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Letters from Sodom: 'Emotional' Agency and Evidence of Sexual Crime in the Early Modern Courts of Italy and Spain*

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Abstract

In the judicial system of the *Ancien Régime*, some crimes were notoriously difficult to prove. It was essential for the prosecution to properly argue the case and, to this end, it was necessary to develop a hierarchical system of evidential means that would allow any hint of suspicion to yield results. The goal of the essay is to carry out a detailed study of the written documents confiscated in judicial proceedings for sodomy in civil courts of the Mediterranean area during the early modern period. The objective is to understand the 'expressiveness' that this judicial evidence contributed to the process of signalling criminal practices within the judicial system of Spanish and Italian courts. In addition, by studying love letters between men, missives from their relatives and friends commenting on disagreements, the popular literature consumed by the defendants, certificates and other official documents, and their demands for employment, the essay will shed light on their everyday life and forms of dissidence, with the aim of understanding the particular 'emotional' agency of these individuals.

Keywords: Civil Court, Letters, Sodomy, Spanish Monarchy, State of the Church

1. Introduction

In 1913, Rainer Maria Rilke published a German translation of the love letters of a late seventeenth-century Portuguese nun, Mariana Alcoforado. The letters quickly became a popular text on carnal desire, the pain of spite and the absence of love. In the epilogue to his translation, Rilke wrote of his fascination with the symbolic and intimate character of this type of writing,

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presumably bequeathed to a single reader. 'We are not lacking in information and comments on the life of feelings. But we only see them in the brief moments when they suddenly rise above the current of destiny or – with a little more calmness – when already dead, collapsed, they float over its surface' (2009, Epilogue, 59). Numerous researchers after Rilke have pointed out, however, the possible documentary falsification of Alcoforado's letters, suggesting that they might be attributable to Lavergne de Guilleragues, a French politician and intellectual who may have made up an epistolary exchange to give expression to the intimate writings of some of the women of his time. The Rilkian definition of the 'life of feelings' is nonetheless interesting, emphasising, as in the case of Alcoforado/Guilleragues, past emotional spaces. The letters observe that forbidden love bestowed an enjoyment 'de las delicias nunca imaginadas'¹ and that 'Todas las emociones que me causas son siempre intensas'² (Alcoforado 1996, Second Letter, 61).

Indeed, these discourses, long reviled by historiography, are today becoming increasingly necessary in the elaboration of memories and genealogies of the emotional. As for the document type in which these spaces of intimacy in the *Ancien Régime* can best be recognised, the choice of today's social historians would not be too different from Rilke's: the epistolary form. Personal letters, over and above official and political ones, are an essential resource for understanding everyday life, social concerns and more subjective representations centred on desire and affection (Mestre Sanchís 2000; Castillo Gómez 2011, 2017). This type of source allows us, at the same time, to learn about the political and ideological opinions of the writers, as well as about questions concerning social uses, gender dynamics and, of course, aspects relating to the affective network of the sender and the receiver of the letters.

However, there are spaces and issues that are difficult to narrate in writing, even for those closest to the recipients. Sexual practices against nature, and specifically sodomy, which referred to all relations between persons of the same sex, had already been elevated to the category of crime through civil and canonical legislation. In medieval Castile, it was the *VII Partida* of Alfonso X the Wise (1252-1284) which condemned those 'que fazen pecado de luxuria contra natura'³ to death. The *Pragmática de Medina del Campo* (1497) by the Catholic Monarchs raised the capital punishment to death by fire (Chamocho 2012, 104-105). In the Italian regions, each governed according to its own courts and institutions, civil laws were asynchronous. Siena already had a law in force equating sodomy and heretical practices as early as 1262, and only three years later, Bologna would also enact a specific law against sodomy. In the city of Florence, meanwhile, sodomy as a crime began to be punished by castration from 1325 (Rocke 1987, 701-723). Shortly afterwards, the city of Rome, through the *Statuti del Comune* of 1363, began to criminally prosecute these practices, condemning those accused of sodomy to death by fire (Baldassari 2005, 110). As the centrepiece of the Papal States, the city of Rome was also governed by the series of bulls that, since the papacy of Pius V, openly condemned sodomy as a criminal offence. The reform of the Apostolic Constitution, 'Cum Primus', and the bull *Horrendum illud scelus*, which set out that clerics guilty of sodomy were also to face death by fire, were published in the space of just two years, between 1566 and 1568. Against such a bleak background, it is obvious that sexual transgressions of the norm were hardly ever explicitly stated. So much so that all unnatural sexual practices were recorded under the name of 'nefando' – something that cannot be named without causing disgust or horror. Thus, the

¹ (of delights never imagined).

² (all the emotions you cause me are always intense).

³ (who commit a sin of luxury against nature).

term ‘nefarious sin’ became a common phrase in moral theology, but also in scribal practice, as a synonym for various crimes such as sodomy or bestiality. As these practices could hardly be mentioned, tracing them in writing in the private sphere is even more complex.

The present research focuses precisely on this dual functionality of letters seized in judicial cases concerning the crime of sodomy. I will consider two different historical moments: sixteenth-century Rome and eighteenth-century Madrid. The *raison d'être* for this choice lies in the substantial similarities in the development of the judicial processes for nefarious sin in the ‘Tribunale Criminale del Governatore’ in Rome and in the ‘Sala de Alcaldes de Casa y Corte’ in Madrid, two courts of ordinary justice which, during the early modern age, administered justice in the respective cities, exerting social control over these jurisdictions alone.

The aim of this essay is to carry out a detailed study of the written documents confiscated due to their ‘expressiveness’ and to analyse them as judicial evidence that contributed to the process of identifying ‘hardly probable’ criminal practices. Additionally, the study uncovers love letters between men, as well as missives from their families and friends. It will also be possible to learn more through the popular literature consumed by the defendants, certificates and other official documents, and even their job applications. All this will give us insight into their everyday life and dissidence, with the aim of understanding the ‘emotional’ agency of these individuals.

