

**Medicine, Gender and Sex in Early Modern Spain:
Eleno/a de Céspedes and the One-Sex Model**

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The question of what distinguishes men from women is frequently addressed in early modern Spanish texts on medicine, anatomy and natural phenomena, sandwiched between queries about wounds, pregnancy, illness, and other matters related to the human condition. By and large, the authors writing on such topics adopt and propagate a model of sex difference that Thomas Laqueur has termed the “one-sex model,”¹ which was itself based on Galen’s anatomical model, and share a belief that sex, and consequently gender, was neither dichotomous nor stable, subject to changes according to variations in temperature and in the four humors believed to be found in the human body. The authors of these texts—among them, Juan Huarte de San Juan, Juan Calvo, Fray Antonio de Fuentelapeña, Antonio de Torquemada and Juan Fragoso, to name a few—also included tales of individuals who experienced spontaneous sex changes, either in vitro or later in life. Their texts circulated throughout a varied audience, from highly educated medical elites to surgeon’s apprentices with little formal training; thus, the ideas found in them had the potential to influence and inform collective understandings about the human condition. In particular, the information on sex difference and the mutability of sex and gender likely informed the collective understanding of sex and gender in early modern Spain, as illustrated by the case of Eleno/a de Céspedes.

According to the one-sex model defended by these authors, men and women differed only in the location of their reproductive organs. Basing themselves on humoral theory, they insisted that a sudden influx of heat, for example, could cause a woman’s reproductive organs to be forced outside her body, turning her into a man. Huarte addresses this theory in his *Examen de los ingenios para las ciencias* (1575),² though the

¹ In *Making Sex*, Laqueur posits that prior to the eighteenth century there was “but one sex whose more perfect exemplars were easily deemed males at birth and whose decidedly less perfect ones were labeled female” (124). He later explains that the key factor in determining sex difference is found in the location of genitalia: “creatures with an external penis were declared to be boys and were allowed all the privileges and obligations of that status; those with only an internal penis were assigned to the inferior category of girl” (135). This “one-sex model” is more spectral than dichotomous, contrary to the sexual and gender binary that is later accepted.

² “Y es que el hombre, aunque nos parece de la compostura que vemos, no difiere de la mujer, según dice Galeno, más que en tener los miembros genitales fuera del cuerpo. Porque si hacemos anatomía de una doncella hallaremos que tiene dentro de sí dos testículos, dos vasos seminarios, y el útero con la misma compostura que el miembro viril sin faltarle ninguna deligneación. Y de tal manera es esto verdad, que si acabando Naturaleza de fabricar un hombre perfecto, le quisiese convertir en mujer, no tenía otro trabajo más que tornarle adentro los instrumentos de la generación; y, si hecha mujer, quisiese volverla en varón, con arrojarle el útero y los testículos fuera, no había más que hacer. Esto muchas veces le ha acontecido a Naturaleza, así estando la criatura en el cuerpo como fuera; de lo cual están llenas las historias, sino que algunos han pensado que era fabuloso viendo que los poetas lo traían entre las manos” (Huarte 237). (“Man, despite what he appears to be, is no different from woman, according to Galen, except that his genital organs are outside of his body. Because if we dissect a woman we will find that she has inside of her two testicles, two spermatid glands, and a uterus made of the same material as the male member, without any missing pieces. And this is so true that if Nature finished making a perfect man, and wished to turn him into a woman, she would need only to turn his reproductive organs inward; and if, having created a woman, she wished to make her a man, she would need only to pull the uterus and testicles out of the body. This has happened many times to Nature, whether the creature be in the mother’s womb or whether it had been born, and the stories are full of such cases, but many have thought them to be fables because they are mentioned by the poets.” This translation, and all that follow, is mine).

ideas offered by Huarte can also be found in Calvo's *Cirugía Universal* (1580), Torquemada's *Jardín de flores curiosas* (1568), Fragoso's *Cirugía Universal* (1581), and Fuentelapeña's *El ente dilucidado* (1676). The general consensus among these authors is that such changes could happen in adulthood as well as in utero, in which case the individual in question would retain vestigial traits of the original sex. Thus, a masculine woman could be understood as a woman whose original sex was male, and whom a sudden change of sex had left with noticeable traits associated with the male sex.³

There is no shortage of scholarly work on medicine in medieval and early modern Iberia; Huarte in particular has been studied at great length. What interests me, however, is not simply the matter of what these authors wrote, but rather, the extent to which this information circulated among the general population, beyond the circle of formally educated medical professionals. As I will show, there is evidence to suggest that the information regarding sex difference, published in treatises written in early modern Spain, reached an audience that was not limited to a small circle of university-educated surgeons and physicians. By forming part of the collective consciousness, it would have informed and influenced the understanding and reception of individuals with non-normative sex and gender.

