

## “Curas, Dones y Sodomitas”: Sexual Moral Discourses and Illicit Sexualities among Priests in Colonial Mexico/

“Curas, Dones y Sodomitas”:  
Discursos de moralidad sexual y prácticas sexuales ilícitas  
entre sacerdotes en México Colonial

*Guillermo De Los Reyes*

University of Houston, Texas, Estados Unidos

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*This article analyzes how the Church, the Inquisition, and the Crown controlled and shaped colonial subjects, especially in terms of sexuality. It also looks at the interaction of social class and race and the way in which colonial subjects dealt with these social institutions. This essay seeks to shed light on the history of sexuality in New Spain, through an analysis of sodomy cases involving clergymen and these cases' impact in colonial institutions. An examination of sodomy can increase one's understanding of related sexuality and gender issues and, as the archival research done for this investigation has shown, may help clarify seemingly unrelated issues regarding social class and ethnicity.*

KEYWORDS: Gender; Sexuality; Race; Class; Sodomy; Nefarious sin; Inquisition; Catholic Church; Spanish Crown; New Spain.

*En el presente artículo se analiza la manera en que la Iglesia, la Inquisición y la Corona controlaban y redefinían a los sujetos coloniales particularmente en lo que respecta a la sexualidad. De la misma manera, se examina la interacción de clase social y raza y la forma en que dichos sujetos bregaban con las instituciones sociales reguladoras. Este ensayo pretende contribuir al estudio de la historia de la sexualidad en la Nueva España, realizando un análisis de casos de sodomía que involucraron a clérigos y el impacto de dichos casos en las instituciones coloniales. Se propone que el estudio de los procesos de sodomía contribuye al estudio de sexualidad y género de la época en cuestión y a su vez, como se muestra en esta investigación, puede ayudar a aclarar aspectos relacionadas con clase social y etnicidad. Por lo tanto, este artículo investiga cómo estos elementos se superponen en la sociedad colonial mexicana.*

PALABRAS CLAVES: Género; Sexualidad; Raza; Clase social; Sodomía; Pecado nefando; Inquisición; Iglesia Católica; Corona española; Nueva España.

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## Opening Remarks

To understand male-male sexuality in Mexico during the period of the Spanish Empire, it is necessary to discuss the institutions that shaped society during that time and to consider their impact on the conceptualization of honor, marriage, race, and class. Thus, in this article, I analyze the institutions that permeated New Spain's society and helped Spain to regulate the development of her colonies. Two institutions aided the Spanish Empire in determining the development of culture within the colonies: the Catholic Church and the Inquisition. While these developed interdependence, supporting each other in efforts to keep order and maintain the values of the Old World, they maintained strong ties with the Spanish Crown, particularly during the sixteenth and seventeenth centuries. Honor, family, race, class, and marriage were other institutions of paramount importance in colonial society, but ones which were not necessarily directly influenced by the Crown at all times. In this investigation, I analyze how the Church, the Inquisition, and the Crown controlled and shaped colonial subjects, especially in terms of sexuality. I also look at the interaction of social class and race and the way in which colonial subjects dealt with these social institutions. The race and social divisions of colonial Mexican society during the sixteenth and seventeenth centuries were very well defined,<sup>1</sup> although in the group of men studied here, class and race barriers were crossed in the spaces they shared.

This paper seeks to shed light on the history of sexuality in New Spain, through an analysis of sodomy<sup>2</sup> cases involving clergymen and these cases' impact in colonial institutions. An examination of sodomy can increase one's understanding of related sexuality and gender issues and, as my archival research has shown, may help clarify seemingly unrelated issues regarding social class and ethnicity. Thus, this paper investigates how these elements overlapped in colonial Mexican society. Sodomy, social class, and race permeated the ways in which Spanish secular and

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1 Jonathan I. Israel: *Race, Class and Politics in Colonial Mexico*.

2 Herein I will mostly use the terms sodomy and *pecado nefando* (abominable sin) in reference to men who engage in same-sex relationships. John Boswell in his classic study about sodomy in the Renaissance argues that the term "sodomite" was used to describe people who engaged in same-sex sexual relations. However, he also points out that the word "sodomite" did not always suggest erotic preference, "a concept largely unknown when it was coined," although I found otherwise in the case of colonial Mexico. See Boswell, *Christianity, Social Tolerance*, p. 43. All references to sodomy in the present article deal with male-male sexual acts.

religious authorities treated those colonial subjects accused of sodomy, particularly those who were priests.

The primary focus of discussion in this paper deals with some of these questions: What role did colonial institutions play in the formation of views towards sodomy? Were the sodomy cases involving clergymen treated differently from such cases involving members of the laity? This article argues that members of the clergy thus accused received preferential treatment.

### ***Methodological considerations, definitions and sources***

As a foundation for my observations, I combine text-based ethno-historical analysis of legal cases, inquisitorial records, and colonial documents containing a great deal of ethnographic data. James Lockhart states that scholars usually concentrate on “fleshed-out portrayals of individual cases and skeletal, aggregate statistics of numerous cases, while rarely adopting the procedure of looking at a moderate number of cases in as much detail as possible.”<sup>3</sup> I have attempted to adopt the latter procedure here, concentrating on original sources that give us evidence of the complex presence of sodomy in early colonial Mexico City and Puebla between 1600 and 1780. These examples involved mostly members of the Catholic Church.

The combination of qualitative methodologies and a social constructionist framework helped to produce a more precise understanding of sexuality and gender in colonial Mexican society and its transformation over time. The gender and cultural studies approach that I utilize is combined with an interdisciplinary framework where gender performativity and human sexuality are manifestations that are subject to cultural and social constructions. These elements are influenced by history, society, power, and ideology. Thus, they are constantly changed by historical phenomena.<sup>4</sup>

The study of male-to-male sexuality will contribute to an understanding of different lifestyles while further elaborating a male-oriented society that discriminated against elements and characteristics of the female subject in all its various forms, as embodied by either gender. The subjects of

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<sup>3</sup> See Lockhart, “Review of reliving the past”, p. 500; and Boyer, *Lives of the Bigamists: Marriage, Family, and Community in Colonial Mexico*, p. 6.