2. Methodology, Sources and Archives

It is essential to reflect on the methodological model applied to this type of research. Of course, as this research is based on archival evidence, it does not renounce the principles of social history. However, due to the nature of the subject matter, it is imperative to distinguish between ‘voluntary’ and ‘involuntary’ sources (Molina 2017, 21). ‘Voluntary’ sources were elaborated by the organs of power, institutions and erudite circles to conceptualise, legislate on and repress nefarious attitudes in the early modern Age. Following Alloza Aparicio’s approach, if it is accepted that legislation, punishment and the police were the mechanisms to strengthen the control of public order and combat crime in the European monarchies, the sources which structured this repressive system and which, ultimately, reinforced the discourse against nefarious sin (2000, 256) must be addressed. Before delving into the legal corpus referring to the sin against nature, the first type of document to be dealt with is the medieval and early modern theological and moral literature. This is not so much an exercise in the genealogy of stigma, but rather a confirmation of the persistence of the social conception of sin. In short, this set of documents should serve to elaborate a conceptual framework around nefarious sin, one whose temporal arc is long enough to check whether the primitive meanings of sins against nature are indeed maintained in the eighteenth century. At the same time, a legal corpus on nefarious sin is compiled, and if the previous one presupposes its validity, here it is confirmed, with the maintenance, confirmation and hardening of much of the legislation of the thirteenth, fifteenth and sixteenth centuries by the eighteenth century.

As regards the Hispanic case, the starting points are the *VII Partida* of Alfonso X in 1284, the royal pragmatic drawn up in 1497 by Isabella I and Ferdinand II, and the pragmatic of 1598 by Philip II. These are complemented by council decrees, documentation relating to the distribution of institutional powers, addenda and reforms drawn up by these same institutions, and the legal regulations surrounding judicial processes. In a similar vein, for the Italian case, all the sources from the ‘Tribunale Criminale del Governatore’ in Rome are of interest, allowing us to learn about the functioning of this punitive institution. In the same way, the *Statuti Comunali* of the city, and pertinent legislation not only in the Papal States but also in neighbouring communities,

should also be collated. Of course, papal bulls and other elements relating to early modern moral culture are also taken into account. These sources are to be understood as the basis of the modern legal framework for the persecution of nefarious sin in early modern Europe.

With regard to the 'involuntary' sources, this is where most of the archival work has been concentrated, and it is the textual group to which the proposed methodology essentially refers. These sources are described as 'involuntary' because, as they are testimonial and administrative in nature, they are outside the scholarly circuit. We refer essentially to sources deriving from judicial proceedings for sodomy, bestiality or other nefarious practices. Like other types of proceedings, these sources are complex both in terms of content and volume. In this sense, the use of court records as a primary source for the reconstruction of history should be reflected upon. François Soyer defends the use of these sources in his book *Ambiguous Gender in Early Modern Spain and Portugal*. Still from the point of view of inquisitorial studies, he stresses that the files

... offer historians a wealth of information regarding various cultural, religious and social aspects of life in the early modern Hispanic and Lusophone world over a period stretching from the late fifteenth to the early nineteenth century. The value of this information is all the greater given the fact that it concerns tens of thousands of men and women, including individuals from a great variety of social backgrounds, ethnicities and ages. (2012, 11)

Although Soyer is speaking of files emanating from the Spanish inquisitorial courts, the situation is similar for the judicial archives of the Italian civil courts. Aside from what Soyer points out about the validity of these sources in delineating specific social and cultural contexts, these sources (which must be worked critically and conscientiously) are basic for an understanding of sexual dissidence in early modernity. With respect to the volume of this type of document, it is interesting to go back to Federico Garza Carvajal's reflection in *Quemando mariposas* (Burning Butterflies). He describes the texts emanating from the judicial process in these terms:

Trial documentation could vary in length from one hundred to five hundred pages and consisted of the testimony against the accused, the graphic charges laid out by the prosecution lawyers, the arguments of the defence, the confessions of the accused and the eyewitness accounts, long descriptions of the tortures inflicted by the accused and, finally, the justifications and sentences executed by the different courts. (2002, 26)

Because of the relational nature of the present article, such sources have served to highlight the process of change in criminal dynamics, the procedural differences between the various judicial superstructures that have been examined, and variations in sentences according to institution/subject. But if we focus on the privileged source of this research, the letters and private writings confiscated by early modern courts of justice, it should be added that these 'involuntary' sources are essential, from a socio-cultural perspective, for understanding the links and relational networks of individuals and activities – accomplices, witnesses, behaviour of family circles – as well as their *modus vivendi*. Specifically, we have focused on two pieces that are diverse in provenance but very similar in format. The first of these is the set of letters transcribed in the judicial proceedings against Domenico Pelliccia, a monk of the monastery of Subiaco, in the district of Rome who, in 1595, was accused of the crime of sodomy by the 'Tribunale Criminale del Governatore'. He was, according to the prosecutor, a repeat offender in this crime.⁴ The judicial dossier is transcribed in the file of the trials of the 'Tribunale Criminale del Governatore', and although

⁴ Archivio di Stato di Roma, Tribunale criminale del Governatore di Roma, L. 280, 290, P. 25.

it is a copy, it preserves all the texts that were used to implicate Domenico. The second, much later chronologically, is the set of letters, certificates and texts collected in the court case against Sebastián Leirado by the ‘Sala de Alcaldes de Casa y Corte in Madrid’ in 1769, for the same crime. Unlike the Roman criminal proceedings, in the case judged by the ‘Sala de Alcaldes’, we find the original confiscated documentation, which also allows us to observe some symbolic elements that have been lost in the transcription of other letters.⁵

