The Gender and Sexuality of Cotita de Encarnación: The Importance of Continued Analysis of Spanish Colonial Documents for *Proto-Queer* Themes

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Glossary of Relevant Terminology[1]

Cisheteropatriarchy: A social system in which those deemed to be at the highest echelon of social strata are cisgender, heterosexual men, typically Peninsulares and Criollos, fostering a patriarchy where those gender and sexuality practices are viewed as normative (cisheteronormativity).

Compulsory Heterosexuality: A form of social control where a system of oppression denies people's sexual self-determination by constructing heterosexuality as the *only* natural and acceptable model of sexual and romantic relationships.

Gender Parallelism: A social and cultural framework that recognizes and values equal, yet oftentimes distinct or separate, roles and responsibilities of men and women or other gender presentations in the context of the society or social system by which they exist in.

Machismo: A form of cisheteropatriarchical thought traditionally defined by religiously backed hypermasculinity, compulsory heterosexuality, forced cisgenderism, and strict adherence to binary notions of gender roles.

[1] These definitions I have attached are of my own interpretation and terminology that I deem relevant to contextualizing and interpreting protoqueerness in early colonial Mexico, especially in the case of Cotita de Encarnación that I discuss in this paper. Although I do not go in-depth on why I chose all these particular definitions (See 'Definitions & Language), further information on these definitions and the restrictions and redefinitions of this terminology can be found at the following website: Bowling Green State University Queer Studies Faculty, Queer Glossary, 2022, https://www.bgsu.edu/content/dam/BGSU/multicultural-affairs/documents/queer-glossary.pdf.

Novohispanic: Relating to or having to do with New Spain.

Proto-Queer: Peoples whose early perceptions of oneself as non-heterosexual and/or transing gender contrast with the sociocultural image of the ideal Novohispanic man and woman, often rooted in a connection to Indigeneity.

Sodomitical Subculture: Oftentimes secretive or subaltern social systems in which peoples who were deemed to practice sodomy, whether that be viewed through the lens of gender transgressions or illicit sex, would present themselves in their genuine gender and sexuality-related identities. This term was coined by Scholar Zeb Tortorici.[2]

Spanish Settler: Anyone born in Spain (Peninsulares) or a Creole descendent of those same peoples (Criollos) that actively took part in the colonization of the New World by assisting the Spanish colonial project. This includes Rroma, Conversos, and Moriscos that were loyal to Iberian causes. [3]

Subaltern Selfhood: The tendency for peoples at the margins of society to articulate their own identity in relation to another group of people also on the margins.

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[2]See Zeb Tortorici, "'Heran Todos Putos:' Sodomitical Subcultures and Disordered Desire in Early Colonial Mexico." Ethnohistory 54, no. 1 (Winter 2007) for more information.

[3] I use the double-r spelling in alignment with spelling in the Roma language. Conversos were primarily Jewish converts to Christianity, although they could be Muslim. Moriscos were predominantly North African Muslims that converted to Christianity. See Jane S. Gerber, *The Jews of Spain: A History of the Sephardic Experience* (New York: The Free Press, 1994) for more information.

The Case of Cotita de Encarnación

In the year 1657, in San Lázaro, Mexico City, a mestiza laundress named Juana was washing clothes in a nearby river. A tedious yet necessary job, it was reserved for women in Novohispanic households. Suddenly, she was disturbed by a boy who ran to her for help. He was horrified and exclaimed that "there [were] two men riding each other like if they were on horseback!" She then ran to the site and witnessed the sexual act, deciding that local authorities were needed to assess the crime. The perceived sodomite in question was someone who referred to themself as "Cotita de la Encarnación."[4] They were originally born a mulato named Juan Galindo de la Vega. In the case of Cotita's trial, they were charged with cross-dressing and engaging in anal intercourse with young boys, adults, and older gentlemen of all castes and social backgrounds engaging in anal intercourse with them. This offense was the crime of *pecado nefando*, or sodomy, the worst of the offenses possible under the sin of lust in Catholic religious doctrine.[5]

In the *proceso*, or processus, for this trial, a good number of neighbors and locals were asked to give testimony on Cotita's character. Each of these testimonies depict images of them wearing a headscarf, cooking tortillas by hand, and caring for men of all ages, sometimes even referring to them as *mi amor* (my love) and *mi vida* (my life) *como si una mujer* (like a woman). Of the fifty-one people tried for engaging in the action of sodomy with Cotita, some of them also preferred to be called by names such as "Mariquita (from "ladybug"); Sangariana (unknown, possibly having to do with blood); Conchita (diminutive of Concepción, having to do with the

[4] I have used the ending "-@" in words typically gendered to refer to Cotita to differentiate between the binary "-a/o" endings set within the Spanish language that may not provide the necessary linguistic space to represent Cotita's gender expression. The word "Cotita" itself derives from the word *cota*, or breast armor in Spanish, which implies feminine origin. Scholars must depict these grammatical intricacies of identity responsibly and accurately.
[5] AGI, México, 38.N57C, exp. 57.

Immaculate Conception of the Virgin Mary); Luna ("moon"); Rosas ("roses"); Martina De Los Cielos ("Martina of the skies," "dreamy"); and La Amorosa ("the loving one")," all of which had feminine themes and doubled as slurs in their communities.[6]