<sup>4</sup> Judith Butler. *Bodies That Matter*, pp. 12-13, 95; and *Gender Trouble*.

this study were persecuted for practicing sodomy and so represented a “disgrace” to manliness and its traditional representation.<sup>5</sup>

In the case of colonial Mexico, most of the cases against the “*pecado nefando*”, or sodomy, refer to the so-called “perfect sodomy”, which is sexual intercourse between men or in some case any erotic act between men.<sup>6</sup> Sodomy, according to the documents I have used in this investigation, is an “abominable sin,” a sexual act that involves penetration via the anus.<sup>7</sup> A sodomite is defined as a man who engaged in sexual acts with other men, men who dressed as women, or men who performed women’s gender roles. The historical background of these definitions, and others related to the topic, is based on archival documents that involve either sodomy or a perception of gender and sexuality from a social constructionist’s approach.<sup>8</sup>

I discuss the available cases involving clergymen and the way in which these cases were developed. Some of these cases show that the law was applied differently; the punishments given to priests were less rigid. Finally, I discuss the transformation of the concept of sodomy. Such concept was transformed from an abominable sin into an abominable crime, especially in the official discourse. This transformation occurred as Church management allowed the institution to lose influence in the eighteenth century.

## The Colonial Institutions and Sodomy

Among the several institutions that played a significant role in the development of society in colonial Mexico were the Catholic Church and the Inquisition. Such institutions contributed to determining the improvement of colonial society. These institutions primarily worked together with the Spanish Crown to keep order in the colonies, predominantly during the sixteenth and seventeenth centuries. As a Christian state, Spain relied upon the Church to evangelize, control, and maintain order in its territories

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5 See Garza-Carvajal, *Vir: Conceptions of Manliness in Andalucía and México*; and *Butterflies Will Burn: Prosecuting Sodomites in Early Modern Spain and Mexico*.

6 This piece does not include cases that involve bestiality or female-female sexuality.

7 In medieval Spain, the term sodomy was regarded as, 1) one of the worst sins of lust, regardless of gender, 2) a sin against nature in its more general form, 3) the designation of sexual penetration among men (also called perfect sodomy), 4) sex with animals (this act was most commonly known as bestiality), and 5) anal sexual intercourse between a man and a woman, which was also referred to as imperfect sodomy (*‘extra vas naturale’*). Rafael Carrasco, *Inquisición y represión sexual en Valencia*, pp. 30-32.

8 See Butler *Bodies That Matter*, pp. 12-13, 95; and *Gender Trouble*.

through religion, using the Inquisition as a key tool for controlling social life in the Spanish Empire.

Other features of colonial life supported and promulgated in the interest of order by the Church and State were marriage, family, race, class, and honor. This section analyzes the roles of the Church, the Inquisition, honor, shame, race, class, and marriage, as they influenced colonial Mexico and its sodomitical subjects. I argue that such institutions controlled and shaped sodomy and sexuality in colonial Mexico. In addition, I explore the way in which sexual behavior influenced the social, religious, and political lives of the colonial inhabitants.

### ***Christian Control: Church, Inquisition, and Sodomy***

The Church and the State regulated and supervised the evolving cultural discourses of colonial Mexico by developing and promoting discourses based on marriage and the family in attempts to reinforce the Christian conceptions of gender and sexuality. The Spanish Empire depended upon the Catholic Church to legitimize and protect the Crown. As Leslie Simpson states, “The Church’s political task was to uphold the sanctity of the Crown, to preach obedience to it, chastise disobedience (disobedience was heresy), and to act as an intelligence service by which the Crown might keep an eye on the volatile loyalty of its subjects.”<sup>9</sup> The Catholic Church consequently played an important role in the Christianization and evangelization of the natives from the very beginning of the Conquest, especially as a means of establishing social control over the population.

The Church studied its new subjects and began to learn about their cultural practices in order to successfully reach its main objective: to convert the natives to Christianity and control the population socially. This strategy required tolerance of some native customs for the sake of later “purification” of the practice through evangelization. For example, Friar Alonso de la Vera Cruz in *Speculum coniugiorum* (1556) provided an interpretation of marriage and sexual practices relating to such purification, which showed tolerance to certain indigenous sexual practices. Later texts, such as Friar Bartolomé de Ledesma’s *De septem Novae Legis sacramentis*, criticized *Speculum coniugiorum* because it allowed natives to commit

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9 Simpson, *Many Mexicos*, p. 172.

acts in defiance of God's will.<sup>10</sup> Consequently the attitude of the Spanish toward certain indigenous practices such as sodomy became less tolerant, and these practices were thus judged by a stricter moral code. The Church used the Inquisition as a tool for the declaration and enforcement of a Christian morality and standard for sexual conduct in the colonies.

The Spanish Empire brought the Inquisition to the New World in an attempt to fulfill the need for a strong institution to prevent and punish the numerous crimes taking place in New Spain. For example, Judge Lorenzo Lebrón de Quiñones spoke in favor of having an Inquisition tribunal in Mexico as a response to a population out of control. He argued that such a presence was necessary "because crimes and acts of irreverence are so numerous... and neither the secular nor ecclesiastical justice meted out the appropriate punishments and [the problem] is going to increase because the ease or the dissembling of the penalty will give a new boldness and daring to sin."<sup>11</sup> While the Inquisition controlled and punished a number of crimes and sins, its ultimate goal was to educate people so they would "censor and denounce each other with very Christian zeal"; this is the phrase used by Don Pedro Moya de Contreras, Mexico's first Inquisitor.<sup>12</sup> Richard Boyer correctly remarks that "Moya's model envisioned a project of social control in which people controlled one another, but with inquisitorial direction through listings of social behaviors and opinions in the edicts of faith, the detailed error recounted in public readings of sentence and exemplary punishments demonstrating the consequences of error."<sup>13</sup> The Inquisition's mechanism of control through public trial and punishment was successful in controlling and molding popular beliefs and behaviors in colonial society.<sup>14</sup>

10 See Bracamonte Alláin, pp. 393-415; Gutiérrez; Lavrin; and Ortega.

11 Paso y Troncoso; and Boyer, *Lives of the Bigamists: Marriage, Family, and Community*, p. 145.

12 Boyer, 2001, p. 146.

13 *Ibidem*.