The different nature of the archives consulted entails different ways of accessing the information. For the majority, by accessing digitised databases – some of them with online resources – and in others, by means of catalogue guides, which ranged from loose folders to bound books published in volumes. In all of them, the information was checked with the reference service of each of the archives. A few problems common to almost all the archival sources that have been worked on should be noted. The first is the ambiguity with which some catalogues and non-original document covers describe the proceedings. Although the key words ‘sodomy’, ‘nefarious sin’, ‘sin against nature’ and ‘bestiality’ were used to start the search in the archives, some of the files consulted turned up other terms such as ‘illicit friendship’, ‘rape’, ‘statutory rape’ or ‘adultery’ as *hidden* causes of nefariousness. In many of them, these terms appeared in the guide and on the cover page prepared by the archivists, while the original case referred directly to the ‘Pecado Nefando’ or ‘Crimine di Sodomia’. In other cases, there is more ambiguity, with no criminal term being used on the title page or in the catalogue. Specifically, in the Italian documentation, we must refer essentially to the Archivio di Stato di Roma, in Sant’Ivo alla Sapienza. The documentation on the ‘Tribunale Criminale’ is fully preserved and easily accessible, with a series of publicly available indexes drawn up in the eighteenth century having been previously consulted. In the case of Spain, it is the Archivo Histórico Nacional (AHN) in Madrid that holds the remains of the documentation of the ‘Sala de Alcaldes de Casa y Corte’ in the collection of Suppressed Councils. In his inaugural speech as director of the AHN in 1898, Vicente Vignau pointed out how, in the nineteenth century, a large part of the Sala’s collection had been destroyed by the disasters of war at the beginning of the century, as well as sold by weight (28-29). Subsequent studies, focusing on the composition and uses of the documentary material of the ‘Sala’, have pointed to the disintegration or loss of documentation essential for reconstructing the judicial proceedings and functioning of the court (Pablo Gafas 2001, 381-394). In the case of our research, although a large part of the *Indices de Causas Criminales* collection has been microfilmed, we must note the almost total absence of preserved files, with only a few remaining, such as that of Sebastián Leirado, which are almost always attributed to late periods within the chronological arc of the early modern Age.

3. Governatore and Alcalde. *Different Courts, Similar Justice*

We will focus our attention on two specific institutions, which played a fundamental role in the social and moral control of the cities in which they were located. The ‘Tribunale Criminale del Governatore di Roma’ was one of the most particular judicial bodies in the institutional framework of the State of the Church. Constituted by order of Eugene IV in 1436, its fundamental functions were to administer the city’s justice, its zone of influence, and to deal with civil and criminal cases (Baldassari 2005, 129). In practice, its constitution brought about a change in the Vatican’s institutional order, creating a sort of ‘morality police’. So much so that from 1514, under

⁵ Archivo Histórico Nacional, *Consejos*, Leg. 5373, Exp. 4, P. 1.

Leo X, its capacity to control the community increased exponentially, extending the control of the tribunal to forty miles around Rome. However, it was not exempt from jurisdictional conflicts, as Irene Fosi points out, with other institutions such as the 'Tribunale del Campidoglio', which had civil and criminal jurisdiction over Roman inhabitants (*incolae*) and citizens (*cives*), except ecclesiastics (2008, 63-84). Nevertheless, throughout the early modern period, and until its suppression in 1816, it maintained police control of Rome in both civil and criminal matters. Its structure was made up of two lieutenants of the 'cappa negra' (black mantle), two lieutenant substitutes, ten substitutes responsible for conducting proceedings, a chief notary and twelve substitute notaries in charge of the 'cancelleria' (Barrovecchio San Martini 1981, 2-18).

Because of its particular jurisdiction, it was set up as a civil court though founded by the curia itself. The *Governatore* himself was part of the pontifical power structure. This gave the structure the capacity to take concrete action against accused ecclesiastics and to act on moral crimes (Cicerchia 2016, 42-43). In fact, through the texts emanating from the Third Lateran Council and endorsed by Pius V, it was to ordinary justice that the fate of ecclesiastics accused of sins against nature fell. In *Bande giovanili e vizio nefando*, Marina Baldassari reports a total of 114 judicial proceedings for nefarious acts during the period 1600-1666 (2005, 131). Our research in the archives of the *Archivio di Stato* also shows that during the period 1557-1595, 57 cases were recorded for sodomy or attempted nefarious crimes, which indicates a continuation of the persecution. However, a slight increase should be noted during the papacy of Clement VIII (1592-1605), the period to which one of the files studied is confined (Zapperi 1994, 48).

On the other hand, the 'Sala de Alcaldes de Casa y Corte' was established as a unique repressive magistracy within the judicial institutional framework of the Spanish monarchy (González de Amezua y Mayo 1926, 402). As a body, it existed before the court was established in Madrid, as a result of the syncretism of several positions of medieval origin, such as the *alcaldes* of the court and the *Rastro* (the borderline of the city), which fulfilled an essential function for the judicial control of the court environment, even with an itinerant capital (Pablo Gafas 2001, 101-104). It did not acquire its definitive form until 1583, after the court was established in Madrid.

If we look at the institution's punitive activity quantitatively, we must highlight the functionality of the *Inventario General de Causas Criminales* (General Inventory of Criminal Cases), a unique source that allows us to identify the cases brought by the *Sala* for the period 1584-1766, regardless of their preservation or otherwise in the collections.⁶ If we concentrate on the inventories relating to the eighteenth century, with the documentary series being cut off in 1766, 16,957 trials are recorded, with a total of 30,363 convicts (24,625 men and 5,738 women), according to notes by Ángel Alloza Aparicio (2000, 111). These data are complemented by the *Inventario de las causas pendientes en la escribanía de cámara de don Manuel Joseph Fernández* (Inventory of the cases pending in the notary's office of Don Manuel Joseph Fernández), which extends our scope of analysis to the periods 1767-1785. Regarding crimes against morality, in which nefarious crimes were also tried in the years covered by the General Inventory for the eighteenth century, the court prosecuted 4,074 people, 13% of the total number of cases. The presence of nefarious cases (sodomy and bestialism) was not numerous when compared with those of illicit dealings, adultery or statutory rape, although it does provide much higher figures than the *Chancillerías* (High Courts of Justice) for the same period.

⁶ This documentary series, compartmentalised in volumes and microfilmed, can be consulted under the original call number: AHN, *Consejos*, L. 1.241; 1.267; 1.290; 1.302; 1.332; 1.333; 1.381; 1.382; 1.392; 1.404; 1.410; 1.420; 2.783; 2.784; 2.785; 2.786; 2.787; 2.788; 2.789; 2.790; 2.791; 2.792. 2.783, 2.784; 2.785; 2.786; 2.786; 2.788; 2.789; 2.790; 2.791; 2.792; 2.793.

