

Fashioning the Other, Fashioning the Self: the Inquisition v. Elena/o de Céspedes

Stephen Hessel

Ball State University

Abstract: This article reevaluates the trial of Eleno de Céspedes by the Spanish Inquisition through an analysis of the arguments and rhetoric used by both the plaintiff and the court officials. The purpose of this reevaluation is to present an analysis that is not based on the assumption that Eleno's case constitutes an act of resistance to cultural and institutional norms.

Keywords: Spanish Inquisition, Intersexuality, Cross-dressing, Passing, Eleno de Céspedes



In the 17th of July 1587, an Andalusian slave girl, a self-proclaimed hermaphrodite, and a dark-skinned surgeon who had served the empire during the Alpujarras rebellion of the “moriscos” stood before the Inquisition of Toledo. The charges included bigamy, making a mockery of the sacrament of marriage, and sodomy; but on a more elemental level the crime was that of cultural illegibility - the inability of the court to read and write the subjects involved into a developing institutional-societal discourse. In extraordinary fashion, this case both illuminates and obfuscates the concept of what I will cautiously refer to as “early modern identity,” but it also stretches the ideological construction of “self” to its very limits. Each of these “selves,” frequently deemed to be “other,” can be inscribed with relative ease on separate bodies, but in this case the inscription falls short because there is only one body to be inscribed upon; a body which already carries the deep physical and social marks of discursive praxis.

This is the case of Eleno de Céspedes whose body, riddled with meaning, almost proved too laden with signification to be read and, therefore, be judged by the members of the inquisitional court.¹ The course of this enigmatic human cipher through early

¹ In this aspect, Eleno, as a sign within a semiotic system, functions much like the Don Quixote of Foucault's reading in *The Order of Things* and further demonstrates the break between resemblances and signs during the Renaissance, “*Don Quixote* is a negative of the Renaissance world; writing has ceased to be the prose of the world; resemblances and signs have dissolved their former alliance; similitudes have become deceptive and verge upon the visionary or madness; things still remain stubbornly within their

modern Spanish society and, ultimately, its legal system traces a path of both an attempt to normalize/be normal and its ultimate failure, which is twofold because both Eleno and those that judge him are engaged in a failed project of simultaneous cultural authorship and readership.²

Unlike some of the other scholars who have brought this extraordinary case to light, I have chosen not to debate the gender of Eleno de Céspedes nor read his existence as a subversive act.³ Instead I am intrigued by the difficulties encountered by the court in prosecuting this case and the important role that storytelling plays within the juridical procedures of early modern Spain. If we consider the Inquisition of Toledo to be part of a developing regulatory infrastructure within the Spanish Empire existent *a priori* to the rise of the modern nation state, the problematic enactment of institutional power (or what could be identified in this case as bio-power à la Foucault) demonstrates a case of growing pains within the institution's structure in relation to its control over certain aspects of the production of identity and "culture."⁴ On the other hand, the desire to impose a set gender identity upon this body points to a pronounced desire to adhere to an image of human "self" as a product of dialectical opposition ("Self" and "Other"), which is, in part, a departure from some of the preceding epistemological modes.⁵ Furthermore, the practice of the "discurso" (an autobiographical account of the defendant's life) lies at the center of the Inquisition's proceedings thereby showing the inextricable importance of judging narrative; deeming it as acceptable to be incorporated into the developing societal discourse or as unacceptable and, therefore, not fit for the public sphere.⁶

ironic identity: they are no longer anything but what they are; words wander off on their own, without content, without resemblance to fill the emptiness; they are no longer the marks of things..." (47-48).

² A conscious choice has been made to refer to Eleno in the masculine when referring to him after his decision to adopt the male role in society. In every other case Eleno will be referred to as female.

³ Israel Burshatin, whose excellent work helped begin the discussion of Eleno, has written several essays that discuss this case. He will be cited frequently, but I urge anyone interested in this avenue of inquiry to consult Burshatin's work. The present analysis departs from Burshatin's work on this point because this project asserts that this type of "cross-dressing" can be seen as either an act of subversion, assimilation, or both simultaneously.