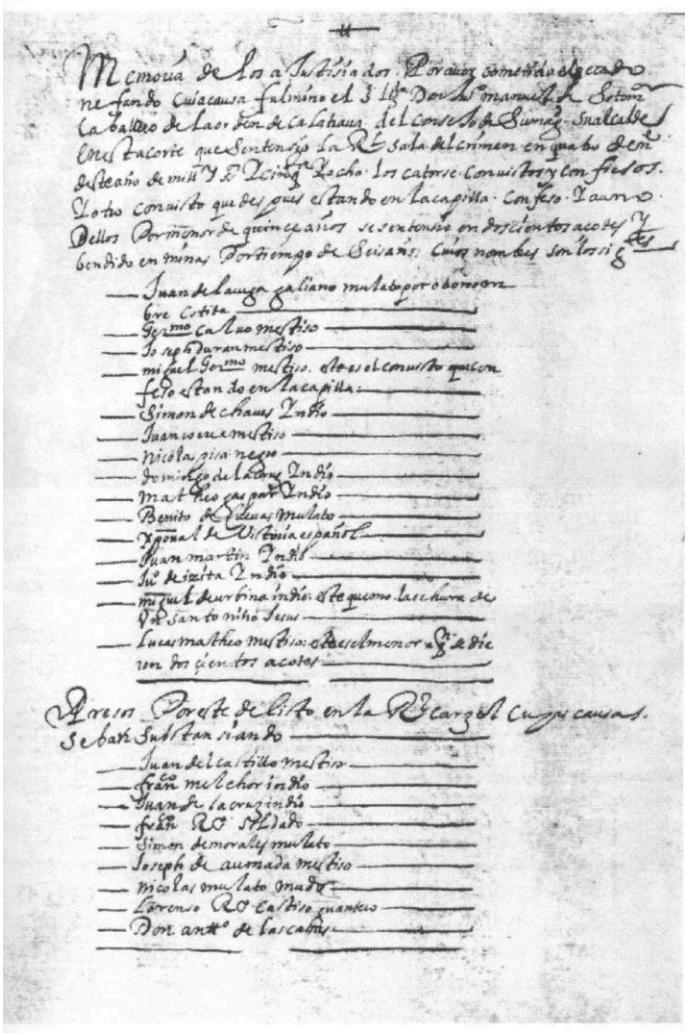

Fig 1. Archivo General de la Nación, Inquisición 38.N57C, 1657, Exp. 57.

A fact even more shocking to the inquisitors was that the people who admitted to sexual intercourse with Cotita were members of every caste in early Mexican society. See the list of

[6] Sergei Gruzinski, "Ashes of Desire: Homosexuality in Mid-Seventeenth-Century New Spain," in *Infamous Desire: Male Homosexuality in Colonial Latin America*, ed. Pete Sigal (Chicago: University of Chicago Press, 2003), 205.

some men accused in this proceso (figure 1, above) transcribed below with their castes written beside their name:

Juan Correa "la Estampa" (Mestizo)

Joseph Durán De Puebla (Mestizo)

Geronimo Calbo Y Cuebas De La Ciudad De Mèxico (Mestizo)

Miguel Gerónimo (Mestizo)

Simón De Chavez (Indio)

Domingo De La Cruz (Indio)

Juan Martín (Indio)

Miguel De Urbina (Indio)

Juan De Ycita (Indio)

Juan Correa (Mestizo)

Cristobal De Vitoria (Español)

Nicolás Pisa (Negro)

Benito De Cuevas (Mulato)

Mateo Gaspar (Indio)

Lucas Mateo (Mestizo)

Cotita, as a mulato, slept with Peninsular Spaniards (*Españoles*), Native Mexicans (*indios*), Africans (*negros*), and other mixed-race *casta* peoples (caste peoples, like *mestizos*), despite being a poor mulato living in a poorer area of Mexico City. Gender and sexuality-related transgressions against Catholic cisheternormativity was therefore exemplified through Cotita's case to be present in *all* people groupings of colonial Mexico, including the Iberian-born Spaniards, meant to be creating and supporting the status quo in New Spain. As a result, gender

and sexuality-related transgressions saw no ethnic, political, or socioeconomic boundaries in colonial Mexico. Further exploration of the scope of these boundaries should be conducted to understand the limits of these realms of domination.

The Spaniards contributed to the peopling of Mesoamerica and the Atlantic Basin following the rediscovery of the Americas. The Spanish brought West and Central African slaves, Filipinos and other Asians, and their own peninsular families to immensely populated Indigenous American lands. In consequence, New Spain was a site of social, cultural, and political borderlands. Many ways of thinking and living were brought together in non-normative circumstances. The views of gender roles, gender presentations, sexual practices, and sexualities that were Indigenous to these groups were then supplanted by Iberian Christian views of chastity, family, and gender.

The peopling of early colonial Mexico under Spanish conquest led to the deconstruction of Indigenous non-binary gender presentations and 'illicit' sexualities, like homosexuality. Then, new societal norms on 'deviant' sexualities and gender were (re)constructed as the Spanish imposed their legal system through the Mexican Inquisition. The Mexican Inquisition doubled as a Christian and Iberian cultural body that reaffirmed the superiority of Iberian-descendants and guided the process of acculturation in Mexico. This resulted in a racialized and evangelized paradigm of gender and sexuality in early colonial Mexico.[7]

In this paper, I propose topics and methods that historians, queer theorists, and other interdisciplinary scholars could employ to reevaluate the role of proto-queers in early colonial

[7] There is no agreed upon periodization by what scholars deem to be the early colonial period. The Baroque Period, or Colonial Middle, is agreed upon as being somewhere within the start of the 16th century to mid-17th century. Since I am analyzing the development of laws and attitudes towards protoqueerness as they developed in New Spain, I was restricted to understanding these changes with the periodization of my sources. As a result, my work starts in the Conquest Era – roughly starting in 1519 with the start of the Spanish-Aztec War and ending in the 1580s/1590s with the end of the Chichimeca War – although the conquest of the Maya in Chiapas and Yucatán ended in 1695. See Ross Hassig, *Mexico and the Spanish Conquest* (Norman, OK: University of Oklahoma Press, 2006) for more information.