If we are to complete this scheme of criminal cases for nefarious crimes in late modern Madrid, we cannot exclude the levers of action of very powerful surveillance of the 'Sala de Alcaldes' network. The system of day and night patrols of the different barracks/districts is perhaps the most characteristic aspect of the 'Sala de Alcaldes'. This phenomenon increased even more in the eighteenth century with the creation of the secret police body within the 'Sala' itself, whose fundamental function was to assimilate the police powers that until then had been held by the *alcaldes de barrio* (neighbourhood commissioner). However, it was in 1782 that a professional and autonomous police force, the General Superintendency of Police for Madrid, was permanently created.⁷ The establishment of this new body was due, according to Antonio Risco, to the high growth of 'desoficio' (disoccupation) and 'vagamundismo' (vagancy) at the beginning of the 1780s (1991, 97-98). Although Risco points to the 'abnormal' increase in the population, the strategy initiated by the Count of Floridablanca could perhaps be seen as a change in the punitive pattern, essentially fuelled by Enlightenment reformist policies based on the ideal of social control and order. The Superintendency, comparable to other European institutions of its time such as the *Bureau de moeurs* in Paris (1747), assumed a large part of the jurisdiction of the 'Sala' in matters of surveillance and control (Steinberg 2001, 28-31).

The *Alcalde de Sala* and the *Governatore del crimine* were, in essence, two similar figures. They were charged with managing civil justice, but also the social and moral order of two cities that were unique in terms of their political constitution. On the one hand, Rome was the spiritual capital of Christendom, and had to set an example of moral rectitude. On the other, in the course of early modernity, Madrid was becoming a transatlantic metropolis on which more and more territories depended. In both cases, these cities were demographically overtaken by their hinterland, and the institutions of control had to develop complex police programmes, embodied in the Roman 'sbirri' or Madrid's 'rondas'. And in the causes of nefarious sin, it was also necessary to activate certain devices of subjective vigilance that allowed the veracity of the crime to be known 'in depth' (Foucault 2012, 243-247).

4. *The Written Document as Court Evidence*

As has been noted, in the judicial systems of Southern Europe in the *Ancien Régime*, some crimes were notoriously difficult to prove. Because of the difficulty of proving crimes against nature, it was essential for the prosecution to argue the case well. And as argued above, crimes of a sexual nature were the most difficult to prove by oral testimony. They therefore required more physical and material evidence. The near impossibility of finding certain and clear evidence of the consummated act made it necessary for the justice system to elaborate a hierarchical system of evidential means that would allow any hint of suspicion to yield results (Espinár Mesas-Moles 2013, 294). The evidentiary phase began in the plenary, after the procedural case was received by the court. Using the voluntary source par excellence in this case, we have recourse to the legal corpus on this issue. In the Spanish case, the way to acquire procedural evidence is already specified in the *III Partida* of Alfonso X, in its Title XIV, and specifically in Law XII on *Cómo el pleyto criminal non se puede prouar por sospechas, si non en cosas señaladas*.⁸

Criminal pleyto que sea mouido contra alguno en manera de acusación, o de riepto, debe ser prouado abiertamente por testigos, o por cartas, o por conocencia del acusado, e non por sospechas tan solamente.

⁷ AHN, *Consejos*, L. 1382, 246-314.

⁸ (How a criminal case cannot be proven by suspicion, but by real evidence).

Ca derecha cosa es, que el pleyto que es mouido contra la persona del ome, o contra su fama, que sea prouado, e aueriguado por prueuas claras como la luz, en que non venga ninguna dubda. E porenden fallaron los Sabios antiguos en tal razón como esta, e dixeron que más santa cosa era, de quitar al ome culpado, contra quien no puede fallar el Judgador prueua cierta e manifiesta, que dar juyzio contra el que es sin culpa, maguer fallasen por señales alguna sospecha contra él. (López 1829, 185)⁹

The allusion in the *Partidas* to this ‘clear as light’ evidence refers directly to what has been understood as full proof. Of this, the following stand out: the defendant’s own confession by means of coercive tools or spontaneously (we will talk about this later); testimonial evidence endorsed by the appropriate number of informants and by means of registers of evidence; and documentary evidence that fulfilled the requirements described in the law. Previous scholarship has given a good account of the importance of testimony in sodomy cases in early modern Castile (Serrano Seoane 2006, 334-428). For the territories of the State of the Church, a greater laxity in the prosecution of the crime itself should be highlighted. Recidivism, as in the case of Domenico, could lead to death by fire, while first time offences could be commuted with pecuniary payments. However, as the anonymous *Ad peccatorem Sodomitam ut cognoscat quam ceteris criminibus crimen sodomiticum sit detestabilius* states, the testimony of the acts was limited, and a person who had already been condemned for this crime could not testify for it (Chamocho Cantudo and Manchón 2022, 131).

In addition to the evidence of privileged witnesses, documentary evidence was also considered full proof. In this sense, the medical reports of forensic doctors and surgeons – since they did not always have to be linked to judicial institutions – occupy a central place in proving nefarious sins. As it was a difficult crime to prove, in cases involving violence of any kind, medical examination was essential for analysing bodily marks in search of clues (Vázquez García and Moreno Mengíbar 1995). Together with the medical reports, notarial records could be a full resource in cases of cohabitation involving a joint residence, although they are a much more anecdotal type of documentary evidence than the previous ones. Certificates of good neighbourliness issued by neighbourhood *alcaldes* or *corregidores*, which served to make the court aware of the reputation of the accused, are quite a different matter. With a similar vocation, in a society in which social control continued to be based mainly on the micro dimension and on moral dogma, we can also observe the repeated use of parish documentation which, for the causes of nefarious sin, is essentially limited to marriage certificates and baptismal certificates. The first type of documentation does not seem to condition the process too much, as there is no specific content regarding the civil status of the accused, although it does allow us to widen the sphere of testimony, to understand the socio-economic dynamics of the seizure of assets or, ultimately, to condition the defences through the demonstration of the dependence of other members of the family. Baptismal certificates, on the other hand, could alter the process itself, especially in relation to victims. The certification of the age of an accused person could exempt him from the application of an ordinary penalty – *de jure* – or a serious extraordinary penalty – *de facto* –, as well as providing essential family data. Fidel Tubino’s classic work on the use of baptismal certificates as judicial evidence points out the importance of this source in civil law (inherited from canon law), taking