⁴ William Warner and Clifford Siskin look to Raymond Williams and his assertion that the concept of culture used today dates back only to the late 18th century (102). With this in mind I utilize the term with caution and suspicion.

⁵ Many classical epistemological systems allow the possibility of a third - or at least ambiguous - gender identity. The Greek sage Tiresias and the creation myth of Aristophanes in Plato's *Symposium* number among the literary examples and later it will be shown how the medieval medical tradition, based mostly on classical works, proves problematic in Eleno's case because a third gender and gender transformation is not seen as an impossibility. As an interesting side-note the early Christian theologian Tertullian suggested that Jesus was a eunuch (Moxnes 85).

⁶ This judgment of narrative is present in several literary texts of this time period. The constant interruptions of Berganza's story by Cipión in Cervantes' "El coloquio de los perros" show that the

As a word of caution, the goal is not to construct a set and inviolable diagnosis of the historical progression of Renaissance Spain toward the modern nation state, nor to claim that identity was constructed in an absolutely different manner prior to or after this period. This would be just as irresponsible as proclaiming Eleno definitively male or female. Instead this case will serve as a point of departure for the consideration of the “failures and successes” (also dangerous terms) of identity production and cultural discursivity in Spain at this time.

“Naming” a Slave

Eleno was born in Alhama near Granada without a name. Of course, she - Eleno was born a female - was called something by the people around her but it was not a name in the true human sense of the word. It was more a pragmatic linguistic placeholder used to signal toward a possession than a name that identified and encompassed some sort of essence. It remains unclear what series of sounds called her attention from her birth in approximately 1545 until she was given the name Elena de Céspedes nearly ten years later when the mistress of the household (also Elena) passed away (Burshatin 421). Perhaps it was merely “slave,” which would correspond to the two symbols burned into her cheeks to identify her as property. Perhaps it was something that the little girl liked. We may never know but what is patently clear is that this name (or lack thereof) was temporary and malleable, and that even in Eleno’s childhood the acts of naming and inscribing were central to her personal history.

With this new name came a new life; one of relative freedom - Eleno was freed at this point - and, more importantly, mobility (both geographic and social). Israel Burshatin astutely reflects upon the effect this must have had on Eleno, “Nevertheless, the *mulata* Elena de Céspedes gained her freedom and along with it came the notion that bodies tell stories - even conflicted ones - and that they convey history, legal status, and cultural boundaries” (Burshatin 422). And yet, despite the fact that her body - more specifically the color of her skin and her face - told a fairly concrete story, she began a voyage that would test the limits of social inscription.

It appears unknown if her next step in life was a personal choice or a matter of necessity, but in the end it proved to be quite determinant in her story’s future trajectory. Her training as an apprentice in the garment industry provided her with the means to support herself economically, but it also taught her a set of skills that would be useful in her future social - and physical - transformations.

It would still be several years before Elena became Eleno, but the seed of metaphysical transformation had already begun to germinate. In the end, it was a purely

readers and the audiences of the late Renaissance were far from passive and that their judgments had a distinct impact on how a story was told (Hessel 11-13).

heterosexual relationship that supposedly galvanized the physical transition.⁷ The pregnancy that resulted from her short-lived marriage to Christóval Lombardo - a stonemason from Jaén - who allegedly passed away before or shortly after the birth of the child, was the cause of the subsequent hermaphroditic transformation.⁸ Eleno states in the Inquisition documents - always through the mediating voice of the scribe - that the strain of delivery caused her to give birth to a male member:

When she gave birth, as she has said, with the force that she applied in labor she broke the skin over the urinary canal, and a head came out (the length) of about half a big thumb, and she indicated it so; in its shape it resembled the head of a male member which when she felt desire and natural excitement it would come out as she has said, and when she wasn't excited it contracted and receded into the place where the skin had broken. (Burshatin 435)

Unfortunately, there is little that communicates Eleno's reaction to this life-altering event. Any sense of personal reflection that the Inquisition let slip into their records is notably marked by Eleno's perspective in 1587, after spending twenty years living as a man. Instead of an emotional account of personal transformation, the reader finds a particularly cold series of medical observations.⁹ Marie Catherine Barbazza notes how this relative detachment can prove troubling to a modern reader, "Para nosotros, lectores del siglo veinte, este relato largo y circunstanciado queda a menudo muy incompleto, porque nos presenta una serie de hechos objetivos que no revelan claramente las motivaciones personales profundas" (19).