14 The *Diccionario de los inquisidores*, from the sixteenth century, included sodomy as a sin within the Inquisition's jurisdiction. The Inquisition, and to an extent the general public, regarded sodomy in an extremely negative light. For example, the code stated: "Y San Agustín termina diciendo que después de la idolatría no hay mayor pecado que el de sodomía. En derecho, los sodomitas son decapitados. En derecho canónico, el clérigo sodomita es excluido del clericalato y encerrado toda la vida en un monasterio para que haga penitencia; el laico es excomulgado y excluido de la comunidad de los fieles... Se notará por fin que el juez eclesiástico castiga también a los infieles que pecan contra natura". And Saint Agustín ends by saying that after idolatry there is no worse sin than sodomy. The law says that sodomites are decapitated. According to Canon Law, the clergyman who practice sodomy is excluded from practice and he is taken to a monastery to do penitence; the layman is excommunicated and excluded from the community of laymen. It is important to note that the ecclesiastic judge also punished the infidels that sin against nature." See Carrasco, *Inquisición y represión*, p. 40.

**“Cargo de conciencia”: Of Control, Power, and Confession**

The Inquisition was extremely successful in generating fear of both prosecution and the effects of sin. Most people, after an accusation, confessed to having committed the *sin* of sodomy. Most believed that if they did not confess, they would have met with a worse punishment in hell. This fear led some people to incriminate themselves, as was the case in January 1659 with Don Juan Altamirano, a clergyman from Puebla.

Don Juan Altamirano “*descargó su conciencia*” (eased his conscience), testifying that in 1656 Joseph Vargas, another clergymen of the Franciscan order, asked him with “*palabras claras*” (directly) to commit the nefarious sin. According to his testimony, Juan Altamirano was weak and, under the “*diligencias*” of Joseph Vargas, he committed sodomy. In addition, he testified as to the sins of others.<sup>15</sup> While there is not a wealth of information about the case, the testimony of Altamirano showed the strength of the Inquisition and the degree to which it was fixed in the minds of the colonial subjects. He mentioned this in his testimony; he simply could not block divine punishment from his psyche.<sup>16</sup> Juan Altamirano risked his position, even his life, to give his testimony and clear his conscience. In the minds of colonial subjects, to face the Inquisitors or an earthly punishment was better than to suffer the divine punishment that awaited those who did not confess.

Another example of a “*descargo de conciencia*” is the case against Friar Francisco Pulido; he testified that he committed the “nefarious sin” in Mexico City in 1761. Declaring that he committed sodomy four or five times in a moment of weakness, he stated that he had forgotten how terrible the sin was. Even though he had already confessed it to a priest and received penitence, he felt that it was not enough to be absolved by a priest (although a clergyman in the confessional is the direct representative of and conduit to God). He still felt that it was necessary to report his sins to the Holy Office.

The “*sentimiento de culpa*”, or feeling of guilt, brought about by the Inquisition was extremely successful in imposing Christian morality, as well as in maintaining social control. What most matters here is that the subjects loquaciously gave testimony to their sins as a way to liberate themselves from potential damnation. This self-policing made the people quite

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<sup>15</sup> See Archivo General de la Nación, México (AGN), Inquisición, Vol. 483, Exp. No. 5, fs. 53-54v.

<sup>16</sup> *Ibidem*, Inquisición, Vol. 1042, exp. s/n, 1761. f. 97.

easy to control, and with little physical effort, force, or resources. In colonial society by the end of the eighteenth century, the confession of sins had become almost second nature.

Subjects influenced by the Inquisition went to the Church to confess not only their own sins, but the sins of their neighbors as well. People who witnessed sodomitical acts believed that confession was necessary to avoid the divine rage directed at the people of Sodom and Gomorrah. The Inquisition promoted and imposed on the minds of colonial society a general attitude of guilt and fear of punishment. The rhetoric of persecution and torment was consistent; however, the Inquisition made exceptions for members of the elite, particularly members of the Church.

### *Marriage and Honor*

Honor, shame, marriage, and the family were pivotal elements that permeated the daily actions and ethics of colonial society.<sup>17</sup> How did marriage and/or honor affect or mediate these trials? How did accusations of sodomy affect personal or collective honor? These elements were decisive in helping to destroy the reputations of those colonial subjects accused of sodomy.

The Church and State in Mexico regarded marriage – a union between a man and a woman, or a union between an individual and God through holy orders – as a righteous and effective way to keep order among their subjects. Marriage was a union of opposite sexes; it was a union and a contract, based on “an ideal reciprocity, transmitted to families through secular and cultic means... [I]n real life, couples fought and struggled, engaged in a politics of marriage in which power and resentment, alliance and isolation, practicality and idealism were jumbled up”.<sup>18</sup>

Marriage was linked to the family, since a main purpose of the union was to procreate. The Church and the State regarded the family as the “locus of moral and political socialization”.<sup>19</sup> Family was the most important means of transmitting and preserving the customs, order, and traditions in colonial society.

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17 Honor was balanced by shame. The constructed ideas of honor and shame, based on the European notions of honor, purity, and chivalry, had a considerable impact in the creation and conceptualization of colonial society.

18 See Boyer, “Women, La Mala Vida, and the Politics of Marriage”, pp. 257-258.

19 Lavrin, p. 1.



A key element that the family must preserve and “*defender a capa y espada*” (defend against anything) was honor. Honor, according to Patricia Seed, was “perhaps the most distinctive of all Spanish cultural traits. From the medieval laws known as the [*Siete*] *Partidas*, through the literature of the Golden Age, the theme was repeatedly sounded that honor was the supreme social virtue”.<sup>20</sup> Honor shaped the life of colonial Mexico and consequent perceptions of sodomy.

### ***The Power of Honor***

William Ian Miller defines honor as a group of norms for monitoring behavior. He adds that in an honor-based society, such as the one studied here, “there was no self-respect independent of the respect of others... unless it was confirmed publicly”.<sup>21</sup> Colonial subjects incorporated the notion of honor in their lives and their discourses. Honor and shame were also used as mechanisms of control for the Spaniards and a set of values that organized colonial behavior and lifestyles.