⁹ (The criminal lawsuit that is brought against someone in the manner of accusation, or of *riepto*, must be proved openly by witnesses, or by letters, or by knowledge of the accused, and not by suspicions only. So true is this, that the suit which is brought against a man’s person, or against his fame, should be proved and ascertained by evidence clear as light, in which no doubt shall transpire. And so the ancient sages decided that, for this reason, it was a holier thing not to blame the accused man, against whom the judge cannot find certain and manifest proof, than to pass judgment against the innocent, even if they should find by signs some suspicion against him).

into account its character as a public and official instrument, which indicates ‘the status of the baptised, of being a member of the Church, subject to canonical rights and obligations according to their human evolution’. Finishing off his definition of the baptismal certificate, Fidel Tubino describes it as ‘the spiritual nationality card of a subject’, which in cases of crimes of this nature, is even more interesting (1955, 13). Once the suitability and variety of full documentary evidence has been understood, those exercises of semi-complete proof must be pointed out. The obvious example of this type is the testimony of a single reliable deponent, although in crimes against nature, due to the laxity in evidential procedure this kind of ambiguous evidences could be considered as full (Espinar Mesas-Moles 2013, 297). As can be assumed, the accumulation of material evidence in this type of judicial process occurred especially in the summary phase, and more specifically in the procedure of seizure of movable property. It is in this disposition that the bulk of physical evidence is – frequently – to be found. In this sense, the seizure of these goods was an inexhaustible source of information for the magistrates, who found a multitude of supposed material evidence – in addition to some immaterial evidence – to feed the case against the owners. A knife, a sheet or a shirt could be used to incriminate an individual for numerous crimes. We will focus on the documentary evidence provided by such goods.

When, in 1595, the judicial process began against the young monk Domenico Pelliccia of Subiaco, accused of having sexual and epistolary relations with an organist and another young priest, the public prosecutor of the ‘Tribunale Criminale’ ordered the arrest of the defendant, who was also identified as a recidivist. According to the principles spelled out in the bull of Pius V, regarding the degradation of the ecclesiastical state, any Catholic cleric could be handed over to the secular power and was liable to torture. Thus, the ‘sbirri’ took it upon themselves to capture him and put him in the ‘Rocca’ prison. At the same time ‘che lui sara in carcere, in quell estesso tempo andraversi insieme col proposto et el notario in casa di esso don Domenico et pigliaresti tutte le scritte, cercando le casse et altri locchi secreti, dove poteve tener altre scritte’.¹⁰ The confiscation of material was accompanied by evidence gathering, in order to be able to point out the falsity of the testimony when Domenico denied his involvement in the nefarious crimes. In the words of the prosecutor, ‘faresi inventario, conservandole presto [presso?] di voi, per poter confrontarle con questi scritte quando lui negasse che fussero di mano sua’.¹¹

Similarly, in 1769, during the case brought against Sebastián Leirado, aged 23, accused of sodomy with numerous young men in Madrid, the *alcalde* also decided to confiscate assets.

Doy fe de que a Sebastian Leirado se le han embargo bienes, los que se depositaron en Joseph Cortés de lo que se hizo pieza separada y para que coste lo pongo por diligencia que firme en Madrid a veinte y un días del mes de Noviembre de mil settecento y setenta y nueve, firma Pedro de Martínez.¹²

When Sebastián Leirado’s assets were seized, the *alcalde* found a chest, which had to be inventoried and put in a separate location. Leirado owned few movable assets and, of all of them, the

¹⁰ ASR, Tribunale criminale del Governatore di Roma, L. 280, 290, P. 25, 8v-9r (that he will be in prison, at that same time go together with him and the notary to the house of don Domenico and take all the writings, looking for the chests and other secret places, where he could keep other writings).

¹¹ *Ibid.* (you would take inventory, keeping them close to you, to be able to compare them with these writings when he denies that they were by his hand).

¹² AHN, *Consejos*, Leg. 5373, Exp. 4, P. 1, 8r (I attest that Sebastian Leirado’s goods, which were deposited with Joseph Cortés, have been seized, of which a separate inventory copy was made and for the record I sign this in Madrid on the twenty-first day of November in the year one thousand seven hundred and seventy-nine, signed by Pedro de Martinez).

interest of the ‘Sala de Alcaldes’ was limited to a chest full of papers.¹³ Among them were two theatrical librettos, one of Pedro Calderón de la Barca’s *La vida es sueño* with Rosaura’s speeches underlined – ‘En lo alto de un monte Rosaura vestida de hombre en traje de camino’¹⁴ – and another one with the script of *Diablo Predicador* and the part of Octavia, both of which showed that Leirado regularly played female roles in the theatrical space of the Calle de Relatores in Madrid. There are medical and judicial reports of his male condition – which could become full proof – which had been called into question throughout the proceedings against him, as he was believed to be a woman or a hermaphrodite. Of these, the letters of Joaquín de Yrachea Pagola, Ordinary Judge of Villafranca de Navarra, where Sebastián had lived, ‘without any fault and in a Christian manner’, before he had lived in Madrid, are particularly noteworthy (Vicente 2017, 52-53). This contrasts with a second letter, this one from Fernando González, who in 1766, as ordinary notary in Valencia, points to Leirado as a vagabond.

Echa inspección muy por menor de las partes de la generación de Sebastian Leyrado las qual es de perfecto hombre con proporción y corporatura a su estatura apto para la generación y aunque en la parte del asiento o poder se le advierten dos tuberculos de pequeña magnitud, aunque uno un poco mayor que el otro es prozedennzia de las emorroidales venas.¹⁵

But, among all this epistolary material, Leirado’s numerous love letters with other men stand out. This seized material would become the prosecution’s most powerful tool to convict Leirado for acts that had not been witnessed by anyone other than his sexual partner, Antonio Fernández. His love letters would be the most faithful witness to Leirado’s ‘fatal turpitude’.