Perhaps due to a desire to get to the point of the proceedings (the crimes), Eleno's long process of personal social transformation is glossed and reduced to a few notable events. First, Eleno left her marital home entrusting the care of her newborn child to Catalina, a maid in a nearby household (Kagan 39). Employed in various jobs in the garment industry, Eleno moved around Andalucía without significant incident until she arrived in San Lúcar de Barrameda. It was there that Eleno's project of self-fashioning met with its first and perhaps most important "success."

⁷ All the information presented on Eleno's transformation must be taken with a grain of salt since it comes from the testimony given to the court (which frequently inserts its opinion into the record). It also must be noted that just as we cannot trust the word of the court in its accuracy, nor can we believe everything that Eleno is reported to have said.

⁸ I will continue referring to Eleno's case as one of a hermaphrodite because this is the terminology used at the time, but in the contemporary nomenclature I am referring to a case of an "intersex" individual.

⁹ As I have previously stated, Eleno's account is always inherently mediated by the Inquisition, but I would also like to suggest it is also deeply affected by the temporal distance between the events and the context of the courtroom that may have caused Eleno to modify the account to his benefit (or perhaps detriment).

While working in the home of Hernando de Toledo (a linen merchant), she found herself attracted to Ana de Albánchez; the merchant's wife. Their love affair began when Eleno kissed Ana and explained that she possessed "two natures." After a failed attempt at sexual congress, Eleno sought the help of a doctor named Tapia who specialized in surgery:

He examined me in secret and told me I was a hermaphrodite. With a probe he put inside me he made a cut above the piece of skin which had begun to come out. With this cut there emerged a male member ... It came out bent in an arch, so the surgeon cut it a little bit. With that the member straightened out. He told me it was badly constructed and weak at the root, and he cured me of this. In fifteen days he made me well. I kept this ability to have relations with women and went back to Ana de Albánchez and had relations and dealings with her as a man many times. (Kagan 47-48)

This physical fashioning allowed Eleno to adopt the habit of a man in the most intimate and determinant manner; the role of the male in coitus. The creation of a functional phallus was an inscription of an unavoidably determinant nature, and in accordance with it Eleno began to see herself as a "himself." The preceding account states clearly that the role of manhood is adopted in this moment - "relations and dealings with her as a *man*" - and thusly the state of hermaphroditic ambiguity and the accoutrement of femininity began to fall to the wayside.

Yet the process of transformation and gender adoption was by no means complete. Another major step was taken as a result of the events that transpired in Jerez de la Frontera. There Eleno was arrested and put in jail after stabbing a *rufián* (which in this period could mean pimp or scoundrel) who had attacked her (Kagan 40). Burshatin claims this attack was motivated by Eleno's "queer" style," though I myself have found no evidence of this in the testimony I have read (436).¹⁰ Nonetheless, this attack did push forward Eleno's transformation of appearance. The adoption of full male garb was the result of this run-in with the law. In this case the adoption of the role of the male in practice was not enough to put to bed the issue of Eleno's gender. Another level of fashioning was required to "be" a man. The hidden phallus was in truth little help in determining Eleno's nature in the societal context. The requirement of masculinity incorporated much more than it's supposedly most important feature.

The "disguise" itself (as the Inquisition would characterize it) appears to have met with limited success. Surprisingly, it was initially successful in a situation thought to exemplify the masculine arts. Eleno became a soldier in the company of Ponce de León

¹⁰ I do not wish to discredit Burshatin's claim. I, merely, have not yet encountered evidence of this.

and served in the War of the Alpujarras (Kagan 41). Shortly after the company disbanded the disguise met with a relatively shocking failure. Eleno, the former soldier, was certified by the tailor's guild, but was also required to place "sastra" or seamstress on the shop's sign because (and I quote Eleno) "they knew I was a woman" (Kagan 41).