Mexico. In doing so, I hope to illuminate how cases within the inquisition, like Cotita's, could offer extraordinary insight into how Spaniards reacted to third-gender presentations and sexual practices associated with Indigenous peoples in early colonial Mexico. By analyzing these documents, they may reveal the extent of the boundaries of appropriate gender and sexual behavior Spaniards established for their colonial subjects during the early colonial period of New Spain and the various ethnoracialized anti-sodomy laws based on traditional Christian ideologies and understandings of intimacy. In order to address a lack of research on these peoples, historians should read Mexican Inquisitorial documents to uncover sources and other court materials that discuss the criminalization of proto-queers currently unexplored. By explicitly delineating Indigenous sexualities and gender roles, I believe that further evaluation of these documents could reveal that "sodomitical subcultures" began to form despite Spaniard-prescribed ideologies of home-building within the viceroyalty of New Spain in the 16th and 17th centuries. I aim to provide a basis for future historians, queer theorists, and other interdisciplinary scholars to include the roles of non-binary genders and sexual practices linked to Indigenous cultures when researching colonial period body politics.

A Brief Background of the Borderlands of New Spain, Physical and Intangible

The territory of New Spain spanned over three continents at its maximum territorial extent. Consequently, the viceroyalty was a land of frontiers constantly shaped by interactions of Indigenous peoples at its borderlands. The Northern frontier of its contiguous domain are the contemporary American states of California, Arizona, New Mexico, and Texas.[8] This project views New Spain with its heartland as the modern-day Republic of Mexico. I examine the sexual

[8] David Weber, *Myth and the History of the Hispanic Southwest* (Albuquerque: University of New Mexico Press, 1990).

practices and gender performances of these peoples within its borders and consider the extent of the interactions of those in its periphery on defining normativity and non-normativity within the viceroyalty. Without this consideration, there cannot be holistic studies on the nuances of the social, political, and cultural climates of New Spain.

In its entirety, New Spain also included the Philippines [1565-1821], Florida [1513-1763; 1783-1821], and even Venezuela [wavering periods in the 16th - 18th centuries]. These were discontinuous domains of the empire that, by themselves, also consisted of many peoples in various corners of the world. The demographics of New Spain were constantly shifting and highly dynamic. By the early 19th century, the totality of New Spain had over 6 million people. This Amerindian population was immensely diverse, consisting of groups from the Comanches, Semínolas, Purépecha Empire, Mexica, Maya, Inka, Chibcha, Taínos, and the Caribs.[9] It is estimated that within the first century of Spanish rule, the Indigenous American population of the American continental lands fell from 25 million to only 1 million.

Indigenous populations drastically decreased through warfare, disease, and mixed-race family-building processes. African and Asian slaves from the Slave Coast of Africa and the Asian regions of Japan, India, China, Malaysia, and the Philippines were brought over to work once this Indigenous population decreased and, conversely, the Spanish and Portuguese populations increased sharply. The largest groups were the Catholic Spanish, Basque-speaking Spaniards, and Indigenous Americans with their respective religions and languages. African and Asian populations centered around Costa Chica and other coastal colonial port towns. An increasingly mixed-race population began to emerge in the second half of New Spain's history as a result of marriages used for status and securing land-tenure – especially in the context of

[9] William Taylor, *Iberian Colonies, New World Societies: Essays in Memory of Charles Gibson* (State College, PA: Private Printing, 1985).

nobility – Christian family-building morals, peace treaties, and, to an extent, sexual assaults.[10] For this reason, an increasingly inter-ethnic society began to form in colonial Mexico that welded together Indigenous practices of Asians, Africans, and Amerindians living in close contact in New Spain. It is relevant to understand the dynamic role of these cultural views of gender and sexuality in this era, especially in the context of how interculturality.

Necessary Historiographic Interventions

Historians have studied the extent of Spanish early colonial control over a pluralistic society in Mexico for decades. Often, non-binary gender relations and 'illicit' sexualities are left out of this discourse on Spanish colonial rule. The handful of recent studies on these topics place heavy emphasis on relations between Spanish colonists and Native American tribes within the imperial project, especially in context of homemaking, economy, political semi-sovereignty, social stratification through caste, and Christian religious doctrine. These studies heavily emphasize Spanish official perspectives and center the Criollo and Peninsular populations. As a result, a shift in focus from the Spanish-Amerindian dichotomy on gender relations and sexuality to include perspectives from all Indigenous peoples, including African and Asian peoples, should be done. In particular, a shift to the totality of Indigenous peoples engaging in what were considered sodomitical acts on the margins of society would benefit the discipline since colonial Mexican queer history is an emergent field. This field is in need of more critical research on the intersection of an inclusive-indigeneity (including African and Asian Indigenous practices) and proto-queerness, and therefore, would greatly benefit from this approach.

[10] Tatiana Seijas, *Asian Slaves in Colonial Mexico* (New York: Cambridge University Press, 2014).

The field of Queer History is a relatively new area of study, created about 30 years ago, relying on the incorporation of Queer Theory into identity history. Queer Theory, the underlying ideology behind the discipline of Queer studies, was originally developed as a framework for the field in the 1990s by Teresa de Laurentis in her work *Queer Theory: Lesbian and Gay Sexualities*.[11] This theory synthesized the theories and works of authors and historians such as Michel Foucault, Gayle Rubin, Eve Kosofsky Sedgwick, and Judith Butler to create a field of study surrounding her pioneering the concept of *heteronormativity*.[12] De Laurentis defined *heteronormativity* as a worldview that establishes heterosexuality as the societal norm, placing those with same-sex desire in a position of disadvantage since heterosexuality is delineated as a privileged within this worldview. The discipline is still in a fledgling state of existence and literature on the history and theory of sexuality is emerging and dynamic.[13]

Current understandings of Latin American history, on the other hand, arose from the field of Latin American Studies as it originated in the 1930s with the creation of the *Handbook of Latin American Studies*, turning towards social history concurrent with the rise of the Civil Rights Movement in the 1960s and 1970s.[14] Scholarship on Latin American History from this period lacks the perspective of Queer Theory due to predating the concept; however, historians began to engage with queerness before this development. Early scholarship in this field focused on Spanish-Indigenous encounters, later adding Africans into the mix and only recently drawing attention to the presence of people from the Philippines and elsewhere in Asia. Scholarship