5. *Family Letters and Intimate Friendships Between Affection and Shame*

Parental-filial relations, intra-family education, economies and the institution of marriage were the elements that made up the family constellation in the early modern Age. If we wish to focus on the implementation of virtuous values in the family environment, we can turn to the approach of James Casey, who points out the necessity of looking at the family for a complete understanding of any social process of development of human relations in early modern Europe. If society is made up of families, then their role in shaping the social organisation of the *Ancien Régime* is undeniable (1990, 239-240). The stable construction of the family, however, would be abruptly altered by the presence of the nefarious phenomenon in the household (Fletcher 1999, 83). The conceptualisation of family virtue came into conflict with the gendered significance of the sins of lust and, above all, nefarious practices. We must emphasise the recidivism of Domenico Pelliccia, the young cleric of Subiaco, with regard to nefarious practices. This means that, unlike other letters that were set aside in this study, the theme of shame and fear of defamation is fully present in his writings. In a letter he sent to his father in 1594, he notes the complete abandonment by his family after the first accusation of sodomy made by the ‘Tribunale Criminale del Governatore’, a few years earlier, and from which he had emerged unscathed.

¹³ AHN, *Consejos*, Leg. 5373 Exp. 4, P. 2.

¹⁴ (On the top of a mountain Rosaura dressed as a man in a walking costume).

¹⁵ AHN, *Consejos*, Leg. 5373 Exp. 4, P. 2, 20v (a very minor inspection of the parts of Sebastian Leyrado’s genitalia shows him to be a perfect man with a size and body in proportion to his stature, and fit for his age, although in the part of the anus, two small tubercles can be seen, one a little larger than the other, which proceed from hemorrhoidal veins).

Non posso immaginarmi come proceda, che tanto tempo ch'io ho spesso a ffigarmi, et servirvi lí ad notte, et fatto sempre tutto quell' oche mi è stato piacere, et poi così subitamente mi habiate abbandonato a fatto segno de inimicità ... mi pare tutto il contrario di quello che sempre mi havete dimostrato e letto a bocca, et poi ho trovato il contrario credo non mi possa dorel di me ogni cosa cosa haverei pensato e visto che mi havessi così presto abbandonato senza causa alcuna.¹⁶

Domenico's words of reproach to his father are reiterated throughout the letter. 'Pensavo di avere una famiglia in cui chi ama deve essere amato', he affirms.¹⁷ The family was the 'space in which the world of feelings, affections, the transmission of values, conduct, education and the formation of behaviour, and basically, one's own culture and way of being were regulated and specified' (Chacón Jiménez 2011, 334-335). As an organism, it was fully hierarchical, with parents assuming the role of caretakers, protectors and educators, but also of authority and the maintenance of order. Despite its strongly controlling nature, expulsion from the family sphere was a real trauma.

We do not know how Domenico's father replied, if at all. We do have some letters sent by Joseph Leirado and Rosa Lopez, the parents of Sebastián, who, a century and a half later but with similar concerns, wrote to their son on several occasions. In the first letter, written jointly by Leirado's parents, they reiterate 'que te acuerdes de tus padres, que no les des preocupaciones. En esto te digo un todo que ya sabes, que te lo dije muchas veces que seas hombre de bien y que procures venir con honra a tu casa'.¹⁸ However, they then downplay the importance of the above, referring to other matters of everyday life, such as the marriage between some family friends, 'Cayetano and Pepa la Gallega', reminding him of his unpunctual nature, and telling him that 'si no tardas mucho, llegarás a los dulces'.¹⁹ Father and mother oversaw the family and, although the domestic sphere and the *economy* were reserved for women, it was the *pater familias* who acted, by right and custom, as the ruler of the household. As the bearer of the family's masculinity, the father had to teach his sons to behave manfully, showing his virtue, honour and fame and educating them in the values and codes pertaining to their gender. Perhaps for this reason, the second letter sent to Leirado, in reference to the rumours about their son's sexual tastes, is written in the singular, although again both of them signed.

Madrid y Noviembre 13 de 1767.

Hijo y querido mío, he recibido tu carta y con ella gusto y pesar, lo uno por saber de ti y que estas bueno, lo otro por lo que me dices y yo me presumo de lo que te habrá pasado con tu amo y ahora me dejas así a mi como a tu madre con bastante cuidado de que a que me escribas en el primero correo que es lunes o segundo que es el viernes para que nos saques de tanto sentimiento. Yo y tu Madre estamos buenos y solo lo que te encargamos es que hagas de tu parte todo lo que puedas, por Dios ... que tengas paciencia

¹⁶ ASR, Tribunale criminale del Governatore di Roma, L. 280, 290, P. 25, 10v (I can't imagine how it happened, that for so long I have spent so much time in toiling, in serving you there at night, and I have always done all that with great pleasure, and now you have suddenly abandoned me and made the sign of enmity ... it seems to me the opposite of what you have always shown me and that I have read from your mouth, and then I have found the opposite. I believe that I cannot be more hurt by all the things that you have thought and seen of me, that you have abandoned me without any cause).

¹⁷ *Ibid.* (I thought I had a family in which one who loves must be loved).

¹⁸ AHN, *Consejos*, Leg. 5373 Exp. 4, P. 2, 8v (that you remember your parents, that you give them no worries. In this I tell you everything that you already know, for I have told you many times to be a good man and to try to return home with honour).