How did they know this? Unfortunately, no explanation is provided, but it is peculiar that Eleno lived among men as a peer presumably hiding his dual nature and yet was unable to fool a panel of guild representatives. There are many possible explanations, but none can be founded securely on the historical evidence. Nonetheless, it does seem permissible to claim that Eleno's attempts at self-fashioning were not always successful (or perhaps that they didn't always need to be).¹¹

Over the next several years Eleno oscillated between the life of a tailor and the life of soldier, reenlisting several times. During a 2 year period spent in Madrid, Eleno learned the trade of surgeon and gave up tailoring in order to pursue the more respectable field of medicine.¹² This led him to Ciempozuelos where he would meet his future wife and thus begin the series of "crimes" that would land him in front of the Inquisition.

During this long period of time - almost 20 years - Elena had become Eleno and the small orthographic change had been accompanied by years of personal inscription ranging from the medium of fabric and thread to the medium of flesh and blood. The constant flux of identity and place allowed Eleno to construct himself differently when circumstance required in order to better navigate society. As Burshatin notes, Eleno controlled his appearance as a means to the end of social mobility:

With all the nimbleness he had developed in the manufacturing, cutting, sewing, and tailoring of cloth Eleno was able to style and shape his androgynous figure so that it would seem sufficiently masculine to gain him entry to occupations barred to women. His medical technique and other techniques of the self produced a body that was a site of resistance to the implied subservience in the subject positions slave, woman, and even hermaphrodite. (431)

Burshatin's assertion that the goal of Eleno's various stylings and shapings were predicated upon a desire for self-controlled social mobility is well put, but by

¹¹ It is clear from the particulars of the case that some of Eleno's comrades in arms knew of his double nature. How many and who knew is another question all together. In addition the issue of public-institutional vs. private self-representation enters into play. The assignment of a title - albeit mundane (*sastre*) - carried a considerable amount of weight at this time. One merely needs to recall the plethora of titles that Carlos V had to realize their simultaneous importance and ironic triviality.

¹² Though medicine and surgery are not always fully synonymous during this period it is safe to say the Eleno was more than a run-of-the-mill barber. His later appeal to medical knowledge in his defense suggests that his training was extensive and based in both practice and theory.

characterizing the body as “site of resistance” he fails to note that Eleno’s body can also be seen as a site of assimilation.

Perspective is of great importance in this aspect of Eleno’s case. To the Inquisition, Eleno’s styling and shaping of a “sufficiently masculine” figure is a transgression of the societal order, but to Eleno it is a pragmatic aesthetic assimilation that affords him an opportunity to better fit in. As will be seen later, it is Eleno who frames these actions as vehicles of social assimilation instead of willful resistance to the institutional values of the time.

By the time Eleno married, he himself had taken control of, to the best of his abilities, his own identity. Though the marks that others had inscribed upon him would never fully fade, their determinant nature had been diminished (he was actually able to lessen the appearance of the slave scars on his face). Yet we must not forget that the traces of these imposed inscriptions were always present and producing meaning. Eleno never enacts a truly radical break with his previous (yet also present) identity. The process of naming that so defines this individual is not a story of drastic and complete inscriptions and erasures, but rather subtle modification.

“Taking” a wife

Up to this point in the life of Eleno de Céspedes, his double nature had been problematic only in a limited sense. A few run-ins with the law had resulted from his “cross-dressing,” multiple affairs with single and married women, and the occasional physical altercation, but these were no more than small interruptions in his decades-long self-fashioning project. It is not until he decides to settle down and get married that his crimes become “heinous” enough to be prosecuted to the full extent of the law.

As I have already stated, Eleno met the woman he would marry in Ciempozuelos. Due to his lack of a beard he was asked by the vicar of Madrid, from whom he had solicited permission to wed, if he was a “capon” (Kagan 43). The doubt that Eleno could consummate the marriage led to a series of examinations to prove his masculinity. Lisa Vollendorf states that “Nine doctors and midwives examined him and unanimously declared him a man, upon which Céspedes received permission to marry” (17). This high number seems to lend credence to Eleno’s claim that he could not have committed a crime since he had been certified as an acceptable candidate for marriage, but the specifics of these examinations in conjunction with the pre-trial exam paint a complicated picture.