Historian Marta Vicente has suggested that at the end of the seventeenth century—when Laqueur claims that western Europe saw a shift from the one- to the two-sex model of sex difference—it was the general public, much more so than Spanish authorities, who was most willing to accept individuals with anomalous or fluid sex and/or gender.⁴ Likewise, Francisco Vázquez García and Richard Cleminson argue that, unlike in other European countries, where such phenomena began to lose credibility earlier, in Spain stories about sex changes and hermaphrodites continued circulating up until the end of

³ As Huarte explains: “A quien esta transmutación le aconteciere en el vientre de su madre, se conoce después claramente en ciertos movimientos que tienen indecentes al sexo viril: mujeriles, mariosos, la voz blanda y melosa, son los tales inclinados a hacer obras de mujeres y caen ordinariamente en el pecado nefando...Por lo contrario muchas veces tiene naturaleza hecho un varón, con sus miembros genitales afuera, y sobreviniendo frialdad, se les vuelve a dentro, y queda hecha hembra. Se conoce después de nacida, en que tiene aire de varón, así en la habla, como en todos sus movimientos y obras.... Esto parece que es dificultoso probarlo: pero considerando que muchos historiadores auténticos afirman, es muy fácil de creer. Y que se hayan vueltos mujeres en hombres, después de nacidas, ya no se espanta el vulgo de oírlo: porque fuera de lo que cuentan por verdad muchos antiguos, es cosa que ha acontecido, en España muy pocos años ha: y lo que muestra la experiencia, no admite disputas ni argumentos” (Huarte 238). (“Anyone that experienced such a transmutation in his mother’s womb will be recognized clearly by certain movements that are indecent to the male sex: effeminate, ladylike, the voice soft and sweet, and such men will be inclined to do women’s work and fall frequently into the nefarious sin...On the other hand, many times Nature has made a male, with his reproductive organs outside the body, and with a sudden influx of cold, his genitals are pushed inside, and he is left a woman. Such a woman will be recognized after she is born, for her manly airs, as well as her speech and all her movements. This might seem tricky to prove, but since many authentic historians proclaim it, it is easy to believe. And the public should not be surprised to hear that women have turned into men after they are born, because aside from that the ancients tell us, it has happened quite recently in Spain, and what experience proves cannot be argued.”)

⁴ Examining the case of Francisco Roca, a seventeenth-century man accused of sodomy and well known in his community for his effeminate characteristics, Vicente the the extent to which the general public was aware of these theories, or at least, of the explanation they offered for mutable sex, and whether or not they were considered feasible. She cites testimonies from those who knew Roca and took him for a hermaphrodite or a woman dressed as a man, describing his “feminine ways” and the juxtaposition of male and female physical traits. Vicente argues that, in the day-to-day practice, it was not the university educated medical elite who were pushing others to accept cases of sudden sex change, but the average Spanish citizens who were willing to accept such explanations for apparent cases of sex changes or anomalous sex among their peers. (15).

the eighteenth century (8).⁵ Vicente, Vázquez and Cleminson convincingly argue that, in the historical cases that they analyze, the general population was willing to accept a sudden sex change as a plausible explanation for a person whose sex and/or gender was ambivalent or ambiguous.

However, these beliefs and their plausibility among early modern Spanish populations have had little bearing on modern scholarship's approach to figures such as Eleno/a de Céspedes, born a female slave to a Moorish mother in the sixteenth century, and eventually brought to trial before the Spanish Inquisition on charges of bigamy and witchcraft after it was discovered that he was married to both a woman and a man. During the trial, Céspedes makes reference to the very same theories of sex difference put forth by authors like Huarte and Fragoso, claiming both that he was a hermaphrodite and that he had undergone a spontaneous change in sex. Despite never receiving formal university education, and in spite of his humble origins, Céspedes was familiar with and convinced by the one-sex model, using it to understand and defend his own unique anatomical and sexual situation. While it would be all but impossible to prove that a given percentage of those living in early modern Spain were familiar with this information, I believe that Céspedes' case illustrates the extent to which medical knowledge, specifically that which concerns sex difference, was transmitted and circulated through a wide and varied audience, as well as the role that this knowledge played in the reception of individuals with non-normative sex and gender.

Elena de Céspedes was born in Valencia in the mid 1540's to a Moorish mother and a Christian father. She⁶ was raised as a Christian and a slave, but at age sixteen, she was freed from slavery and married Cristóbal Lombardo, with whom she had a child. Shortly thereafter, her husband abandoned her. Céspedes, in turn, abandoned their child, and began a new life, living as a man and changing his name to Eleno. According to Céspedes, he began dressing as a man after being released from jail, where he had been placed after stabbing a man in a fight. As he would later explain while on trial before the Inquisitional Tribunal:⁷

En este avito de hombre se fue⁸ a Arcos, adonde asentó con Antón Marino, por moço de labranza, llamándose Céspedes, sin decir Pedro, Eleno o Juan. Estubo con él un mes porque le dava treinta y seis reales, y pan, sin otra cosa. Por esto, le dexó y asentó luego con Francisco López ... y le sirvió de pastor como quince días, y sospechando que esta fuera monfí la prendieron. (109r)⁹

⁵ Vázquez and Cleminson provide the example of Fernanda Fernández, who joined a convent as a (female) nun, and was later believed—that is, accepted—to have become a man (8).

⁶ At the time of the Inquisitional trial, Céspedes insisted that he was more male than female. For this reason, I will use male pronouns to refer to him, except when speaking about his life when he identified as a woman. I do not view this as a negation of Céspedes' chosen identity given that he describes himself as having been a woman at earlier points in his life.

⁷ In my transcription I have maintained the original spelling, except in cases of abbreviated words (for example, "publicamte" has been written out to read "públicamente") and in cases of missing accent marks, which I have added, for clarity.