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[11] Theresa De Laurentis, *Queer Theory: Lesbian and Gay Sexualities* (Bloomington, IN: Indiana University Press, 1991), iv - xiii.
[12] See Michel Foucault, *The History of Sexuality* (London, UK: Penguin Books, 1990); Gayle Rubin, *Deviations: A Gayle Rubin Reader* (Durham, NC: Duke University Press, 2012); Eve Kosofsky Sedgwick, *Between Men: English Literature and Male Homosocial Desire* (New York, NY: Columbia University Press, 1990); and Judith Butler, *Gender Trouble* (New York, NY: Routledge, 1990).
[13] Theresa De Laurentis, *Queer Theory: Lesbian and Gay Sexualities* (Bloomington, IN: Indiana University Press, 1991), iv - xiii.
[14] Thomas Skidmore, "Studying the History of Latin America: A Case of Hemispheric Convergence," *Latin American Research Review* 33, no. 1 (Fall 1998): 105-27.

dedicated to the intersection of these two fields arose in the decade following the creation of Queer Theory, the 2000s, with scholars such as Pete Sigal who pioneered modern Colonial Queer Mexican discourse.

There are three distinctive generations of scholarship surrounding the subject of Queer Mexican identities within the colonial period. The first significant wave of scholarship arose in the 1960s and 1970s in conjunction with the rise in social histories that came out of the Civil Rights Movement. Although most scholarship with attention to Queerness arose in the 2000s, there were a few early texts that touched on this subject. Charles Gibson's "The Aztec Aristocracy in Colonial Mexico" (1960) and Richard E. Greenleaf's "The Mexican Inquisition and the Indians: Sources for the Ethnohistorian" (1978) were among the pioneering works of this field. Gibson argued that the independent Aztec society, including Proto-Queer individuals, following Spanish conquering, saw those within the lower classes of Aztec society becoming further subjugated than previously because of this Aztec-Spanish alliance.[15] Meanwhile, Greenleaf argued that The Holy Office of the Inquisition utilized religion in tandem with the tribunal court system to enforce a *heteropatriarchy* through the casta system, trying Proto-Queer peoples and idolaters as criminals for their non-normative practices. Greenleaf's major contribution was identifying these legal records as the most expansive source base for ethnohistorians and queer historians to conduct research.[16]

These works were seminal as they were among the first to acknowledge the Mexica (or Aztec) Confederation's disdain towards proto-queer peoples and the Spanish Empire's attempts to weaponize this disdain to actively eliminate them. This is evident from the fact that sodomy

[15]Charles Gibson, "The Aztec Aristocracy in Colonial Mexico," *Comparative Studies in Society and History* 2, no. 2 (Summer 1960): 170-87.
[16] Richard Greenleaf, "The Mexican Inquisition and the Indians: Sources for the Ethnohistorian," *The Americas* 34, no. 3 (Winter 1978): 315-30.

was tried as a capital offense. This generation's scholars focused their attention on Aztec disdain of Proto-Queer people and the Spanish policies that oppressed them. Although seminal, Gibson and Greenleafs' works only focus on Indigenous and Spanish sexualities, leaving out the intermingling of African and Asian slaves. These works are also elite-centered and focused on policing and social control rather than sexual and gender expression.

This lack of academic interest in Indigenous sexualities was noted by scholars associated with the second generation of major scholarship from the early 2000s and 2010s. Works such as Pete Sigal's "Gender, Male Homosexuality, and Power in Colonial Yucatan" (2002), Lynn Stephen's *Zapotec Women: Gender, Class, and Ethnicity in Globalized Oaxaca* (2005), and Irene Lara's "Goddess of the Américas in the Decolonial Imaginary: Beyond the Virtuous Virgen/Pagan Puta Dichotomy" (2008) forefront this generation.[17] These scholars are heavily influenced by the legacy of decoloniality associated with Chicanx/e and Latinx/e activists seeking to combat the legacy of machismo associated with Spanish colonization. Additionally, these scholars also seek to avert the legacy of cultural theft from settler colonialism.

Pete Sigal argues that the Maya viewed homosexuality in a positive light, only changing their cultural views on proto-queerness once the Spanish began to establish an Iberian Christian-based culture amongst them.[18] In essence, the Spanish viewed gender and sexuality as intrinsically linked while the Maya did not. Lynn Stephen takes a similar approach and argues that the link between gender and sexuality within the colonial era makes it difficult to separate the two in historiography. She claims that analyzing both gender and sexuality as complementary but distinct in the colonial era of Mexico can develop a better view of how Africans,

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[17] See Pete Sigal, "Gender, Male Homosexuality, and Power in Colonial Yucatán," *Sage* 29, no 2 (Summer 2002); Lynn Stephen, *Zapotec Women: Gender, Class, and Ethnicity in Globalized Oaxaca* (Durham, NC: Duke University Press, 2005); and Irene Lara, "Goddess of the Américas in the Decolonial Imaginary: Beyond the Virtuous Virgen/Pagan Puta Dichotomy," *Feminist Studies* 34, no. 1 (Spring 2008).
[18] Pete Sigal, "Gender, Male Homosexuality, and Power in Colonial Yucatán," *Sage* 29, no 2 (Summer 2002): 24.