¹⁹ *Ibid.*, 10r (if you don't take too long, you'll be there for the sweets).

y cumplas con tu obligación hasta que no se pueda más y con esta la bendición mía y la de tu Madre la recibirás en gracia de Dios, cuya vida te guarde para su santo servicio, amen.
Tu padre y madre, que más te estima de corazón y ver desean. Josep Lairado y Rosa López.²⁰

However, family members were not the only ones involved in the care and control of the defendant. While Maurice Aymard points out that the construction of intimacy in the early modern age has almost always been treated in historiography as referring to the family, the structure of the family in this period allowed for the presence of much more fluid relationships, as in the case of ‘carnal friends’, as a formula extended to the deep dimension of affection (1991, 352). These relationships of friendship were often no different from those between siblings. In these spaces of ‘respect’, ‘jokes’, ‘avoidance’ and ‘familiarity’, to use Alfred Radcliffe-Brown’s words, it was easier to explore some elements linked to sexuality and dissidence (1940). And that is why it is so interesting in this regard to look at the letters sent and received by friends, who were perhaps more deeply aware than family members of the compromising situation of the alleged sodomites. Again, Domenico’s letters to his friends show despair and a certain loneliness.²¹ In one letter to a friend, Camillo, the young man notes that ‘gran tempo che si è cantato di me ed Ms. Gio. Battista, con dire che questo praticare non andava a bono fine. Ma io non ho saputo fino adesso le cose che se sono recitate, et questo solo per la sua buona vita et fama, che lui ha et perche da i noi parenti pretti mi fu avennato che io dovesse avertire dove tirava il fine di costui’.²² To this friend he essentially confesses that he had already received some reprimands from his superiors for his licentious attitudes. To another former friend, ‘già amico’, Giovinne, however, he shamelessly points out ‘che avete continuamente creduto troppo alle lingue maledette e da cui ora mi sento abbandonato senza alcuna causa lecita ... lamentandovi di essere stati così veloci a credere a loro piuttosto che a me, vostro fedele servitore’.²³ The message expresses the hope that Giovinne might experience the truth ‘e poter vedere che, in effetti, questi sono tutti comentari di ogni seddalo, di persone impie, perverse, invidiose, false, insidiose, bugiarde che meriterebero non un suolo supplitio, ma mille’.²⁴

Again, less repressive attitudes can be observed in Sebastián’s letters. Let’s look at just one letter, from his friend Joseph Sánchez, in which we observe language very similar to that of his father. In fact, Joseph begins by recounting an anecdote from work in which, while accompanying

²⁰ *Ibid.*, 9r (Madrid and November 13, 1767. My son and my dearest, I have received your letter and with it both pleasure and sorrow, one for hearing from you and knowing that you are well, the other for what you tell me; and I imagine what will have happened to you with your master and now you leave me and your mother with enough care that I urge you to write to me, with the first post which is Monday or the second which is Friday so that you can relieve us of so much worry. I and your Mother are well and we only ask you to do everything that you can, by God ... that you have patience and fulfil your obligation until it is no longer possible and with this my blessing and that of your Mother you will receive it in the grace of God, whose life he will keep you for his holy service, amen. Your father and mother, who hold you dearest to our heart and wish to see you. Josep Leirado and Rosa López).

²¹ Domenico recorded his writings in a register book, a practice that was relatively common among men of letters in the early modern Age.

²² ASR, Tribunale criminale del Governatore di Roma, L. 280, 290, P. 25, 22r (There has long been talk about [the relationship between] me and Mr. Gio Battista, and it has been said that this practice was not going to end well. But I have not known until now the things that have been uttered, and this only because of your good life and fame, which you have and because I was told by our relative priests that I should know where the end of this one was going).

²³ *Ibid.*, 9v (that you have continually believed in cursed tongues [gossips] too much, and by that I now feel abandoned without any lawful cause ... complaining that you have been so quick to believe them, rather than me, your faithful servant).

²⁴ *Ibid.*, 11v (and to be able to see that, in fact, these are all commentaries of all kinds, of impious, perverse, envious, false, insidious, lying people who deserve not just one punishment, but a thousand).

‘una señora viuda a su tierra, me marche sin licencia de la señora y a poco rato que llegamos a esta tierra nos echaron presos al criado y a mí, y luego vino la noticia y les dijeron a la señora que me había ido con una puta y ahora no sirve satisfacción ni testimonio del Alcalde’.²⁵ Then, in the following lines, he says that he has not written to her ‘porque aquí ha corrido la voz de que te habían dicho que eras una mujer, y no nos hemos atrevido a escribirte hasta ver una carta tuya por el sentimiento que podrías sentir’.²⁶ Joseph is indeed referring to the doubts raised by Sebastián’s androgynous appearance and dubious sexual practices, but also to the fact that he sometimes wore women’s clothes (Navarro Martínez 2018, 135). He ends by instructing Sebastián not to write to a mutual friend, Javier, ‘porque será para gran pesadumbre si lo saben en su casa ... y así tendrás paciencia asta que Dios quiera’.²⁷ Joseph’s behaviour and the care, even love, for Leirado that comes across in his writing should not be surprising. Sebastián’s letter reproduces a properly eighteenth-century dynamic of intimate friendship. Friendship is understood as love, a love ‘whose affections and passions restrain reason, that is, the spirit’ (Ranum 1991, 257-258). It is plausible to think that, in addition to being concerned, Joseph disapproved of his friend Sebastián’s sexual practices, but in the intimacy of the letter he seeks to comfort and care for him. His last words are:

Adiós, querido Sebastián, siempre tuyo, que de corazón te estoy amando, tu mayor amigo Joseph Sánchez.²⁸

6. *‘Ahí tienes mi corazón’: About Some Love Letters Between Men*

Friendship relationships, as we have been observing, were charged with affection, at least in manuscript letters. Some of the letters we have seen, however, are also charged with the language of courtship and sexual desire. Unfortunately, we have found no direct record of Domenico Pelliccia’s relationship with the young organist to whom he had been linked by the judicial authorities. However, a brief but essential work by the Italian historian Giovanni Dall’Orto (1995) should be highlighted in this regard. Thanks to this work, it has been possible to trace the letters that the young clergyman exchanged with another lover, Giovan Bernardino Condestabile. It is clear from the various letters written by Domenico that the relationship was not very fruitful. In one of the first letters, the religious states that:

... e quali quando mi a remembrano non posso fare di lamentarmi di voi fortemente, vedendovi tante volte mancato di quello che havete promesso, como si aspetta il mio fidel servire, il quale è stato come per effetto havete visto, senza macula alcuna, con quello amore, con quella fede, che si apertiene a un verissimo servitore verso di voi mio signore e patrone, al quale son spinto da grandissima ragione di adimandarvi la mia inpromessa.²⁹

²⁵ AHN, *Consejos*, Leg. 5373 Exp. 4, P. 2, 11r (a widowed lady to her land, I left without the lady’s permission and shortly after we arrived on this land they threw the servant and me into prison, and then the news came and they told the lady that I had gone off with a whore and now the Alcalde’s satisfaction and testimony is of no use).