⁸ Much of the information documented during Céspedes' inquisitional trial is given in the third person, with the exception of a letter that Céspedes wrote to the tribunal. The answers that he gave in response to the Inquisitors' questions, however, are all in the third person, though some scholars (see Kagan and Dyer), opt to transcribe the testimony in first person, so as to recreate Céspedes' first-person narrative. I have maintained the original third person that is found in the original documents.

⁹ The transcription used here is taken from the "Proceso de fe de Elena de Céspedes," held at the Archivo Histórico Nacional, Madrid, Sección de Inquisición, tribunal de Toledo, leg. 234, exp. 24. The page numbers cited here correspond to the page numbers written in pencil in the upper right-hand corner of each *folio*.

In men's garb s/he went to Arcos, where s/he stayed with Antón Marino, as a farmhand, calling himself Céspedes, without giving a first name. S/he stayed with him one month because s/he earned thirty-six *reales* and bread, but nothing more. So s/he left and then stayed with Francisco López...and stayed with him for about fifteen days working as a shepherd, and then, suspected of being a *monfí*, was arrested. (Translation mine)

Notably, Céspedes' second arrest does not come about on the basis of suspected gender or sexual transgressions, but rather, for racial suspicions; the accusation that he was a *monfí*¹⁰ is wholly unrelated to Céspedes' cross-dressing. In any case, Céspedes' second imprisonment was short-lived, as a former acquaintance intervened on Céspedes' behalf: "Y pasando a caso por allí el licenciado Vanegas, vecino de Alhama, por haber dicho que esta era de Alhama, fue a ver a esta a la cárcel, y la reconoció y dijo...quién esta era al corregidor y la soltó" (109r). After leaving the jail, Céspedes was taken in by a priest, near Arcos, who insisted that Céspedes wear women's clothing. The priest's actions regarding Céspedes' sartorial choices might be read as a foreshadowing of the attitude taken by the Inquisition; whereas Céspedes' peers were, by all accounts, willing to live and let live, religious authorities—first, the priest in Arcos, and later, the Inquisition—are not so tolerant.

Céspedes went on to work as a seamstress in a handful of towns, between stints in the army, moving from Arcos to Alhama de Granada to Madrid. It is clear that, during this period of his life, many who encountered Céspedes suspected him to be female, disguised as a man, but were not interested in seeking legal intervention. For example, while working as a tailor in Arcos de la Frontera, the other townspeople recognized Céspedes to be a woman, but made no effort to involve the authorities: "Comenzó esta a hacer oficio de sastre publicamente, en avito de hombre, y se examinó de sastre en Jerez de la Frontera, aunque en título *pusieron sastra por conocer que esta era muger*" (109v, emphasis mine). While Céspedes was forced to identify himself as a woman, his sartorial choices did not give rise to any documented altercations and no authorities intervened to prevent him from continuing to live as a man. Céspedes' peers, as this passage shows, believed him to be a woman dressed as a man but, rather than turning him in, accepted the juxtaposition of masculinity and the female body. Similarly, when Céspedes served as a soldier in the army, his fellow soldiers were not fooled by his disguise; the officer who eventually turned him in to the authorities stated that it was common knowledge among the soldiers that Céspedes was not a man.¹¹ To be clear, it does not at all appear to be the case that Ortega Velázquez was bothered by Céspedes' ambiguous sex—if that were the case he would have turned him in much sooner; rather, he denounces him for bigamy, not cross-dressing nor sodomy.

The leniency with which Céspedes' peers treated him suggests that they possessed an understanding of sex and gender that explained such an individual. The one-sex model, as interpreted by Huarte and his contemporaries, would have explained Céspedes as a consequence of the sudden sex changes that the one-sex model suggested to be possible. While the texts penned by these authors served as didactic tools for students of medicine

¹⁰ In their transcription of the archival document, Kagan and Dyer misread the term "monfí" for "manso" and conclude that Céspedes was arrested over suspicions of effeminacy or homosexuality. My own reading, as well as Israel Burshatin's, is that the text reads not "manso" but "monfí," which Burshatin defines as "morisco bandit" (436).

¹¹ When Céspedes is finally turned in to the authorities, it is by a man called Ortega Velázquez, with whom he had served in the army: "The officer denounced 'her' to the authorities, *alleging that it was always known that Eleno had two sexes* and that he was certain that she had been married to a man" (Burshatin 423).

and a form of dialogue between authors, their influence went beyond those with the literacy necessary to read them, since the written word was not the only means by which information regarding science and medicine circulated in early modern Spain. Scholars like José María López Piñero, for example, have argued that oral transmission allowed scientific knowledge to permeate the boundary of literacy and inform the popular knowledge of the masses.¹² Such information trickled down and was shared among groups of people with little or no education, literate or not, who were, by their very nature as human beings, no less invested in knowing about human bodies, illness, medicine and health than the most educated of doctors. Similarly, Margit Frenk has argued that written texts were commonly read aloud for illiterate listeners.¹³ Frenk goes so far as to suggest that authors in early modern Spain were so conscious of the oral transmission of texts that they made direct reference to the “lector o oydor” (“reader or listener”) in order to address all of the possible recipients of their texts.¹⁴ With this in mind, we might even conclude that it was likely that the authors of these treatises were themselves aware of the oral diffusion of the information they include in their texts.