Amerindians, and Spaniards defined them amongst themselves and in relation to each other.[19] Stephen's work also focuses specifically on women within these historical sources, situating her argument within a feminist take on reclaiming female sexuality. Irene Lara further explores this feminist take on Indigenous Mexican queerness and claims that the Catholic church created the dichotomy of the pure virgin and pagan whore based on the hyper sexualization of female bodies.[20]

This body of scholarship demonstrates a shift into analyzing Queer sexualities amongst the various groups of New Spain both at an individual level and in relation to each other. These works explicitly claim to focus on queerness and non-binary gender systems. More attention is brought to women in this generation and more focus on protoqueerness is also underlined. Anti-machismo politics are explicitly present within these works, especially in relation to how decolonizing machismo, patriarchal social control, allows space for other identities, such as Chicanx/e or Afro-Mexicanx/e, to thrive. These scholars also acknowledge the role of Africans in colonial society in contrast to the previous generation of scholars focused on the Spanish-Amerindian dichotomy but do not pay attention to Proto-Queer Africans. Once again, this focus is on sexuality defined by heteronormativity with attention to how the customs and traditions of the respective homelands of these peoples may have factored into this creation of anti-sodomy laws. Although demonstrating progress towards incorporating Queer sexualities as they were understood by each respective group and how the Spanish dealt with this variance, this scholarship lack focus on the multi-ethnic indigenous non-normative sexualities and gender roles of New Spain's many inhabitants.

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[19] Lynn Stephen, *Zapotec Women: Gender, Class, and Ethnicity in Globalized Oaxaca* (Durham, NC: Duke University Press, 2005): 24-56

[20] Irene Lara, "Goddess of the Américas in the Decolonial Imaginary: Beyond the Virtuous Virgen/Pagan Puta Dichotomy," *Feminist Studies* 34, no. 1 (Spring 2008): 99-127.

This question of intersectionality and uplifting narratives of those living at the margins brings the history of such scholarship to the emerging third generation of work. This body of scholarship, beginning in the late 2010s and early 2020s, incorporates modern Queer Theory into its conceptual framework. The past decade has seen rising interest in narrating the early peopling of New Spain as a process of regulating such non-normative sexualities and gender practices. The most prominent works from this generation are Pete Sigal and Zeb Tortorici's 2020 work *Ethnopornography*; Z. Tortorici's *Sins against Nature: Sex and Archives in Colonial New Spain* (2018), and Monica Martínez's "Toxic Masculinity: An Outcome of Colonialism and its Effects on the Latinx/Chicanx LGBTQ+ Community" (2021).[21] The primary scholars leading this frame of thought are Zeb Tortorici and Pete Sigal. Sigal's incorporation of Queer Theory into his writing, influenced by shifts in academic focus and Tortorici's thesis written under his guidance, signals a shift in focus for Sigal from just looking at colonial sexuality as it existed to a focus on the dynamics of indigeneity within this context.

Tortorici and Sigal's *Ethnopornography* builds on Tortorici's work *Sins against Nature: Sex and Archives in Colonial New Spain*, which argues that when researching queerness in the 300 records of these cases, it must be considered how the Spanish cataloged them under the phrase "*contra natura*."[22] They mainly argue that the widespread use of various forms of pornography in pre-colonial times by different peoples in West Africa, the Americas, and Australia resulted in the sexualization of these peoples during the colonial era.[23] Similarly, Martínez claims that the result of this hyper-sexualization of ethnic people within the Spanish

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[21] See Pete Sigal and Zeb Tortorici, *Ethnopornography: Sexuality, Colonialism, and Archival Knowledge* (Durham, NC: Duke University Press, 2019) and Monica Martínez, "Toxic Masculinity: An Outcome of Colonialism and its Effects on the Latinx/Chicanx LGBTQ+ Community," *McNair Research Journal* 17, no. 11 (Spring 2021).
[22] Zeb Tortorici, *Sins against Nature: Sex and Archives in Colonial New Spain* (Durham, NC: Duke University Press, 2018): 60-82.
[23] Pete Sigal and Zeb Tortorici, *Ethnopornography: Sexuality, Colonialism, and Archival Knowledge* (Durham, NC: Duke University Press, 2019), 199-223.

Empire was the Catholic church criminalizing proto-queerness to protect values of heterosexual homemaking necessary to build the economy since perceived homosexuals and lesbians could not produce children.[24]

The scholarship of this emerging third generation opens conversations surrounding the roles of Queer sexualities and ethnic peoples in New Spain within the framework of colonial rule. These scholars begin to consider Proto-Queer sexualities as they apply to Indigenous American, native African, and Asian non-normative sexualities in the colonial period. However, they do not provide thorough research on non-normative sexualities and gender practices in early colonial New Spain but merely provide introductions to this research. A substantive work that synthesizes these texts and adds additional research to provide a scholarly take on the role of Proto-Queer sexualities within these minoritized ethnic groups has yet to be produced.

To conclude this historiography, it is evident that the subfield of Queer Mexican Colonial History is still in a fledgling state of existence with a lack of substantive bodies of work dedicated to queer sexualities among ethnic lines during the peopling of New Spain. The works that do discuss that topic touch on the issue at face value, acknowledging the existence of Indigenous American, African, and Asian peoples and their respective queer sexualities but do not provide a critical eye on how the existence of such people shaped the public sphere of New Spain in the early days of governance. These scholarly works lack the perspective of those living on the margins of society, existing as both people of color and as queer people, forced to coexist under a singular Spanish-led governance.

[24] Monica Martínez, "Toxic Masculinity: An Outcome of Colonialism and its Effects on the Latinx/Chicanx LGBTQ+ Community," *McNair Research Journal* 17, no. 11 (Spring 2021): 139-164.