The, at times confusing, testimony given by Dr. Francisco Díaz, who had checked Eleno at the time of his pre-nuptial examinations and also at the time of his arraignment, further frustrates any attempt to clearly identify the physical gender identity of Eleno. He affirmed that at the time of the first examination Eleno was fully male (not even a hermaphrodite), yet the second examination for the court showed Eleno to be fully female.

The shocking revelation that Eleno no longer possessed a penis had drastic consequences on the course of the trial. Though Eleno stuck with his original defense, the testimony of Dr. Díaz made it much easier for the Inquisition to ignore the difficult issue that occupied the center of this case; what was the place of a hermaphrodite in society? The accusation of trickery and deception seemed to be more plausible if Eleno was unable to present his male genitalia as evidence to the contrary. Therefore, the issue of the absent phallus supplanted the issue of hermaphroditism as the central issue; had the phallus ever existed?

Eleno explained the loss of his penis in this manner:

What happened is that before last Christmas I suffered a flow of blood through my woman's parts and through my rear end, which caused me great pain in my kidneys. I'd hurt myself while riding horseback and the root of my member became weak. The member became spongy and I went cutting it bit by bit, so that I've come to be without it. It just finished falling off about fifteen days ago or a little more, as I've said. (Kagan 49)

The court appears to have highly doubted the veracity of this statement because the final decision came down against Eleno and he was sentenced to 200 lashes (given on 2 separate occasions) and 10 years of confinement, but the strength of Eleno's defense before the crushing blow delivered by Díaz points to some difficulties the court experienced in coming to a final verdict.

Eleno justified his decision to marry in accordance with religious and moral codes when he stated:

Since I found I had a man's member and could have relations with women as a man, and since I'd gone around with so many women, I wanted to leave off sin and marry, and not have relations with anyone but my wife. It was because of this that I married. I didn't think I'd erred, but rather that I'd married in God's service. (Kagan 48)

In this passage Eleno presents himself as someone who had passively developed a penis and, in order to better follow God's will, he, after a time, chose to live his life as a God-fearing man should. This argument is only strengthened by his appeal to the medical beliefs of the time period. As Burshatin notes, the medical component of the defense relied heavily on a fairly standard reading of book 7 of Pliny's *Natural History* which accounted for such gender transformations (447). The court could not deny the sound reasoning of Eleno's appeal to the humoral theories since it still was a foundational part of the medical knowledge of that time period. Therefore, if Eleno had had a penis it

would have been much more difficult to condemn him as a sodomite and *burladora* (trickster).¹³

In a sense, Eleno used traditional and institutionalized discourse in such a way as to write his situation into a realm of “normalcy”; the very same discourse proposed by the Inquisition. Despite the fact that the Inquisition was not a fair and balanced court, and that they would have had little desire to justify the existence of an intersex individual, doubts are visible throughout the text. One of the most telling is the oscillation of the narrating voice between gender pronouns as applied to Eleno (Kagan 37, 40). Even those who desired to prove that Eleno was a deceitful woman seem to be unsure as to where to place him in the discourse. This is particularly peculiar when we consider the discursive purpose of the Inquisition in the larger context of nation-building. Barbara Fuchs comments on the problematic nature of this project when she states:

Given the various pressures of centralization, imperial ambition, and religious dissidence, the construction of national identity in early modern Spain was an enterprise fraught with difficulties ... It is important to underscore that this sense of early modern Spain as a homogeneous nation reunited through the Reconquista was a myth, challenged not only by the prominence of hybrid subjects ... in many areas of public life but also by the many tensions between local allegiances and centralized forces. (1)

Despite the fact that the Reconquista is mentioned instead of the Inquisition, it is quite safe to say that it continues the same project that was central to the military forces that retook the Iberian Peninsula; a pure Spain (in body, mind, and spirit). But as Fuchs observes, the facts did not match the discourse.

According to the final assessment of the inquisitorial court, the body of Eleno may have been undeniably feminine, but the person as a whole challenged that assessment and by doing so forced the court to reduce gender to a biological feature instead of a larger function of discourse and fashioning. Everything else that supposedly constitutes masculinity at this time must be left outside of the scope of consideration since Eleno is capable of exhibiting the majority of these features; but why was this the case? Why not place Eleno in the 3rd gender category of hermaphrodite that he presents with such convincing rhetorical and stylistic skill? To explore this question the scope of our investigation must be expanded in order to consider the larger currents in both society and the institutions of early modern Spain.

