Sex, bureaucracy and inquisitorial prosecution of sodomy in 18th century Spain

Some day in late 1734, a clerk of the Spanish Inquisition spent some time reading and summarising a report of presumably almost one hundred pages. This activity had nothing special about it, for the conversion of long files into short and much more usable “alegaciones fiscales” was an established procedure within the Inquisition's bureaucratic practices. It was the nature of the case what made the situation a special one. In September that year a denunciation had revealed that sodomitic practices had long been taking place among several members of Orihuela's local elites and, moreover, that the key figure of the case, a certain Francisco Rocamora, was said to be a hermaphrodite. The “alegación fiscal”, i.e. the case's summary, is currently available on the Internet in the Spanish portal PARES (on which see here) and constitutes the basis for the following lines (see Transcription Rocamora). Even if only in an introductory form, the source on Francisco Rocamora's case provides an insight in the way the Inquisition functioned when holding control over a small Spanish provincial town during the first third of the 18th century. The case also shows that the presence of hermaphroditism was not seen as an extemporaneous phenomenon but as part of this society. Likewise, it shows how the digitisation of archival sources is changing the way research is done nowadays [see https://intersex.hypotheses.org/3090].

1. Setting the case in place and time: Orihuela, 1734.

The case Francisco Rocamora took place in Orihuela, a small provincial city not far away from Murcia, in the southeastern part of Spain. In 1734, Orihuela had a small university with approximately 300 students, being a regional economic and scholarly centre.

Francisco Rocamora, aged 55 at the time he was prosecuted by the Inquisition, was a member of a family which belonged to the local elites and exerted the post of Dean at the Santa Iglesia de Orihuela ["Holy Church of Orihuela"], later identified in the source as the city's cathedral. It was through his position that Rocamora seems to have had regular contact with university students and other members of the local elite, such as a certain physician called Dr. Pedro Beltrán, a married man who was also prosecuted by the Inquisition due to his intimate relationship with Rocamora and whose trial can be found in PARES as well.

In short, the case Rocamora did not involve peasants or workers but educated individuals who belonged, if not to the top of the society's ranks, at least to a well-to-do group, with possibilities to access to information and probably with contacts within the different spheres of local power.

2. Bureaucratising sexuality

As it is well known, homosexuality and sodomitic practices were categorised as crime and prosecuted by the Inquisition in 18th century Spain. Prosecution, however, did not just mean repression and the imposition of punishments of diverse nature upon those declared guilty of

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2 Saavedra Zapater, Juan Carlos, "La incorporación a España del clero exiliado durante la Guerra de Sucesión: una aproximación a su estudio," in: Bel Bravo, María Antonia, Fernández García, José and Delgado Barrado, José Miguel (eds), El cambio dinástico y sus repercusiones en la España del siglo XVIII, Universidad de Jaén, 2001, 479-498.
breaking the established rules on sexual behaviour but it meant as well the need to register them in a proper way. In order to be successfully repressed, sexual practices and orientations considered wrong had to be transformed into bits of information which could be efficiently administered by a bureaucratic apparatus. The “alegación fiscal” is a physical by-product of this process, but it is not the only one. In the alegación another one can be found, the territorial division of Spain regarding jurisdiction over sodomy cases. The denunciation had been done by a certain Miguel Escriva by sending a letter to the Inquisition Court in Valencia. According to the summary, Escriva, who resided in Orihuela, had first gone to Murcia to denounce the sexual practices of several men - including Rocamora - following the advice of his confessor. The Inquisitors in Murcia had received and heard him only to declare that, even if he had done right, they could not do anything. They did not have any kind of jurisdiction upon such cases and, in order to further proceed with the denunciation, Escriva had to contact the Court in Valencia, for it was the one responsible to prosecute and judge cases of sodomy.

In short, sodomy was a crime but it had to be denounced in the right place, which speaks for the weight given to hierarchy and organisation within the Inquisition and for its relation with sexuality and sexual practices considered illegal. They were to be prosecuted, but following a procedure.

3. Bodies that do not matter?

What did this all have to do with hermaphrodites? Hermaphroditism in early modern Europe could be associated with deviant sexuality, as many documents from the 18th century show (see, for example, https://intersex.hypotheses.org/3230). On the contrary, it may be used as a defence strategy, as in the famous case of Elena/Eleno de Céspedes in 1584 (see https://intersex.hypotheses.org/2720). In the process against Francisco Rocamora, however, the alleged hermaphroditism was simply noted without further comment, and apparently accepted in a very matter-of-factly way by the Inquisition.

The summary states right at the beginning that Francisco Rocamora were a predominantly female hermaphrodite who had abused his female sex with (male) students, i.e. had played a passive role in intercourse:

“... que d[ic]ho Preuendado era hermafrodita en q[ue] parece preualecer el sexo femenino de que ha abusado, y Abusa con estudiantes q[ue] frecuentan su casa”

Yet the alleged hermaphroditism - and the female gender, for that matter - do not play any role at all for the following procedure as summarized by the Inquisition. This may be surprising for the modern reader, but also means that the alegación fiscal can be studied as source for what the Inquisition was interested in - and what not, as I will show in my next post.