perhaps suggesting that this view of the invention of the sexes in the eighteenth century is partly the reading of the historian based on a biased classificatory efforts by the institutions that wanted to promote this division. This is the argument of Rebecca Jordan-Young in *Brain Storm: The Flaws in the Science of Sex Differences* as well of Cordelia Fine's *Delusions of Gender: How Our Minds, Society, and Neurosexism Create Difference*.<sup>36</sup> Both authors question the reality of sexual difference and instead see it as a social construction in which the archive plays an important part. Finally, in my book *Debating Sex and Gender in Eighteenth-Century Spain*, I argue that this emphasis on sexual difference was purposely constructed to forward the heterosexual agenda ensuring reproduction; a difference that the early modern archives perpetuated, creating an illusion, and a mirage.<sup>37</sup>

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<sup>32</sup> Abercrombie, *Née Maria, Yta*.

<sup>33</sup> Ibid.

<sup>34</sup> Paul B. Preciado, *Testo Junkie: Sex, Drugs, and Biopolitics in the Pharmacopornographic Era*, trans. Bruce Benderson (New York: Feminist Press, 2013), originally published as *Testo Junkie. Sexe, drogue et biopolitic* published by Grasset & Fasquelle (2008).

<sup>35</sup> Thomas Laqueur, *Making Sex: Body and Gender from the Greeks to Freud* (Cambridge: Harvard University Press, 1990).

<sup>36</sup> Rebecca Jordan-Young, *Brain Storm: The Flaws in the Science of Sex Differences* (Cambridge: Harvard University Press, 2010); Cordelia Fine, *Delusions of Gender: How Our Minds, Society, and Neurosexism Create Difference* (New York: Norton, 2010).

<sup>37</sup> Vicente, *Debating Sex and Gender*.