¹³ The *burladora* was a figure similar to the legendary literary archetype of Don Juan. Fear of women who would lead other women astray appears to be fairly commonplace at this time since literary and historical examples can be found with minimal effort.

Institutions and Society at Large: Reflections on Early Modern Gender Identity

The difference that Eleno exemplified was not invisible to society at large. In Eleno's case, many people were aware of his peculiar nature and the spectrum of reactions was wide. Therefore, the question of how peculiar Eleno was is an issue of particular importance. How prevalent were hermaphroditism and intersex births at this time and what was the social perception of them?

Due to the fact that statistical records were not accurately kept on this issue, we work with the assumption that the percentage of hermaphroditic or intersex births has not changed significantly in the past 4 to 5 centuries.¹⁴ Unfortunately even today there is no set number that accurately represents the population (one factor being the various definitions). The Intersex Society of North America (ISNA) claims that approximately 1% of all children born exhibit sexual ambiguity (Anne Fausto-Sterling's estimates reach 1.7%) while statistics that center on ambiguity at the chromosomal level place the percentage around 0.018% (Sax 174).¹⁵ The discrepancy in numbers does paint a very different picture but it is obvious from both that this was most likely not an unknown phenomenon.¹⁶

Other cases can be found in the textual records of the time period, such as the one with which Lisa Vollendorf opens her chapter on Eleno de Céspedes in *The Lives of Women: A New History of Inquisitional Spain*. The 1605 case of doña Magdalena Muñoz presents some strong similarities to the case of Eleno, but the primary difference lies in the conclusion. A manly woman (*mujer varonil*), Magdalena entered a convent due to the fact that she was "unfit for marriage" (Vollendorf 11). One day while carrying a load of grain she experienced a pain in her groin and subsequently developed a penis. This transformation disqualified her from participating in life at the convent but interestingly it now made her fit for marriage, albeit from the other side of the gender spectrum. Vollendorf cites the account of Fray Torres who reported on the family's reaction to the news:

[T]he father is very happy because he is a rich man and he didn't have any heirs and now he finds himself with a *very manly son* and one who can marry, and *she*, too is happy because after twelve years in jail [the

¹⁴ Examples of intersex individuals *a priori* and *a posteriori* to this period do not show major discrepancies that would signal a decrease or increase of these births.

¹⁵ The difference between Fausto-Sterling and Sax boils down to the consideration of which features make a person "intersex." Fausto-Sterling's book *Sexing the Body* (2000) presented this higher percentage because, unlike Sax, cases beyond chromosomal intersexuality were included.

¹⁶ I have chosen to focus only on intersex births because it is limited to a fairly biological assessment of the infant and, therefore, is easier to ground in the historical record. The numbers I have presented do not take into account cases such as Eleno's in which the transition occurs later in life or other individuals who do not physically manifest gender ambiguity, but rather choose to undertake a transition for emotional and psychological reasons.

convent], she knows liberty well, and *she was a woman and now a man*, which out of all things and timely events no better favor could have been paid her by nature itself. (12)

This case within the society at large presents a positive assessment of gender transformation (female to male) that would seem to be strangely at odds with the case of Eleno. Of course, many factors could theoretically be at the root of this difference: the presence of the penis, their racial heritage, and their families' social status. But in these cases of gender transformation a provocative possibility exists in the difference between the discourse of various local institutions/social settings and the developing institutional discourse at a national/imperial level.

As has already been noted, Eleno had little trouble in navigating society, even when his attempts at masculinity met with failure. It is not until the increasingly institutionalized sacrament of marriage comes into play that larger problems arise. Despite the fact that Eleno is cleared for marriage at a less institutionalized and more local level, he is brought before the Inquisition; an institution that was governed in part by the church and in part by the crown.¹⁷ Here, Eleno is no longer subject to the Spanish society at large, but rather a governing entity with a deep desire to organize society at a more universal level. This project is of central importance when the macro-management of the Spanish Empire is considered; a macro-management that is, in part, based in the micro-processes of the human body.