Céspedes eventually began to work as a surgeon in Valencia, learning the trade from a friend but never studying at a university, eventually working in Madrid at the *Hospital de la Corte* and at *El Esocrial*. At one point, Céspedes was accused of practicing without a surgical license, which he then obtained. He worked for nearly a decade as a surgeon, finally landing a position traveling with a band of soldiers and treating their wounds (Kagan and Dyer, 42). Notably, Céspedes was accused only of practicing without a license, receiving, in his account, no accusations about his true sex or gender transgressions, despite the fact that, as I noted previously, it is evident that many who knew him understood him to be a woman dressed as a man.

While working as a traveling surgeon with a company of soldiers, Céspedes found himself in Ciempozuelos, where he met and eventually married María del Caño. In order to marry her, Céspedes sought a medical evaluation in order to prove that he was male. The doctor performing this examination would have been aware of the high stakes—Céspedes needed to prove he was a man before acquiring a marriage license—but granted him the necessary documentation. When those who had previously confirmed Céspedes to be male later recanted at the Inquisitional trial, the tribunal concluded that Céspedes had engaged in some sort of witchcraft or had made pacts with the devil in order to trick

¹² “La cultura de esta gran masa popular, que siguió dependiendo de la transmisión oral, no permaneció absolutamente impermeable a los conocimientos científicos, como a primera vista pudiera creerse. A través de una larga convivencia, elementos muy diversos de la cultura científica académica se incorporaron, más o menos deformados, a la sabiduría popular” (López Piñero, *Ciencia y técnica* 128). (The culture of this great popular mass, which continued depending on oral transmission, was not completely impermeable to scientific knowledge as it might first appear. Through a long cohabitation (between the masses and the academic elites), many diverse elements of the scientific and academic culture were incorporated, with some deformations, into popular knowledge.)

¹³ “Dada la importancia que la voz seguía teniendo en la transmisión de los textos, el público de la literatura escrita no se limitaba a sus lectores, en el sentido moderno de la palabra, sino que pudo haberse extendido a un elevado número de oyentes, de todos los estratos sociales, incluida la población analfabeta” (25). (“Given the importance of the voice for the transmission of texts, the public of the written literature was not limited to its readers, in the modern sense of the word, but rather could have extended itself to an elevated number of listeners, from all social strata, including even the illiterate public.”)

¹⁴ “Muchos autores del Siglo de Oro español escribirían anticipando una posible y pronta conversión de sus letras en sonido, hablarían con sus oyentes desde un aquí y ahora que —imaginariamente— compartían con ellos” (22) (Many authors of the Spanish Golden Age would write anticipating that their letters would possibly be converted into sounds very soon, and would speak to their listeners from a here and now that—they imagined—they shared with them.”)

all those who examined him—sexual partners, physicians and other healers—into taking him for a man.

Some have suggested that Céspedes bribed the doctors who examined him, and that, under the threat of the tribunal, the doctors came clean and blamed Céspedes for deceiving them. In the event that they were bribed, one could conclude that maintaining social order through strict sex and gender norms was not so very important to the medical authorities, given that they were easily persuaded into certifying that Céspedes was a man. Perhaps a more logical explanation is that the doctors who evaluated him were, like Céspedes, familiar with the one-sex model and therefore willing to believe Céspedes' story about his unstable sex. Later, at the trial, these doctors were faced with a difficult choice: stand by their original decision and refuse to help the Inquisitional tribunal in its quest to prosecute Céspedes, or change their story and become accomplices to the authorities who were less willing to believe Céspedes' explanation.

Once married, Céspedes and del Caño lived together for a year until they were both arrested for sodomy in 1587.¹⁵ As it turned out, however, the Inquisitional tribunal in Toledo lacked the necessary jurisdiction to charge Céspedes with sodomy, and no specific charge for the cross-dressing—let alone hermaphroditism, which was not a crime in and of itself—existed for them to use against him. Thus, he was charged with sorcery and “disrespect for the sacrament of marriage”; since Céspedes' husband, Cristóbal Lombardo, could not be proven to be dead, he had no legal right to remarry at all, whether to a man or a woman.¹⁶ During the trial, Céspedes employed a variety of strategies to defend his innocence, but his main argument was rooted firmly in contemporary medical theories. Throughout the entire ordeal, Céspedes maintained that he was a hermaphrodite, detailing how his sex changed from female to male:

En realidad de verdad es y fue hermafrodita, que tuvo y tiene dos naturalezas, una de hombre y otra de mujer. Lo que pasó es que cuando esta parió como tiene dicho, con la fuerza que puso en el parto se le rompió un pellejo que tenía sobre el caño de la orina y le salió una cabeza como medio dedo pulgar, que parecía en su hechura cabeza de miembro de hombre, el cual, cuando tenía deseo y alteración natural, le salió como tiene dicho, y cuando no estaba con alteración se enmustecía y recogía a la parte y seno donde estaba antes. (112v)

(The real truth is that s/he is and was a hermaphrodite, who has two sexes, one male and the other female. What happened is that, during childbirth, as s/he said, the great physical exertion caused a small skin to break over the urinal canal, and out came a head half the size of a thumb, and had the shape of a male member, and when s/he had sexual desires, it came back out, and when s/he did not, it shrunk back up to its original position.)