Personal honor “depended on attitudes and actions defined in gender terms”.<sup>22</sup> The attributes that an honorable man needed in colonial Mexico were courage, authority, dominance, and power; for women, these attributes were the preservation of virginity, sexual restraint, and shame. Geoffrey Spurling states that, “the core of ideas and concepts of honor were nevertheless centered on the unequal (but often contested) ties between men and women, with marriage and the family as key concerns”.<sup>23</sup>

Honor was not relegated to the elite; rather, all members of society regarded honor, along with marriage and the family, as key elements that mediated their behavior. Honor was an element that overlapped with concepts of power, gender, race, and class. If members of the *gente decente* (decent people, a term used to refer to the elite [either secular or religious]) were accused of sodomy, the process was inverted. The honorable people were innocent until proven guilty, and in order to prove them guilty it was necessary for the prosecution to have many credible witnesses. In addition, if members of the elite were found guilty, they were almost never whipped or subjected to corporal punishment; even their trials were handled in a

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20 Seed, p. 61.

21 Miller, p. 116; and Johnson and Lipsett-Rivera (eds.), pp. 1-17.

22 Spurling, p. 45.

23 *Ibidem*.

discreet manner.<sup>24</sup> Lyman L. Johnson and Sonya Lipsett-Rivera point out that “[m]any attacks upon honor occurred in the public arena. Only the elite could afford the privacy to hide and cover up their shame”.<sup>25</sup>

In colonial Mexico, there were several cases in which honor helped to acquit men accused of sodomy. Not only did honor protect accused subjects, but also their accusers were labeled as lacking honor, social status, and hence credibility. The juxtaposition of class, race, and gender performance was a vital attribute when determining outcome. In the next section, I will explore such juxtaposition and provide examples of specific cases.

## Race and Class

Social class and race played an important role in issues related to gender and sexuality in colonial Mexico. The principle for the regulation of sexuality (as discussed previously) was the family. Everyone, according to their ethnic background or social class, was expected to perform gender roles strictly defined in terms of marriage.<sup>26</sup> The discourses of family, marriage, and honor were imposed by the State and the Church; however, the way in which the subaltern – the colonial subjects – mediated these discourses and the way in which they appropriated them had a more profound impact on influencing everyday life.

As addressed previously, the enterprise of the Conquest caused a mixture of races and cultures, creating a hybrid society both in terms of race and cultural mores. A multiracial society constructed of mixed cultures, including Native American, European, African, and Asian, emerged vis-à-vis a hybrid discourse that intermingled various traditions and discourses.<sup>27</sup>

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24 *Ibidem*, pp. 45-67.

25 See Johnson and Lipsett-Rivera.

26 See Gutiérrez; and Lavrin.

27 “Colonial Mexico (or New Spain, as it was called during three centuries up to 1821) was first and foremost a multiracial society. The ethnic factor had a decisive impact on social hierarchies. Ethnicity has played a major role in the formation of the Mexican people. Hundreds of ethnicities coexisted in ancient Mexico. Spaniards were to subsume all of them under one single label, that of ‘Indios.’ Negro slaves were soon imported from various parts of Africa. But the group that was to experience the fastest natural growth was that of ‘Castas,’ a term that applied to any nonwhite who was not clearly an Indio. The white component considered itself the American counterpart of the noble estate in Spain and sought to behave accordingly. Castas were affected by suspected illegitimacy or slavery in their lineage. Accordingly, contemporaries would distinguish between ‘mestizos,’ easily absorbed into the white group, at least at the individual level, and ‘mulatos,’ openly scorned upon.” See Morin; and McCaa, pp. 477-502.

There existed a dominant and hegemonic discourse, that imposed by the State and the Church; however, subaltern forces also simultaneously influenced the development of certain practices and discourses of their own.

Race was an indicator of social class immediately following the Conquest, with the peninsular Spaniards at the top of the social hierarchy. These were people sent from Spain to populate, monitor, and control the new territories; though they were few in number, most of the power was concentrated in their hands. The *criollos*, i.e., people of European descent born in Mexico, were the second group in the hierarchical order. They sometimes held mid-range positions of power, but were frustrated because they could not pursue the positions of highest rank, which were strictly the domain of the *peninsulares*. The *criollos*, since they were the descendants of the conquerors and supposedly understood the New World, felt that they deserved to be in control. They were also emotionally attached to the land, as it was their birthplace. Below these two groups came the *castas*, (including *mestizos*, mulattos, *castizos*, *moriscos*, etc.), a mix of European and/or indigenous or African blood. The *mestizos* (European and Native American mixed) became the largest segment of the population by the seventeenth century and were the highest positioned of the *castas*,<sup>28</sup> but always lower in rank than the pure-blooded Spaniards. After the *mestizos* and other *castas* came the *indios* (natives).<sup>29</sup> At the bottom of the social strata were the African slaves. The successful mixing of the diverse population, including Africans, Natives, Europeans, and Asians (who crossed the Pacific on the

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28 “In the eighteenth century, particularly in Mexico (where mixing seems to have advanced more quickly than in any other large region), sets of paintings were made showing the various possible ethnic combinations, or *castas*. The basic *castas* were *mestizo* (American native and European), mulatto (African and European), and lobo (American native and African). But the mixing of existing mixtures produced many intermediate categories, which are illustrated in the paintings. In reality, by the eighteenth century the ethnic situation had grown so complex, and it was so difficult in practice to tell by appearance what an individual’s parentage was, that only a few basic terms for *castas* were used in practice. The paintings, illustrating as they do many subcategories, therefore represent a sort of theory of ethnic mixing. They also show some intriguing details of the everyday life of people at various social levels.” <http://www.emory.edu/college/culpeper/bakewell/thinksheets/castas.html>. Miguel Cabrera, probably the most important painter from Colonial Mexico from the eighteenth century, depicted the conceptualization of the *castas* in paintings in Colonial Mexico. See Tovar de Teresa 79-80. Other well known *casta* paintings are from anonymous artists. The Banamex-City Group in Mexico owns the most reproduced and better known *casta* paintings from an anonymous artist. See *La Colección Pictórica del Banco Nacional de México*, Mexico City, Banamex. 2002.