Michel Foucault dates the genesis of what he labels "bio-power" to the 17th century, but the roots of the thinking that facilitated its rise in the modern world precede its full manifestation. These "numerous and diverse techniques for achieving the subjugation of bodies and the control of populations" may not be delineated into well-regimented programs but they are undeniably present in the 16th century (Foucault, *History of Sexuality* 139-140).¹⁸ The population crisis that racked Spain throughout the 16th and 17th centuries seemed to call out for some sort of program, institution, and/or code that would encourage procreative sexual relations.¹⁹ This combined with the prohibitive statutes that endeavored to expunge the non-Christian population from the Spanish past, present, and future produced the germination of a specific trajectory among the existent institutions of both church and crown.

¹⁷ Vollendorf does not present evidence that suggests that the case of Magdalena Muñoz was considered by the Inquisition or any other non-local institution for that matter.

¹⁸ It could be argued that "bio-power" in some form or another has been omnipresent. Foucault makes the distinction by identifying projects, programs, and institutions that facilitate its enactment. The 15th and 16th centuries constitute the beginning of formation for these larger entities and the Inquisition itself is a prime example of an institution that subjugates the body and controls populations.

¹⁹ In *Cuidad Real, 1500-1750: Growth, Crisis, and Readjustment in the Spanish Economy* Carla Rahn Phillips points to the crises caused by the decline and uneven redistribution of the Spanish population during the Renaissance. The combination this phenomenon with a mismanagement of resources placed Spain in a precarious position (1-4, 17-18).

Nonetheless, other issues had to be dealt with first. Old Medieval traditions and relatively newer ideas that abounded during the Renaissance required some filtering in order to make them fit the social-centered programs of the emerging new world order. In a sense, the Inquisition is participating in the same process as Eleno; a process that centers on the fashioning of self through narrative, story, and inscription. This contest of molding self finds itself on an interesting playing field in the case of Eleno because neither side appears to possess an absolute and infallible control of identity production.

It is here, in this aspect of identity production, that Eleno's case poses the largest threat to the developing power structure exemplified by the Inquisition. To an organization charged with rooting out those that do not fit the bill of pure Spaniards in body and mind, the combination of the complicated body and the astute mind of Eleno, which threatens to write itself into the larger discourse of institutional society, is quite a wrench in the works of "progress." Though there may be no subversive motivation to Eleno's self-fashioned identity - in fact it could be seen as an act of drastic assimilation to the society at large - the effect of the encounter with the Inquisitional institution contains a subversive potential that can be allowed to do what it may or, instead, be eliminated. In the end, it is the absence of the phallus that allows the Inquisition to dismiss the question without going against the ideas it holds as foundational (i.e. the value of marriage and the medical laws of the humors), thusly nullifying the dangerous potential of Eleno's case.

In the case of the Inquisition v. Eleno de Céspedes, the fashioning of the other that the Inquisition attempts to enact upon body and identity comes into direct conflict with the self-fashioning Eleno has enacted upon himself within the realm of society at large. The shifting nature of identity production and discourse from an individual navigating their surroundings to the chambers of institutions is visible, but so is the shakiness of the transition. Instead of a cut-and-dry enactment of a new type of institutional power which greatly defined the subsequent rise of the nation-state and the later forms of colonialism, we witness in this case the ragged edges of this project and the growing pains it experienced before it became the new world order.

Eleno in Elena's Clothes

Eleno de Céspedes survived the *auto de fe* - a public punishment determined by the Inquisition - including the 200 lashes he endured after being marched through the streets of Ciempozuelos dressed in woman's clothing. Once again his body had been deeply marked with the scars of imposed signification. He was then sent to the Hospital del Rey in Toledo to serve out his 10 years of confinement. News of his surgical skills and peculiar nature spread quickly. Burshatin states, "Her notoriety drew many to her care. 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” (436).²⁰ In fact, the influx of patients was so extreme that only a year into the sentence the hospital director petitioned to have Eleno sent somewhere else. This request was granted and Eleno was dispatched to the small town of Puente del Arzobispo.