Since, Céspedes argued, he was no longer a woman, he had no option other than to marry a woman; his maleness legitimized his marriage to del Caño. As he wrote in a letter submitted to the Inquisitional tribunal following the trial:

¹⁵ According to Kagan and Dyer, “the nefarious crime of sodomy” was the term used to describe a capital offense consisting in “a broad range of non procreative sexual activities, though it sometimes was used more specifically to signify same-sex relations” (45).

¹⁶ As Burshatin points out, the conviction was made possible on a paperwork technicality, above anything else: “[Céspedes] further complicated her case in Toledo by her inability to produce to the Inquisitors' satisfaction the proper certification of her first spouse's death. Declaring that Eleno was, in fact, Elena, the Toledo tribunal convicted *her* on the technicality of having committed bigamy by marrying María without the required paperwork certifying Eleno's widowed status—an emblematic piece of bureaucratic reasoning in the reign of the “paperwork king” (*le roi paperasser*), Felipe II” (Burshatin 424).

Lo otro por que no me daña el haberme casado primero como muger con hombre y después haberme casado como hombre con mujer porque cuando me casé con hombre prevalecía encalecía en el sexo femenino y muerto mi marido después prevalecía encalecía en el sexo masculino y me pude casar con mujer y así está determinado que se puede hacer. (182v-183r)

(Furthermore, because there is nothing wrong with having been married first as a woman to a man and then as a man to a woman because when I married a man, the female sex prevailed in me, and, my husband being dead and prevailing in me the male sex, I was able to marry a woman and this is what one is allowed to do.)

In this way, Céspedes capitalized on both the model of sex difference as well as the heteronormativity of his times; after becoming a man, he certainly could not have been expected to have a husband. Whether or not the marriage to del Caño was a same-sex marriage is almost beside the point; as far as the Inquisition was concerned, Céspedes was married to two people at once.

When called before the tribunal, del Caño claimed to have no knowledge of any anatomical irregularity in her husband. It is easy enough to understand that del Caño would feign ignorance when confronted by the Inquisition about the fact that her husband was, in fact, a wife. What is all but impossible to understand is that either the Inquisitional tribunal or modern scholarship on Céspedes would accept that del Caño was completely clueless as to the true sex of her spouse. Del Caño, like Céspedes' fellow soldiers and others who knew him, almost certainly must have known, or at the very least suspected, that Céspedes was not a man, though this did not prevent her from marrying him nor did it encourage her to denounce him to the authorities. Céspedes, for his part, throws his wife under the bus, assuring the tribunal that she had been told that Céspedes had both male and female sex and referencing her curiosity about her alleged husband's true sex.

In Céspedes' letter to the Inquisitional tribunal, he again makes explicit reference to humoral theory in order to further justify his actions, denying having ever pretended to be a man in order to marry a woman:

E lo que pasa es que como en este mundo muchas veçes sean visto personas que son andróginos, que por otro nombre se llaman hermafroditos, que tienen entreamos sexos, yo también e sido uno de estos. Y al tiempo que me pretendí casar, incalecía y prevalecía más en el sexo masculino, e naturalmente era hombre, e tenía todo lo necesario de hombre para poderme casar, y de lo que era, hice información e probança ocular de médicos e cirujanos...los cuales me vieron e tentaron e testificaron con juramento que era tal hombre, y me podía casar con muger, y con la dicha probanza, hecha judicialmente, me casé por hombre y con liçencia de juez competente...yo naturalmente e sido hombre y muger, y aunque eso sea cosa prodigiosa y rara, que pocas veçes se ve, pero no son contra naturaleza los hermafroditos como yo lo e sido... (182r-v)

(And what happened is that, just as in this world we have seen many androgynous people, who by another name are called hermaphrodites who have both sexes, I have been one of these. And when I sought marriage [to del Caño] the male sex was stronger in me, and so I was male, and I was certified to be so by doctors and surgeons who were eyewitnesses of my person, and they saw me and touched me and swore that I was a man and that I could marry a woman. And with that license, legally obtained, I married a woman with a judge's approval...I have been,

naturally, a man and a woman, and though this is rare, and not often seen, hermaphrodites, as I am, are not against nature.)

Céspedes' explanation that heat was the cause for the change in his sex contains clear, albeit slightly misguided, references to circulating theories of humorism and the effects of temperature and climate on the location of one's reproductive organs, namely, that heat could cause a woman's reproductive organs to be forced out of her body, rendering her male.¹⁷ When asked if he could prove that he had male genitalia, Céspedes replied that he could not, because he was forced to amputate it after injuring himself while riding a horse and later developed a cancerous disease.

Given that Céspedes spent time working as a surgeon, it is not surprising that he would have developed a working knowledge of contemporary medical theories. But, in addition to Céspedes' informal surgical training, he also amassed a collection of medical texts, despite never attending any kind of university.¹⁸ Evidence of his studies can also be found in the records of his possessions, which were confiscated by the Inquisition. Their inventory aligns with Céspedes' statements about his education (Burshatin, 447). It is Galen, whose texts are among those found in Céspedes' collection, who inspires Huarte and his contemporaries to propagate the one-sex model in early modern Spain. In the *Examen*, Huarte echoes Galen when he insists that men and women are anatomically identical, excepting the location of their reproductive organs, and explains how fluctuating humors can cause changes in human anatomy, altering a person's biological sex and consequently, his or her gender. While Helen King has suggested that Galen was not offering the one-sex model as a literal description of human anatomy, but rather, as a "thought experiment" (35), in early modern Spain, Galen seems to have been taken very literally, leading to the conclusions about mutable and non-binary sex outlined previously in this article.