Some Challenges to Studying Colonial Mexican Queer History

Academic approaches to analyzing proto-queerness in colonial projects, especially within the Spanish-speaking world, are often limited to a select few sources regarding non-heteronormative sexualities and gender nonconformity. The largest source base for identifying proto-queer peoples are the inquisitorial records due to their infamous criminalization within New Spain. The Mexican Inquisition, which began in 1571, was the main apparatus of legal justice at this time. Iberian colonizers brought the Spanish Inquisition, used to convert non-Christians in Iberia, to Mexico for a similar purpose. Mesoamerica had millions of Indigenous Americans who practiced native religions. Iberians then created the Mexican Inquisition to enforce Spanish Christian authority over these peoples and assimilate them into colonial society. People could be tried under the inquisition by someone known as an *inquisitor* for a wide range of criminal activity. These offenses included sodomy, heresy, crypto-Judaism, devil-worship, blasphemy, and other crimes such as thievery and murder. As a result, the inquisitorial records contain over 500 testimonies of peoples indicted for sodomy and are the most comprehensive archive for this research.[25]

Most of the people attested in the records could not themselves write. The letters and works of Amerindian elites to whom the Spanish granted high-ranking titles within the viceroyalty in Spanish and languages such as Maya and Nahuatl speak on their tribes' gender roles and sexual practices. Maya and Nahuatl-language records have largely been translated into Spanish or English. These records serve as one of the largest source bases for my research. As a

[25] It is important to note that through a process of negotiation, Indigenous Americans could not be tried under the Inquisition for many offenses for decades. Colonizers wanted Mesoamericans as new Christian subjects to be incorporated into the empire. Therefore, Iberians knew that conversion and assimilation was a process, not a singular event, and granted leniency onto them for retaining traditions from their religions and cultures. With the ambiguities of race at this time, however, certain peoples labeled as *indios* could be tried under a different ethnic/casta category. See R. Douglas Cope, "The Significance and Ambiguities of Race," in *The Limits of Racial Domination: Plebeian Society in Colonial Mexico City, 1660–1720* (Madison: University of Wisconsin Press, 1994), 49-67.

result, historians are limited to reading colonial judicial sources and the writings of colonial and Indigenous elites. For this reason, it is critical to extrapolate information regarding plebeian society from these sources based on the accounts presented by the common folk and proto-queer peoples mentioned in these records.

Although scholars of this sexuality in early Mexico are still limited to the same archives used in previous decades of academic research, new possibilities from digitization have expanded the number of sources available within these archives online. To shift perspective towards proto-queers, it is also vital to analyze what these Inquisitorial sources reveal about society and culture. Questions of where and how suspected proto-queers were being arrested; what situations brought them to court; where they were going; what they were doing; who they got caught with; and who reported them are especially relevant. Personal accounts of the arrested are rare, but asking these questions can still reveal how practicing their Indigenous gender and sexual customs in New Spain had direct cultural and societal implications on Spanish governance.

All the aforementioned factors take on an additional level of complexity when one also considers the possibility of flux in a time of rupture while analyzing these implications. The colonial subjects considered proto-queers were living in non-traditional contexts. Thus, they may have practiced familiar customs while also developing new ones in a cross-cultural colonial context. As a result, these archives can aid in excavating the voices of those who practiced “illicit sex” and gender nonconformity despite being written by the Spanish and Native American elite.

Definitions & Language

A variety of distinctions regarding terminology and definitions must be demarcated within this research. This paper defines the Spanish settlers as anyone from the Iberian Peninsula, and their *criollo* (creole) descendants, who adhered to Spanish common law and were participants in the Spanish colonial project. This means that I also consider Rroma and Sefardí *conversos* and formerly Muslim North African or Arab *moriscos* active participants in the Spanish colonial enterprise within this context of New World colonization, as well as their mixed-race descendants through *mestizaje española*, or Spanish mestizaje in Iberia. Spanish mestizaje was the culmination of Iberian, North African, Rroma, Arab, and Jewish peoples living within proximity of each other for hundreds of years. Iberians welcomed conversions as Christianity was sacrosanct in the Iberian Peninsula following the Reconquista, but not all Christians welcomed like those born into Christian families following the colonization of the Atlantic Basin. As a result, I conclusively consider Rroma, Sefardí Jewish, and North African peoples who engaged in colonization, despite having lived under extreme xenophobia, part of the high society within the scope of this research unless otherwise delineated by their origin.

I have coined the term *proto-queer* in this particular context to identify the group of peoples I am studying since modern identity label language is often too limiting. These modern identities are not inherently untranslatable, but rather, it is difficult to represent the cultural and political fabric they maintain today. Scholars must consider the historicity of such identities and rely on the language available to these people in their contemporary society. The term "queer" is a recent invention that denotes a specific connotation of belonging to a sexual or gender identity that is the "opposite" of cisgender heteronormativity. The type of sexualities and gender identities I am researching are Indigenous to Amerindian, Asian, and African groups. Many of

the societies in which these peoples lived did not strictly adhere to the dichotomies of "heterosexual vs. homosexual" or "cisgender vs. transgender" as are often imposed in the West. Therefore, "queer" is not the appropriate label for analyzing these peoples in retrospect. I propose "proto-queer" as the English language categorical grouping for these identities since eventually Spanish colonial society would strip away these Indigenous identities and the practices leftover become labeled as forms of queerness in Novohispanic society.

The predominant language used to describe people engaging in sodomitical acts during the 16th and 17th centuries in Mexico were "*sodomitas*" (sodomites), "*maricones*" (faggot), and "*culones*" (ass-fucker). Phrases for the action of engaging in these practices included "*pecado nefando*" (the nefarious sin), "*vestirse como una mujer/un hombre*" (to dress like a woman/man), and "*para hacer tortillas*" (to make tortillas). It is not uncommon to see words like "*abominabl*e" (pertaining to being an abomination) or "*afeminado*" (effeminate) within these accounts too.[26] Contemporary Spanish speakers, and English speakers, consider all these words slurs and they were certainly used in derogatory manners within these accounts too. Regardless, this is the language associated with these accounts that I have encountered and believe should be integrated into analyses of the cultural, social, and political dimensions of early modern Spain and New Spain.[27]

[26] Laura A. Lewis, "From Sodomy to Superstition: The Active Pathic and Bodily Transgressions in New Spain," *Ethnohistory* 54, no. 1 (Winter 2007): 129–57.

[27] I use the suffix -@ to signify those genders that reaffirm the binary but might not strictly refer to a male or female person and the -e suffix for non-binary genders when referring to Latin@/x/e peoples. I use they/them pronouns for those whose genders were indeterminate based on current archival records. Those that transed gender will be referred to by their preferred pronouns and names and only referred to by their pre-transition pronouns or appellatives when discussing their transition and colonial implications. I also use the term *novohispanic* to refer to the practices or peoples existing within the context of New Spain.