It is there that the documentation runs out. Like Eleno’s birth name, no evidence appears to exist to communicate his fate. The trail has grown cold and as readers we find ourselves without “remedio” or recourse, but with the story that has been left to us we can better understand the complexities of this person’s life and the equally complex forces that imposed meaning upon it (something of which I myself am also guilty).

I would like to end by reflecting on the “successes and failures” of early modern identity production as they relate to the case of Eleno. The glimpse that it affords us into the turbulent evolution of our contemporary concept of identity presents a complex story that still requires our attention and rigorous research. Long before Judith Butler suggested that gender is primarily constituted by a series of performatives (repeated signifying actions within a social context) and gave a theoretical framework for understanding the processes of the expression of gender, the lines of conflict were drawn between the individuals whose actions defined them and the institutions that desired to determine their identities.²¹ Long before the first acts of resistance to these imposed identities, the power struggle began as institutions initiated their programs in order to control a society at large. Long before the rise of social institutions that fashioned the other, there were individuals like Eleno fashioning themselves.

WORKS CITED

- Barbazza, Marie-Catherine. “Un caso de subversión social: el proceso de Elena de Céspedes (1587-1589).” *Criticón*. 26 (1984): 17-40. *Centro Virtual Cervantes*. Web. 21 June 2011.
- Burshatin, Israel. “Written on the Body: Slave or Hermaphrodite in Sixteenth –Century Spain.” *Queer Iberia: Sexualities, Cultures, and Crossings from the Middle Ages to the*

²⁰ I agree that many patients were drawn to Eleno with positive intentions for his skill and peculiarity, but I do not wish at this time to deny the possibility of voyeurism since at this time so-called “freak shows” frequently attracted sizeable audiences.

²¹ “In other words, acts, gestures, and desire produce the effect of an internal core or substance, but produce this *on the surface* of the body, through the play of signifying absences that suggest, but never reveal, the organizing principle of identity as a cause. Such acts, gestures, enactments, generally construed, are *performative* in the sense that the essence or identity that they otherwise purport to express are *fabrications* manufactured and sustained through corporal signs and other discursive means” (Butler *Gender Trouble* 173).

- Renaissance*. Eds. Josiah Blackmore and Gregory S. Hutcheson. Durham: Duke UP, 1999: 420-56. Print.
- Céspedes, Elena de. *Legajo 234, Expediente 24, Sección Inquisición*. Archivo Histórico Nacional, Madrid. Print
- Fausto-Sterling, Anne. *Sexing the Body: Gender Politics and the Construction of Sexuality*. New York: Basic Books, 2000. Print.
- Foucault, Michel. *The History of Sexuality Volume I: An Introduction*. Trans. Robert Hurley. New York: Vintage Books, 1990. Print.
- . *The Order of Things: An Archaeology of the Human Sciences*. New York: Vintage Books, 1994. Print.
- Fuchs, Barbara. *Passing for Spain: Cervantes and the Fictions of Identity*. Urbana: U of Illinois P, 2003. Print.
- Hessel, Stephen. "The Dog's Growl: Narration in *Las novelas ejemplares*." *Cervantes: Bulletin of the Cervantes Society of America*. 28.2 (2008): 7-17. Print.
- Kagan, Richard L. and Abigail Dyer. *Inquisitorial Inquiries: Brief Lives of Secret Jews and Other Heretics*. Baltimore: Johns Hopkins UP, 2004. Print.
- Moxnes, Halvor. *Putting Jesus in His Place: A Radical Vision of Household and Kingdom*. Louisville: Westminster John Knox P, 2003. Print.
- Phillips, Carla Rahn. *Ciudad Real, 1500-1750: Growth, Crisis, and Readjustment in the Spanish Economy*. Cambridge: Harvard UP, 1979. Print.
- Sax, Leonard. "How Common is Intersex: A Response to Anne Fausto-Sterling" *The Journal of Sex Research*. 39.3 (2002): 174-78. *Academic OneFile*. Web. 21 June 2011.
- Vollendorf, Lisa. *The Lives of Women: A New History of Inquisitional Spain*. Nashville: Vanderbilt UP, 2005. Print.