Though Céspedes receives no formal education, his possession of these texts and his apprenticeship in surgery give him access to circulating medical information on sex and gender. In this way, Céspedes' figure offers insight on the accessibility of medical information during early modern Spain, particularly when we consider his humble origins and the physical markers denoting them.¹⁹ Despite these two physical markers—his Moorish origins and the facial scars revealing his prior status of slave—Céspedes was able to access and study the necessary texts in order to become a surgeon. His use of medical theories during the trial is proof that individuals from various backgrounds and with various levels of education could become familiar with the model of sex difference offered by early modern Spanish authors. Thus, it stands to reason that the one-sex model informed and influenced individuals beyond the university-trained medical elite of early modern Spain.

The transcription of the Inquisitional trial further implies an acceptance, reluctant or unconscious, perhaps, of the ambiguity of Céspedes' sex. The uncertainty of the scribe

¹⁷ Scholars agree that he likely had a form of intersexuality, which would have accounted for the fact that Céspedes had a son but also a penis, or something resembling one (Vollendorf 15).

¹⁸ He himself admits that he had no formal education, when asked in the trial Céspedes responds that he: "Sabe leer y escribir, y no ha estudiado y tiene libros de cirugía y medicina en romance y en latín...son suyos porque los compró de un licenciado" (108r) ("S/he knows how to read and write, has no formal education, and has books on surgery and medicine in Castilian and in Latin...s/he bought them from a scholar.")

¹⁹ "At a very early age, her face was branded with hot coals; the resulting scars would transform her body into a tablet bearing the familiar record of slavery as written by Castilians on their human chattel. Thus branded and having joined her mother in service, Eleno's face was a text to be read as 'Andalusian slave'" (421).

who documented the trial as to whether Céspedes was male or female is evident on a linguistic level. Initially, we find references in the trial's transcription to "el dicho Eleno de Céspedes" (the aforementioned Eleno de Céspedes) and "Elena de Céspedes, *cirujano*," (Elena de Céspedes, male surgeon) suggesting that, even while on trial, Céspedes' masculinity was convincing enough to alter the scribe's selection of gendered words. However, as Kagan and Dyer note, even when the scribe begins to consistently refer to the accused with exclusively female pronouns, he switches to the masculine forms of the professions he held: *calcetero* instead of *calcetera*, *sastre* instead of *sastra* (40), suggesting that for some, Céspedes was perceived as a female body that performed masculinity so well as to prompt others to view him as male. In fact, this linguistic ambiguity is present in the very title of the Inquisitional archive detailing Céspedes' case, held at the Archivo Histórico Nacional in Madrid, which reads: "Elena o Eleno de Céspedes."

Moreover, it should be noted that the Inquisitional tribunal does not rule out the possibility of hermaphrodites nor of sudden sex changes; in Céspedes' trial, the problem is that there is not enough evidence to prove that either of these were the case. At the time of the trial, Céspedes, as he tells it, no longer has the male genitalia that he claims to have had when he married del Caño, and thus there is no way for the tribunal to see any anatomical evidence that might have bolstered this defense. For all the leniency that he and Erauso had living as men amongst their peers, Céspedes not only challenged the institution of marriage, he engaged in sexual relations with another woman, which not explained by medical theory.

A look at the legal situation of hermaphrodites in early modern Spain raises additional questions about how or not hermaphroditism—or non-normative sex or gender in general—was treated by authorities during this time period. Ambroise Paré, French contemporary to Huarte, explains how the law addressed such individuals:

Male and female hermaphrodites are those who have both sets of sexual organs well-formed and they can help and be used in reproduction; and both the ancient and modern laws have obliged and still oblige these latter to choose which sex organs they wish to use, and they are forbidden on pain of death to use any but those they will have chosen, on account of the misfortunes that could result from such. For some of them have abused their situation, with the result that, through mutual and reciprocal use, they take their pleasure first with one set of sex organs and then with the other: first with those of a man, then with those of a woman, because they have the *natures* of man and of woman suitable to such an act... (27-8)

Andrés Moreno Mengíbar and Francisco Vázquez García confirm that, much as Paré describes, in early modern Spain, hermaphrodites were required to choose a "legal" sex which would be maintained for the duration of their lives.²⁰ Cleminson and Vázquez

²⁰ "El mito en cuestión, que reconocía la coexistencia de ambos sexos en un mismo individuo, formaba parte del derecho civil y cajónico en la Edad Media y el Renacimiento, si bien el cumplimiento de ciertos preceptos (fijación de la identidad en el bautismo, en el matrimonio, en las sucesiones hereditarias, en la testificación ante los tribunales, en la unción sacerdotal, interdicción de la sodomía) exigía, tal como v.g. recogen las *Partidas* alfonsinas, optar por un sexo determinado. La elección recaía inicialmente en el padre o padrino y posteriormente, llegada la edad núbil, en el propio afectado. Aunque se recomendaba escoger el sexo que parecía predominante, esta opción no se fundaba en ningún saber positivo" (187). ("The belief in question, which recognized the coexistence of both sex in one person, was a part of the civil and canonical law in the Middle Ages and Renaissance, though in order to obey certain aspects of it (assigning identity at baptism, in matrimony, for inheritances, in testimony before tribunals, in ordainment, in punishment for

García, however, point out that this practice (of allowing the individual to choose): “only applied to exceptional cases such as those hermaphrodites whose predominant sex on birth could not be identified” (2013, 5).