29 The Inquisition did not have jurisdiction over the natives. The fact that indigenous people were considered “gente sin razón”, and were thus not the equals of other colonial subjects, freed them from the Inquisition trials. See Alberro; and J. Toribio Medina. There are, however, indigenous peoples mentioned in some cases.

Spanish galleons returning from Manila to the west coast of Mexico) was a remarkable feat. This process gave birth to a hybrid culture, both genetically and culturally.

At the end of the sixteenth century, class became more significant than race. Some people of mixed racial backgrounds, such as *mestizos*, had made money and become quite wealthy, often linking them in terms of social importance to the status of a traditional *criollo*. By the eighteenth century a legal mechanism called “*gracias al sacar*” (royal licenses that could change the civil or racial status of an individual in the New World) granted “white” status to a select few of those who applied.<sup>30</sup>

Colonial society was clearly divided according to race and social class, and there existed no forum where the upper class mixed with the lower classes. In terms of race, the *peninsulares* (Spanish born in Spain) did not socialize with the *mestizos* or other *castas*. The *criollos* socialized with the *peninsulares* for business purposes but not necessarily in any other ways.<sup>31</sup>

**“Dime quién eres y te daré tu castigo”<sup>32</sup>**

As discussed above, social class and race were two elements that appear constantly in the different cases against sodomy. The State and the Church saw the people who committed sodomy with a different eye according to their social position. Europeans involved in politics and religion were treated differently than were other members of society, especially those of the working and lower-middle classes, who were usually mulattos, *mestizos*, or members of other castes. If a person was European, wealthy, or in an esteemed political position, the “*pecado nefando*” could eventually be forgiven; at the very least, punishment was not as rigid or severe.

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30 “[T]he crown was willing to dispense with racial impediments for a price. It did so, for example, in the case of Julián Valenzuela, a person of mixed ancestry (*pardo*) in Antioquia, New Granada, who was of “white color” and had the customs, education, and style of life of a Spaniard...the use of the *gracias al sacar* as means of conforming of upward social mobility and the attendant honor indicated the crown’s willingness to disregard on an individual basis old social barriers on race and legitimacy.” See Mark A. Burkholder’s “Honor and Honors in Colonial Spanish America” in Johnson and Lipsett-Rivera (eds.), p. 37. Also Burkholder and Johnson.

31 See Israel.

32 Tell me who you are and I will give you your punishment.

To illustrate how race, ethnicity, and social class overlapped with gender-related issues, I offer the case made against doctor don<sup>33</sup> Carlos Ximénez Mondragón, canon of the Saint Church of Michoacán. He was accused of committing the nefarious sin and of claiming that sodomy was, in fact, not a sin.<sup>34</sup> In the city of Zelaya, in 1716, Pedro de Heredia (don Carlos Ximénez Mondragón’s slave) denounced his master for persuading him to commit the *pecado nefando* with him. The witness specified that penetration did not occur, although an involuntary emission of semen did, and that same emission ended up in his master’s mouth. After that, when the witness told his master that what they did was wrong, “he told him several times that it was not a sin, and perhaps only a venial sin, and this was a time when it was not a sin at all”.<sup>35</sup>

Such an accusation toward a distinguished member of colonial society and the ecclesiastic elite was difficult to believe. Why would a prelate of the Church do such a thing? Likely his race, social status, honor, and position of power gave him the confidence for his sexual activities. One of Carlos Mondragón’s maids (Lorenza) was among the witnesses, as well as Don Juan de Ocio y Ocampo, a Spanish man of honor. Lorenza, the maid, argued that the slave was upset because his master slept with his wife, and out of jealousy he wanted to take vengeance on his master and wanted to kill him. The maid reported that she talked with Don Juan de Ocio y Ocampo, “an honest man,” about what happened. She ended her testimony, stating that what Pedro de Heredia said against Don Carlos de Mondragón was false. The testimonies of the maid and the slave were not enough, though; due to their social status and race (mulatto) they did not carry much weight before the Inquisition. The maid testified that she told a “man of honor” about the incident, so that this man of superior standing could testify and give a more valid testimony in favor of her master.

There does exist testimony by Andrés García de León, a Spanish man who worked for don Carlos Ximénez de Mondragón (unlike the accused and the other Spanish witness, he does not hold the *Don* title or receive the qualification of “honorable”). He stated that Pedro de Heredia told him about the incident soon after it had taken place. He also said that his boss, Carlos Ximénez, hit Pedro de Heredia; Carlos was upset that the slave was

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33 *Don* was a titled given to men and women who were considered honorable. The English equivalent could be lord.

34 AGN, Inquisición, Vol. 764, Exps. No. 18 y 19, fs. 475-497r.

35 Emphasis in the original.

openly sharing this extremely sensitive narrative. García de León ultimately testified that he did not believe Heredia. Instead, he believed his boss, who told him “everything was a lie,” that what the “*mulatillo* [Pedro de Heredia] was saying was false.”

During the colonial period, rhetoric was very powerful. For example, the fact that Ximénez Mondragón said that sodomy was not a sin was itself as bad as committing the crime. In this case, the Inquisitors did not believe that they had enough evidence or credible witnesses to condemn Ximénez de Mondragón.