Sociocultural Context in a Time of Flux

Cotita's trial offers insight into the ways that proto-queer peoples subverted societal norms of gender and sexuality, articulated their own identities according to emergent concepts of race at the time, as well as how the Spanish used the Mexican Inquisition to place these 'deviances' into the context of the Christian society they were creating. I am analyzing this particular record because it encapsulates the intersections of race, gender, and sexuality within the early colonial era that I am analyzing in this paper. It provides a detailed account of the ways proto-queers interacted with each other in a society that favored a white, Christian, cisheteropatriarchical structure. The aforementioned social dynamics are vital to generating a holistic picture of how proto-queer peoples shaped early colonial Mexican society.

Cases like Cotita's are windows into how the Spanish used the Mexican Inquisition to affirm traditional Christian views of normative sexuality and gender roles. In colonial Mexico, Indigenous peoples' non-binary genders and sexualities challenged Iberian concepts of what was considered natural. Scholars can gain insight into how Spaniards regulated these Indigenous practices and reshaped them to conform to Iberian norms by analyzing these legal cases. What inquisitors deemed to be the metaphorical scissors cutting the social fabric of their lives is visible in these documents. We can also gain information on how Indigenous peoples viewed gender and sexuality in this era of dramatic change.

Sodomy, or *pecado nefando* [the nefarious sin], was a word used in the 16th to 18th centuries within New Spain and other Spanish colonies to refer to a wide variety of 'illicit' sexual actions and could refer to cross-dressing, women refusing to have sex with their husband, bestiality, anal intercourse between any people, female same-sex actions, masturbation, and any

sexual actions between two men.[28] Which acts were included in the term varied by location and time-frame. It is unknown whether Cotita identified as a man, woman, or a different gender expression. For this reason, I refer to them with the gender-neutral 'they/them' pronouns in this paper. While these people cannot be called queer since there was not an overarching queer community, there were instead proto-queer subcultures. These subcultures were based on early perceptions of oneself as non-heterosexual or as someone who transitioned their gender and contrasted the sociocultural image of the ideal Novohispanic man and woman.

It could be argued that Cotita's choice to forgo their birth name and be referenced solely by their chosen name functioned to change the referral of self and would therefore push their birth name to be a deadname; however, we must be careful in assuming the correlation between such actions and contemporary forms of identity-making as language usage was not always precise enough to account for this. Spanish is a heavily gendered language, and although queer argots developed in Colonial Mexico, same-sex acts often were described in terms of gendered acts of sexuality, such as *pasivos* being women and *activos* being men. Gender parallelism was not understood in colonial Mexico, and as a result, Indigenous genders were deemed interchangeable with and indicative of a sexual preference. Therefore, any third-gender presentation was understood as a person engendered by their birth-sex seeking same-sex desires.

The sociocultural conditions that fostered homosexual and transgender representations being inspired by female models included the usage of certain attire, gestures, and gendered tasks performed by woman that imitated contemporary prostitutes. Descriptions of Cotita's female features are persistent across all accounts:

[28] Pete Sigal and Zeb Tortorici, *Ethnopornography: Sexuality, Colonialism, and Archival Knowledge* (Durham, NC: Duke University Press, 2020).

> "This Juan de la Vega…was an effeminate mulatto…they used to call him Cotita (which is the same as mariquita [pansy] and…the said mulatto would move his hip and usually tied on his forehead a little cloth called "melindre" (narrow ribbon) that women use and in the openings of the sleeves of a white bodice that he had, he would other most wear many hanging ribbons and…he would sit like a woman on the floor on a platform and…he would make tortillas and wash and cook."[29]

Historian Sergei Gruzinski suggests that the origin of this naming convention among proto-queer people was the use of prostitutes and other people deemed to practice illicit sex, as a "model of misbehavior."[30] Prostitution was especially popular among a creole clientele in Mexico City.[31] These peoples associated themselves with these perceived sexual outliers and affirmed that connection by creating names for themselves that reclaimed their sexuality from those social persecutors. Their "deviation" from the sexual norm could be noticed by others in their subculture or community by naming themselves in this way. Another aspect to consider in the social realm of this naming convention is how Cotita, as a person with evident Indigenous roots, could become closer in proximity to a creole woman through acting in a manner associated with the lifestyle of an upper-class Iberian woman.[32]

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[29] AGI, México, 38.N75C, exp. 57.
[30] Sergei Gruzinski, "Ashes of Desire: Homosexuality in Mid-Seventeenth-Century New Spain," in *Infamous Desire: Male Homosexuality in Colonial Latin America*, ed. Pete Sigal (Chicago: University of Chicago Press, 2003), 206.
[31] Fernanda Nuñez and Pamela Fuentes, "Facing a Double Standard: Prostitution in Mexico City, 1521–2006," in Selling Sex in the City: A Global History of Prostitution, 1600s-2000s, eds. M. Garcia, L. van Voss, and E. van Nederveen Meerkerk (Leiden, NL: Brill Publishers, 2017), 442.
[32] Susan Migden Socolow, "Elite Women," In *The Women of Colonial Latin America* (Cambridge: Cambridge University Press, 2015), 84–96.