Given the requirement to elect one sex or the other, it appears that, from a legal standpoint, the goal was not to punish them, but rather, to limit their social and sexual behavior to one category of gender and sex. We have seen, in the case of Catalina de Erauso²¹ for example, that it is acceptable to be a manly woman, or a woman who lives as a man, to possess two sets of reproductive organs, or to experience a sudden change of sex at the hands of Nature. What is unacceptable in the eyes of Spanish authorities is to shift from one category to another *according to one's own whims*; to be a hermaphrodite and live as a man one day and a woman the next, especially when pursuing sexual relationships with members of both sexes.

Beyond the need for social control, one could argue that the underlying concern with hermaphrodites or individuals who claim to have experienced a sudden sex change is more closely related to the agency of the individual than to the threat posed by the notion of sexual and gender fluidity. That is, hermaphroditism and spontaneous sex changes are, as I have shown, believed to be acts of Nature. Indeed, Céspedes seems to know the importance of establishing the naturalness of his condition, and makes repeated reference to nature and his natural condition in his testimony and letter. An individual whose physical form is a consequence of Nature, a force considered at this time to be inextricably linked to God's divine will, and thus, not an inherent threat to social order. Such a threat lies instead in the possibility that an individual effect such a change—as Céspedes was accused of doing—and thereby deceive others, perhaps even tricking women into engaging in sexual relations and committing the punishable crime of sodomy. For this reason, hermaphrodites were required to choose *one* sex and not stray from it for the duration of their lives. Such an act would not only disrupt the established social order, but would also defy the will of God.

In fact, this seems to be exactly the fear of many authorities at the time of Céspedes' trial. The Inquisitors expressed anxiety over the possibility that women might imitate Céspedes and purposefully disguise themselves as men in order to deceive other women: “The *Pregón* addressed a female audience with the warning that the women of Ciempozuelos should be on guard against other *burladoras*... who might, like the convict, prey upon them sexually and emotionally, and even walk them down the aisle in same-sex marriage ceremonies” (Burshatin, 430). However, we see that here the Inquisitors are

sodomy) required, as explained in the *Partidas*, that one choose one sex or the other. This choice fell initially on the father or godfather and, later, to the individual in question. While it was recommended that one choose the sex that appeared to be dominant, there was no objective standard to be applied in this decision.”)

²¹ Erauso (1592-1650?), the famous *monja alférez*, was born at the end of the sixteenth century, and at a young age escaped from the convent in San Sebastián, Spain, where she had been living with her sisters. She cut her hair, fashioned men's clothing for herself, and travelled to present-day South America as a soldier. Eventually she received a soldier's pension for her loyalty to the Spanish Crown and papal permission from Pope Urbano VIII to continue living as a man, which she did until her death. The details of her life, including the arguably tolerant and positive manner in which she was treated as a result of her cross-dressing, are detailed in *La historia de la monja alférez, Catalina de Erauso, escrita por ella misma*. One such example is the scene in which she meets Pope Urbano VIII: “Besé el pie a la santidad de Urbano VIII, referíle en breve, y lo mejor que supe, mi vida y corridas, mi sexo y virginidad; y mostró su santidad extrañar tal caso, y con afabilidad me concedió licencia para proseguir mi vida en hábito de hombre, encargándome la prosecución honesta en adelante, y la abstinencia en ofender al prójimo.” (“I kissed the feet of his most holy Urbano VIII, I gave him a brief account of my life and events, my sex and my virginity, and he showed himself to be surprised by my case, but kindly gave me license to continue my life in male dress, charging me with the task of living an honest life, and seeking to not offend my neighbor.”) (173).

not addressing the issue of women turning into men nor are they speaking about “true” hermaphrodites; they are only referring to women pretending to be men in order to deceive and dishonor innocent women.

This fear of deceitful women and hermaphrodites who changed identities of their own accord, coupled with the fact that Céspedes possessed only female genitalia at the time of the trial, makes it difficult to read Céspedes’ trial as a definite statement on the Inquisition’s position regarding hermaphroditism or sudden sex changes. Would the tribunal have been more lenient if Céspedes had been able to show physical evidence that he was a man? The fate of Marie le Marcis, a French contemporary to Céspedes, certainly suggests that this could have been the case. Le Marcis, born in France in the late sixteenth century, was believed to suddenly turn into a man one day while jumping over a fence, which created the necessary heat to push her internal genitals outside of her body and changed her sex from female to male. She changed her name to Marin and lived as a man, later pursuing a relationship with a woman. Ultimately, le Marcis was arrested for sodomy and eventually condemned to death. Fortunately, he was saved when Jacques Duval, a French medical authority, examined le Marcis and found sufficient evidence of male genitalia (Vollendorf, 13). While le Marcis was not accused by the Spanish Inquisition, the French authorities who took up the case were angry enough to impose a penalty much greater than that faced by Céspedes, and we should not conclude that their interest or concern in the matter was any less serious than that of the tribunal that charged Céspedes. However, the presence of male genitalia, notably absent in Céspedes’ case, was enough to cause the French authorities, who had been prepared to hang le Marcis, to drop the case.