One can assume Ximénez Mondragón was found innocent not just because the only witness was a mulatto slave (or black man as they also referred to him in the documents), but because the accused was of a very high position of power and “a man of honor”. A group of letters that were placed with documents of the main case backs up this assumption. These letters, sent in 1718 by Don Carlos Ximénez to the King of Spain, described the acquisition of properties; he needed proof of his *limpieza de sangre*:

Muy señor mio, habiendo resevido la de Vuestra merced con lo que expressa, de horden de el tribunal advertido de su contexto, en respuesta devo desir, que estoy sumamente agra/desido a la honrra que se á servido haserme el Consejo supremo confiriéndome la Comissaría deste partido en el casso que esos señores del tribunal no la tuviesen proveida; pero estándolo ya en el señor Doctor Don Pedro Cienfuegos, mi compañero, desde octubre del año pasado, como me dise Vuestra merced; parese que no ay nessesidad de otro Comissario para ausiensas y enfermedades, o si la hubiesse, se servirán esos señores de proveer este empleo en persona que sea de su satisfasión, pues a mi me basta aver merecido que Su Alteza me confiera esta gracia en propiedad para en casso de no tenerla prove/ida el tribunal, a cuia obediensia me pondrá Vuestra merced, dando las gracias de mi parte, por el favor de mandar que presente yo mi jenealogía para calificar mi persona y limpieza de sangre, que es espesial prerrogativa que no an gosado otros, ni para ser Comisarios ni para otros empleos del Santo Ofisio en este Reyno. Guarde D[ios] a Vuestra Merced muchos años. Valladolid y junio 12 de 1718 años.

Muy Señor mio Besa la mano de Vuestra merced su más seguro servidor y capellán Dr. D. Carlos Ximénez Mondragón (rúbrica)<sup>36</sup>

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36 “Dear sir, having received from your highness with what is expressed, from the tribunal order advised in its context, as an answer I should say, that I am very thankful of the honor that the Supreme Council has given me... it is enough having deserved that Your Highness had given me this grace in property in case of not having it provided by the tribunal, to which obedience Your Highness will put me, thanking you from me, for the favor of sending me to present my genealogy to qualify my person and *limpieza de sangre* (cleanliness of blood), that it is a special choice that some other have not gotten, nor to be a commissary nor other jobs of the Saint Office in this Kingdom, God keep Your Highness many years. Valladolid on June 12 of 1718”.

The fact that Ximénez de Mondragón was able to buy property and send a letter to the King, in which he mentions his *limpieza de sangre*, indicates that the accusations against him, almost without a doubt, did not injure his status. Beyond the actual truth of the matter, his race, social status, and honor were stronger than the accusations leveled against him. In addition, the witnesses' testimony against him was not enough. Don Carlos Ximénez de Mondragón kept himself out of this trouble by virtue of his position atop the social strata.

There are other cases in which we can find similarities, such as the case against Juan Altamirano, “*clérigo diácono por haber cometido el pecado nefando con un Fraile* [religious man who committed the abominable sin with a friar], Fray José de Barrera, franciscano” who was found guilty but received a lesser punishment.<sup>37</sup> In cases like this, much like cases involving the clergy, the sin was easily forgiven; this is because it was believed that such individuals possessed the knowledge and strength for change – the magistrates knew this because they were people of honor and *gente de razón*.

The group at the top had the power to decide how tolerant the sentencing should be in each case. Individuals from the *castas*, or lower ethnic groups, suffered strong punishments and had difficult trials. The punishment was even worse if the accused men were considered effeminate or performed the role of a woman during the act. These subjects were publicly humiliated and treated with less pity than those who did not challenge their gender role.

## Sodomy under the Catholic Roof

Clergymen were executors of the Catholic Church's objective: the salvation of souls through Christianity. These figures were divided into two categories: 1) members of religious orders (such as franciscans, dominicans, jesuits, and so on) and 2) the secular clergy, who were under the direct control of the bishops. One can argue that the main difference between the two groups was that the former had as its main purpose the conversion of the natives and the promotion of Christianity, while the latter was “the crown's insurance against the endemic tendency of Spaniards to cut loose from authority”.<sup>38</sup>

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37 See AGN, Inquisición, 1659, Exp. 483, f. 5.

38 Simpson, p. 173.

The priesthood was an intelligent choice for men because it was an extremely important position that assured honor and economic security. The strategies employed by the priests to save the souls of natives included confession, made possible by the introduction of theories on sin.<sup>39</sup> The concept of sin quickly spread throughout colonial Mexico, granting the Church a degree of control over the private lives of the people, their bodies, and their sexuality.

From the time of the Conquest until 1620, the Church began to deal with serious offenders – colonial subjects who violated the divine order. Between 1621 and 1720, the Church had reached the height of its power, and it reigned as an institution that regulated and controlled secular sins, such as sexuality, as evidenced by the increasing number of cases against sins related to sexuality. Clergymen not only played a remarkable role in restricting social life in colonial Mexico; ironically, their position also afforded them a measure of protection should a clergyman himself be accused of sexual crimes.<sup>40</sup>

As shown previously, there is evidence that priests accused of committing the “abominable sin” were treated differently than other people thus accused. Most cases involving clergy were brought to light either because 1) they confessed their abominable sin, or 2) they were accused of it. The priests and the Church wanted to avoid scandals. In most instances, it was easier for the Church to handle cases involving priests who voluntarily confessed their sin rather than those in which others made accusations. For instance, the Inquisition secretly tried Juan Altamirano and Domingo Pulido because they confessed their crime voluntarily. In this way they avoided the investigatory step and the need for witness testimonials.

When people made accusations against clergymen, as in the case of Nicolás Hidalgo, a Franciscan priest accused by the people of Taos, New Mexico, the Church had a more complicated case. On October 30, 1638, Hidalgo was accused by some natives of committing sodomy:

[Y] habiéndolos remitido a su custodio, me respondió que le abían acusado aún más feamente ante él que ante mi y abiendo pasado hase ocho meses, yendo estos días a corer (sic: correr) la frontera, se bolbían los yndios a quexar porque me fue fuerza tomar la quexa por escrito y atendiendo a que su custodio no yzo caso de lo que los yndios decían, ni menos el que es Comisario de la Santa Inquisición, sino que antes me pedían que yo lo rebocase, me a echo estanpa[r]lo (sic), y ansi e querido dar cuenta a

39 See Lavrin, p. 58; and Gruzinski, p. 108.

40 Simpson, p. 177; and Farriss.



vuestra merced para que la de a esos señores y se bea lo que declaran los indios en ese santo tribunal. El señor gobernador y capitán general y dijeron que para que más bien supiese su señoría y los españoles la verdad, presentavan y presentaron luego allí, a un yndio que llaman el mulato, [el] qual dijo que el dicho Padre, Fr. Nicolás Hidalgo, abía cometido con él el pecado nefando y quitándose el cuero de Cibola que traía cobijado, hizo la demostración con las manos y el cuerpo. Y asimismo llamaron a otro yndio, llamado Francisco Quaelene, capitán que es del quartel llamado del sepo (sic) y dijo, / que el dicho padre fray Nicolás Hidalgo avía cometido con él el pecado nefando y hizo las mesmas demostraciones, disiendo que aquello que desía era la verdad.<sup>41</sup>

The indigenous peoples accusing Hidalgo were shocked; witnesses explained, in physical detail using “their hands and their bodies”, the sinful acts the priest made them perform. The natives had once before attempted to accuse Hidalgo, but their voices went unheard. Various times they tried to confess, “*se bolbían los yndios a quexar porque me fuerza a tomar laquexa*” (the Indians came back to complain again and make sure that the complaint was accepted) demonstrating their worry concerning sodomy and their need to confess or “*descargar su conciencia*”.