The Source as an Event

A creole or peninsular woman would have been the idealized image of a woman at the time. They enjoyed certain privileges that lower-class casta peoples did not have. The inquisitors for this case write that "he [Cotita] was visited by some boys whom he called my soul, my life, my heart, and they would sit by him and would sleep in his dwelling."[33] The use of these phrases *mi amor* or *mi vida* were a manner of speaking associated with upper-class creole women in New Spain.[34] Peninsular or creole women also enjoyed the luxuries of wealth and relative leisure due to their proximity to Iberian Christian origins. They were born in New Spain and of "Novohispanic stock," so to speak, but they still held the privileges of their association with Iberian ethnicity that allowed them to enjoy privileges of upper-class existence, a reality many Indigenous or casta people, also born in New Spain, could only hope to experience.[35]

This depicts the implications of the racialization of gender and sexuality and how upper-class *criollidad* was contrasted with lower-class ethnic identity. Certain poor non-Iberian peoples aspired to have sexual freedom and the gender roles of upper-class Iberians. In this case, non-binary and trans non-heterosexuals, as well as prostitutes, used the gender performances of creole women to articulate their genders and sexualities. This demonstrates the interconnected nature of race, gender, and sexuality in early colonial Mexico. These forces often shaped each other, and by analyzing the effects of these intersections, a greater understanding of the formation of Novohispanic societal norms can be formulated.

The part of San Lázaro that Cotita lived in was close to an area that housed many students from nearby schools. These would have been richer men that were living in all-male dorms or

[33] AGI, México, 38, exp. 57.
[34] Sergei Gruzinski, "Ashes of Desire," in *Infamous Desire: Male Homosexuality in Colonial Latin America*, 206.
[35] Susan Migden Socolow, "Elite Women," In *The Women of Colonial Latin America* (Cambridge: Cambridge University Press, 2015), 84–96.

dwellings. This explains how prostitutes were able to make a living here as these men mad been seeking sexual satisfaction from women. What this also means, however, is that non-heterosexual people would have been living with many heterosexual Christian males that maintained masculine and monosexual social circles. They could have been seeking sexual satisfaction outside of that local area to avoid social suicide. This would have been obvious to Cotita and another reason why Cotita could have been well-known or sought after by so many proto-queer people. Hence, this is important context to consider when analyzing this record for sexual deviance from the societal norm because it underlines that peoples across all castes and classes would have actively considered the intersection of gender and sexuality in the social consciousness of New Spain.

This *proceso*, or processus, primarily addresses Cotita's behavior which indicates the perceived danger of their proximity to creole womanhood despite there being three mestizos and two Spaniards who would have been considered closer in proximity to whiteness involved in this case. Cotita's status as an Indigenous person imitating a creole woman is emphasized over the fact that actual Iberians decided to have homosexual relations with an Indigenous person. As a result, it can be safely deduced that this source subtly nods to the significance of 'acting your race and class' in colonial society when commenting on the subversion of gender and sexual norms at the same time.

While Christian-derived inquisitorial tribunals and ecclesiastical records acted as an apparatus to curb the manifestation of these identities in the public sphere, they still were functional to a great extent in the private sphere and were practiced amongst all members of society. Regardless, there were modes of traversing a subaltern world where peoples deemed the

sexual and gender-transgressing outcasts of society could maneuver in these identities while occupying public-facing identities aligned with the norms of that time in the "overworld."

The role of language in encapsulating perceptions of oneself as part of a local "underground" community furthers the concept of *subaltern selfhood*. Cotita and the many people that slept with them, whether prostitutes or not, recognized the importance of a name in generating identity. They articulated their own identity in relation to others in their social sphere – specifically prostitutes – and understood themselves in relation to these peoples. By changing their names to objects, plants, animals, and seductive traits associated with women and oftentimes slurs for homosexuals, those that practiced same-sex relationships understood their sexuality in terms of a gender-binary. Where they used terms that encapsulated associations with femininity that they enjoyed, civil and ecclesiastical officials used other heated terms like *sodomitas* (sodomites); *cochinada* (filth); *malign@s* "cancer" (malignant, referring to cancer, which did not enter the Spanish language until the 17th century), *plaga* or *peste* (plague); *basura* (garbage); *jot@s* (faggot); and even *contaminaciones* (contaminations).[36]

This proceso is important because it expresses two seminal facts. The first fact is that Cotita's home was well-known in their community and by men of all backgrounds as a place where sodomitical actions occurred. This indicates the idea of Cotita's home as a safety zone for proto-queers was spread discretely. Since these people ranged from *españoles* to *mulatos* to *mestizos* and *indios*, it suggests that an exclusive social network, a proto-queer subculture, was shared amongst these peoples. This subculture was present in all social classes and castes of society during this time. The second fact is that Cotita actively presented themself in female attire despite public scrutiny. Neighbors that testified expressed seeing Cotita outside or from the

[36] *La Historia de Sexualidad en México*, episode three, "Pecado Nefando en la Época Colonial," directed by Gabriel Garcia, aired 2013, on Canal 22 Cuidad de México, https://www.youtube.com/watch?v=r71qt-UCUwo&list=PLHXFQrHFFd_UQH9AOsbsp5GvT03SQsugS&index=3.

windows of their home doing housework in female attire, suggesting that Cotita did not necessarily feel the need to hide their identity in all circumstances. Further analysis of what factors could have led Cotita to them publicly expressing their identity should be conducted.

In summation, previous academic works discuss queer sexualities in colonial Mexico only as it related to Amerindian and Spanish elites and fail to include people of African and Asian birth and descent. Neither do they look at the social and cultural implications of the existence of varied sexualities among divergent populations. Going forward, scholars should, by contrast, include Asian and African sexualities as targets of colonial regulation and discuss the development of public sentiment towards different forms of sexualities. Additionally, further investigation into uncovering more documents telling of proto-queer lifeways and subcultures, like Cotita's, should be conducted to provide an expanded source base for scholars to utilize. Consequently, further research should also examine how such a process interlocked with the creation of racial and colonial hierarchies in early colonial Mexico.[37] Without this plurality, a lack of variability in perspective of how proto-queers reacted to the Spanish colonial regime is maintained. Overall, additional research on the importance of gender and sexuality in the early colonial era can pluralize the lived experiences of those in the early colonial era of Mexico.

[37] For additional information, this essay will be featured in adapted formatting within my upcoming undergraduate thesis tentatively called "Transgressing Normativity. Global Indigeneity, Gender Presentations, And Sexual Practices in Colonial Mexico, 1519-1670," set to be completed and published in Spring or Summer 2024.

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