On a broader scale, one might argue that the case against Céspedes fits in with a common theme throughout the Inquisition: punishing those suspected of carrying out acts of deceit considered to be harmful by the church and state authorities. Viewing the Inquisition from this perspective helps us to understand why Céspedes’ case was so problematic, while figures like Catalina de Erauso and Magdalena Muñoz²² went unpunished. Though the Inquisition was motivated by a desire for political unity and questions of race, among other issues, Mary Giles insists that anti-Semitism was the greatest factor behind the founding of the Inquisition.²³ Céspedes was not charged with being a false *converso*, but the underlying crime he was charged with is not altogether different from the crime of practicing crypto-Judaism; both share the common factor of deceiving others with motives and consequences that were, in the eyes of the law, potentially dangerous.

By the end of the trial, Céspedes was found guilty of sorcery and disrespect for the sacrament of marriage and was sentenced to “two hundred lashes, public shaming, appearance at an *auto de fe*, and to serve the poor as a surgeon in a charity hospital for ten years, without pay, and with the stipulation that [he] do so in women’s garb” (Kagan

²² Magdalena Muñoz was born a woman at the end of the sixteenth century in southern Spain. In 1605, her father brought her to the convent in Baeza, as he felt that this was the only suitable option for his masculine daughter, whom he considered unfit for marriage. Twelve years after entering the convent, Muñoz, while carrying a heavy load of grain, suddenly felt an intense pain in her groin. Three days later, she claimed, a penis appeared. Fearing that the nuns would accuse her of engaging in sexual activity with her fellow residents at the convent, Muñoz opted to call in Fray Agustín de Torres, the author of the letter detailing the case. When Torres and another priest had seen and felt Muñoz, they proclaimed her to be “hombre como el que más,” “hombre perfecto en la naturaleza de hombre” (“as much a man as the manliest man,” “a man with all the nature of a man”) (Torres).

²³ “Not only did the Inquisition direct its efforts principally against the *conversos* in the early decades of its existence, but the brutality and zeal popularly ascribed to the Spanish Inquisition as a whole especially characterize its treatment of suspected Judaizers” (2).

and Dyer, 53). Céspedes was sent to serve his sentence at Toledo's Hospital del Rey, at which point we see again a stark contrast between the relentless pursuit of the authorities who are set on punishing Céspedes and a general public that holds a much more positive attitude toward such a figure. While the Inquisition was determined to punish Céspedes and force him to live as a woman, the general public displayed genuine interest in not only meeting, but being treated by, such an individual:

The sick and injured were eager to be healed by a woman who had lived as a man and was reputed to have both male and female genitalia, her powers now the stuff of an *auto de fe*. The hospital director begged the Inquisitors to reassign Elena to another hospital because of the scandal she was creating. In March of 1589 the Inquisitors obliged and banished the notorious *maestra* to another hospital, in the remote town of Puente del Arzobispo. (Burshatin, 436)

In addition to any fame that Céspedes accrued as a result of the allegations brought against him in the trial, this popularity was likely influenced by the belief that hermaphrodites, which Céspedes proclaimed himself to be, possessed magical power or knowledge.²⁴ This belief certainly seems to manifest itself in the reaction to Céspedes' case, as hopeful patients flocked to the hospital where he was stationed in the hopes of receiving particularly effective treatment.

One could certainly read Céspedes' case as an example of early modern Spain's rigid gender code and eagerness to prosecute transgressing individuals. It is tempting to interpret the Inquisition's intervention, accusations and punishment of Céspedes as an example of early modern Spain's general discomfort with ambiguous or unstable gender. However, doing so would ignore the fact that Céspedes lived for twenty years as a man, apparently to the knowledge of many of his fellow citizens. The fact that such an individual could, to the knowledge of so many who knew him, live this way should be strong evidence in support of a general public who was more or less willing to accept such behavior. We simply cannot summarize the entire case based only on the behavior of the Inquisition. Rather, I suggest that the Inquisition's approach to Céspedes' case is indicative of a particular position taken by authorities in early modern Spain, which should not be confused with the attitude adopted by the general public, who, by and large, appears to have been much more willing to accept, or at least tolerate, Céspedes' unique gender and sex situation. Such a tolerance is hardly surprising, when one considers the ideas about sex and gender circulating in early modern Spain at this time.

²⁴ According to Moreno Mengíbar and Vázquez García, in early modern Western Europe we find two contrasting conceptions of hermaphroditism, one positive, and one negative. On the one hand, it is miraculous, combining both sexes in one body. Popular belief suggested that hermaphrodites might possess magical or exceptional knowledge. On the other hand, some believed hermaphrodites to be monstrous, a harbinger of bad luck. This line of thinking also considered hermaphrodites to be born through a divine punishment for "unnatural" sexual acts, such as sodomy (189). This ambivalence toward the figure of the hermaphrodite is expressed in contemporary literature, too, for example, in Mateo Alemán's *El Guzmán de Alfarache*, in which mention of a hermaphrodite is made with explicit reference to the good omens it carried.

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