Cases in which the clergy were accused of sodomy created a problem for the Church because one of its members had betrayed the Church’s teachings by violating the law and offending God. The Inquisition in several cases sentenced sodomites and other sexual “sinners” to death. However, sentencing clergy in these cases was always difficult for the Church and required that extensive damage control be undertaken to restore their image of the sodomites, whom the Church viewed as disturbed. The most common solution was to send the priest to a different community, where his sins were unknown. Even in those cases, however, the punishments for the clergy were never as harsh as the punishments enacted upon the average colonial subject. The discrete and private space that the churches provided aided some of the subjects in practicing sodomy, and the fact that the priests were in charge of them made those spaces easier to control. In addition, the fact that priests were considered “*gentes de razón*” gave them more room to develop certain practices.

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41 “The Indians insisted that I should go to investigate the sins against nature and the infamous actions that the priest was doing against some members of the community. The Indians asked me to report to the Holy Office these disturbances. The Indians declared this before me and the Holy Office. An Indian that was named ‘el mulatto’ accused father Nicolás Hidalgo of committing the abominable sin with him. He explained using his hands and his body to show what father Hidalgo did with him. In addition, another Indian named Francisco Qualene made a similar declaration against father Hidalgo”. (This is not a literal translation, rather a personal interpretation that did not change the meaning of the text.) See AGN, Inquisición, Vol. 38, Exp. 22, fs. 441-442.

## From Abominable Sin to Abominable Crime

The State began to take control over the bodies of the colonial subjects. This transformation began in the minds of the elite and with the State. The Church continued to regard sodomy as a sin and continued enforcing such ideas onto its patrons, yet it had not controlled society for many years. Gradually, though, the concept of sodomy transformed the discourse; this change in language certainly had an impact on colonial subjects. Particularly because within the Church sodomy is still viewed as a sin, but the concept transformed because of the fight for the control of the bodies of the colonial subjects. Consequently, this transformation happened because the Spanish Crown felt that the Church was gaining power and thus believed it necessary to reduce Church control. By the end of the eighteenth century, sodomy had come to be conceived of and treated as a crime by the authorities.

The case against Andrés Aramburu sheds light on the thesis that the concept of sodomy underwent a transformation. An educated member of the colonial elite, Aramburu was accused of committing sodomy, *difamación de honor* against clergymen, and blasphemy. One of the accusers testified that Aramburu stated that sodomy was not a sin; this showed that the accused was either trying to justify his actions or state that he honestly did not believe that sodomy was sinful. The testimony of another witness, Juan Zerezedá, provides more details for the development of these arguments. Juan Zerezedá states that Aramburu,

Dixo que sabe que un día, abrá ocho meses, poco más o menos, estando parlando con el alcalde mayor, Andrés de Aramburu, presentes D. Nicolás de Chábes, el Alguacil Mayor desta villa Diego Martín, el dicho Andrés de Aramburu, y en presencia de los citados \_\_\_\_\_

Dixo que *el pecado nefando no era peccado, según desía un autor*, y este Andrés de Aramburu, tiene mala fama en este artí/culo de sodomía. ítem, declara que ha tenido desterrado al señor comissario, fr. Juan de Noval, de su territorio, y provido para que no pueda exercer su oficio; y esto con viripendios como es pública vos y fama, y esto con palabras afrentosas y dado ha entender a los indios que los saserdotes no valen nada, mandó prenderlos y amarrarlos y que los truxeran a su presen/cia, como lo mandó a Diego de la Carrera y a muchos indios, con notable menosprecio de que se a seguido en los indios descaeser en la fe.<sup>42</sup>

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42 AGN, Ramo Inquisición, Vol. 437, exps. 17, fs. 364-406r. (foliación nueva 365-407r.), Año de 1653. "He said that around eight months ago, more or less, while he was talking with the mayor Andrés de Aramburu, in front of other people such as D. Nicolás de Chábes, the mayor of the town Diego Martín; Andrés Aramburu said that the abominable sin was not a sin, according to a book's

Andrés Aramburu argued that sodomy was not a sin; he cited an author that supported his claim. While he did not give the name of the author, what is important here is that the Church was concerned with the notion of an intelligent man questioning the primary constructs of its regulations. In addition, Aramburu had no respect for the members of the church in his community, and thus he used his power to try to undermine Church teachings and control.

There are other cases and secondary research that support the thesis that the Church's control over the bodies of the people was diminished at the time when secular authorities from Europe influenced the educated elite, the State, and even somewhat among the clergy itself. Thus, in the case of Aramburu, a Spaniard, the treasurer of Veracruz and *alcalde mayor*, one sees the conflict that members of the local government had with clergymen who challenged the conception of sodomy defined by a high state official. Thus a question evolved: Was sodomy an abominable sin or an abominable crime? In other words, did a transformation of the concept of sodomy happen during the colonial period?

During the Early Modern period, sodomy was regarded as a nefarious *sin* in the colonial discourse and to the collective memory. Starting in the eighteenth century, but particularly during the mid-eighteenth century, there was a change in the conception of sodomy from *nefarious sin* to *nefarious crime*. The disagreements between the Church and the State prompted a secularization process, empowered by the State.

In a *cédula real* from 1746 the King of Spain stated that the Church could not pass sentence upon any individual accused of sexual assaults or crimes related to the body, that it was the *Sala del Crimen* (civil judges) who would give sentence.<sup>43</sup> The Spanish Crown created new laws that limited the legal power of the Church and gave the State the power to control

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author. Aramburu has a bad reputation, people said that he has committed sodomy. He also declares that Aramburu exiled from his territory friar Juan de Noval and prohibited him from being a priest in his territory. Aramburu spoke ill of the priest and the Church, telling the Indians that the priests are worthless, and he asked them to tie up the priests and bring them before him, as he did with Diego de la Carrera, he shows no respect for the Church and he is giving that example to the Indians”.

43 AGN, Criminal, Vol. 58, exps. 20-22, 1788, fs.396-396v. Jorge Bracamonte reports that there were 139 cases related to sexuality from 1521-1820 from both civil and ecclesiastical sources. He also points out that the attitude of the Inquisition against these cases changed from time to time. For example, from 1521-1620 there is a period of exploration, thus the Inquisition is more tolerant. From 1621-1720 it is the time in which the Holy Office gives more severe punishments, and from 1721-1820, the Church's power starts to decrease with the secularization process that occurs in the eighteenth century as the State sought to wrest more power from the Church.

the bodies of colonial subjects. For instance, a case involving a great number of men accused of committing sodomy in 1658 was handled by the Royal Court. This was probably one of the first cases, if not the first, that the State undertook, and it involved many more men than did the cases previously heard by the Church. Why was this case handled by the Royal Court and not by the Inquisition? Probably it was a way for the State to begin taking control of colonial subjects. This was not immediate, though; it was a slow process that eventually transformed the concept of sodomy in the discourse of the State and the educated elite from a sin to a crime.

Believers looked to the Church as the institution that regulated their bodies, because the Church had assumed that role. When the State took over this role, it met with opposition from the Church, who criticized the punishments and regulations administered by the civil judges as weak or inappropriate. For example, as a reaction to a case against 123 men accused of sodomy in 1658, the Church of Puebla decided that it was necessary to organize masses, public prayers, and processions to save the community from the “contamination of the abominable sin.” This was not only because the Church believed that Divine rage would come against the sinners and community; it was also because they sought to undermine the State’s decision to put to death only 14 of the 123 men accused.

The clergy pointed out that the civil judges were not qualified to undertake such responsibilities. In fact, the Church felt that the courts should not deal with cases related to the defense of the Supreme Laws or the Catholic faith. The argument was that “*los jueces seculares, la han visto sin el selo que corresponde ha Nuestra Santa Fe*”. (Secular judges did not conceive of it [the sin of sodomy] taking into consideration the principles of our Holy Faith).<sup>44</sup>

## Conclusion

Myth and belief helped the Spanish Empire to evangelize the New World and to establish control over the Colonies they established there. The Sodom and Gomorrah myth was so powerful a tool that people remained fearful of the consequences of sodomy for over a century after the Conquest. In addition, the fear that the Catholic Church instilled, with its

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44 See Bracamonte, pp. 398-399; and AGN, Inquisición, Vol. 1197, exp. 9, 1780, f. 47.

new ideas of hell and the devil, was extremely influential in colonial society. On many occasions, people felt obliged to confess their sins or crimes in order to avoid divine punishment. The *descargo de conciencia* was an effective way of controlling colonial subjects.

Mechanisms of control such as the Inquisition were very effective. The institutions of marriage and the family contributed in the promotion and regulation of a Christian state. Through marriage, people created families that had the potential to be Christian and honorable. Thus, anything outside this model, such as sodomy, was wrong. The collective memory regarded sodomy as an abominable sin, a “*pecado nefando*,” i.e., an aberration against nature. Sodomy was simply not structurally linked to anything within official Mexican society. Thus, those who were convicted of sodomy were regarded much the same as those who practiced idolatry, the worst sin prosecuted by the Inquisition.

In colonial Mexico, the rhetoric surrounding sodomy is sometimes stronger than the punishments for it. The sin was one against nature. In addition, this behavior conflicted with many of the most important social elements in colonial Mexico, such as marriage, family, honor, and shame. Therefore, the fact that the discourse and the rhetoric have survived shows that sodomy played a relevant role in colonial life (one can argue that the strong feelings that have survived against sodomy throughout the years are solid support for this claim).

In the mind of the populace, sodomy was a sin; it was simply something that should not be practiced. Even in the eighteenth century, when the Spanish Crown tried to take away the Church’s power, Church ideology remained ingrained in the minds of the public. Offenders continued going to the Church to testify sexually related *sins*, even though in the mid-seventeenth century the *Real Sala de Crimen* (Royal Court) was in charge of the “*crime of sodomy*.” The “sin against nature” quickly became a “crime against nature”; the only change was between the bodies that administered the trial and punishment.

Institutions both secular and religious played a significant role in colonial society and influenced the daily lives of colonial subjects. The Inquisition was an effective mechanism of control and regulation, but it was eventually replaced. Social institutions, such as marriage and the family, were extremely useful in promoting a model of a Christian society. Widely held values, such as honor and shame, also aided the preservation of the societal model that the Church and Crown strived to develop in New Spain.

However, a great number of factors permeating colonial society did not aid in the creation of a perfect Christian state. The Inquisition and the Royal Courts had to be vigilant to keep bodily and sexual deviance under control. At the beginning, the Church took control over the bodies of colonial subjects but was later rebuked by the State. The State assumed oversight in this area so as to prevent the Church from becoming too powerful. In effect, the State treated sodomy and sexual acts *contra-natura* as crimes rather than as sins, leading eventually to a social equating of sodomy with criminal behavior. Sodomy in the discourse was transformed from an abominable sin to an abominable crime. However, there was never a major conflict between the Church and the State, particularly because the Church did not want to oppose the King of Spain and diminish its own interests in the Conquest. The study of the politics of gender, sexuality, race, and social class in colonial Mexico allows a better understanding of the ways in which colonial subjects negotiated, subverted and transformed official discourses. Pre-Columbian, and particularly colonial experiences of sodomy are pivotal to understanding today's dominant discourses of sexuality in which marriage and the family are the key institutions that permeate such discourses.

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