²⁶ *Ibid.* (because word has spread here that they had told you that you were a woman, and we have not dared to write to you until we have seen a letter from you because of the feelings you might feel).

²⁷ *Ibid.* (because it will be a great sorrow if they know it at home ... and so you will have patience until God wills it).

²⁸ AHN, *Consejos*, Leg. 5373 Exp. 4, P. 2, 27r (Farewell, dearest Sebastián, always yours, I love you from my heart, your greatest friend Joseph Sanchez).

²⁹ ASR, Tribunale criminale del Governatore di Roma, L. 280, 290, P. 25, 884r (... When I remember them, I cannot help but complain strongly of you, seeing that you have so many times failed to fulfil what you have promised, as my faithful service deserves, who has been, as you have seen, without blemish, with that love, with

In another letter, Domenico notes the pain of not even being able to write because of his lover's absence. In the last of the letters, we can also note the breakdown of relations between the pair, perhaps due to the 'public fame' that the situation was acquiring in the little town of Subiaco. Dall'Orto points out, in this regard, that there may have been a kind of platonic rather than physical love between these men. In our view, there is not enough documentation to support this assertion. What is evident is the deep affection that Domenico had for Giovan Bernardino.

Che quel che ho fatto per voi, non l'averia fatto per nesuno homo del mondo, e questo che ho fatto, lo fatto per vostro contento e voi lo sapete e poi per riconpensa cercate di darmi la morte, e sappiate che io non fo altro che lacrimare ... Ho Dio, è possibile che non lo cognoscete? Che io per amor vostro serrei andato mille miglia lontano e voi non vi volete movervi a pietà di venire sino in casa.³⁰

In the case of the love letters written to Sebastián Leirado by numerous lovers, the judicial process itself quickly unmask the identities of the senders. In October 1769, a little less than a month after the judicial process against Sebastián Leirado began, the defendant received a love letter from Ramón Prieto Montesinos, corporal of the Regiment of the Spanish Royal Guards. The letter was not addressed to Sebastián, but to María Theresa Garrido, who turned out to be, according to the prosecutor, a female *alter ego* of Sebastián, used to avoid being captured by the justice system: 'El motivo de escribirle con el nombre de María al declarante era porque el nominado Francisco Lázaro tenía una novia llamada María ... venían con dicha cifra dirigidas a el declarante que no las abría y se las leía a la novia'.³¹

The mode and manner of proceeding are similar to those of the Spanish *chichisbeo* (flirtation) of the eighteenth century; the letter begins with the natural introductions and good wishes of health. Ramón notes that, on arriving in Madrid. 'Ahora en la Corte más me acordaré, pues tan poco tiempo como nos tratamos y el cariño que me tomó V.Md, despierte que estoy deseando el ver a V.Md., quanto antes'.³² On the margin of the letter, however, there is a short reproach, which, seems more part of the courtship game initiated by both lovers: 'Pues me dixistes cobarde en mi rodilla sentada, advierte, que fui cobarde pues me parecias falsa'.³³

The second letter is dated one month earlier. It is also referenced by the official notary in the trial. 'La carta que se halla al diez y siete y diez y ocho que tiene pintado un corazón se la escribió al declarante Francisco Lázaro, soldado de Guardia Española, desde el lugar de Getafe'.³⁴ The scribe refers to this beautiful letter which is reproduced and transcribed in full below.

that fidelity that is required of a true servant towards you, my lord and master, towards whom I am moved by great cause to ask you what you have promised me). I am indebted to Giovanni Dell'Orto not only for his dedication in transcribing the document but also in paraphrasing it into contemporary Italian, which helped me to refine the English translations in this article.

³⁰ *Ibid.*, 886r (What I have done for you, I have not done for any man in the world, and what I have done, I have done for your pleasure and you know it, and then you try to give me death in recompense, and know that I do nothing but weep, Oh God, is it possible that you do not know it? That for your love I would have gone a thousand miles to fight, and you are not moved by pity to come to the house).

³¹ AHN, *Consejos*, Leg. 5373 Exp. 4, P. 1, 39-40v (The reason for writing with the name María to the declarant was because the named Francisco Lázaro had a girl friend called María ... the letters came with this name, addressed to the declarant, who did not open them and read them to his girlfriend).

³² AHN, *Consejos*, Leg. 5373 Exp. 4, P. 2, 16v (Now, at court, I shall remember more, for as little time as we have spent together and the affection you have shown for me, I am eager to see you as soon as possible).

³³ *Ibid.*, 40v (You called me a coward while sitting on my knee: be warned that I was cowardly because you seemed false to me).

³⁴ AHN, *Consejos*, Leg. 5373 Exp. 4, P. 1, 39v (The letter found at seventeen and eighteen, which has a heart painted on it, was written by the declarant Francisco Lázaro, soldier of the Spanish Guard, from the place of Getafe).

De Francisco Lázaro,

Dueño mío, Dios quiera darte salud la que me asiste es para cuanto me quieras mandar que solo mi cariño desea, le ocupes en cosas de tu mayor agrado. No puedo menos que participarte como el motivo de no haberte escrito ha sido por haber estado preso y sin poder entrar a la tinta ni papel, y ahora que me veo en Cuartel, entretenido, lo pongo en ejecución y te digo que luego que recibas esta me escribas como te hayas, pues mis ojos quejosos de tu ausencia aclaman por tu vista. Si supieras que días he pasado en el calabozo siempre batallando con tu persona, pero entre tantas penas, me conformo con decir, a de llegar día en que nuestra vista sea causa de vociferar el amor más excesivo, la lealtad más perfecta y el amor más enardecido que en dos amantes haya. Y esta mi idea, con pedir a Dios te guarde tu vida muchos años. Madrid y septiembre 17 de 1769.

Tu más humilde servidor hasta morir.

En reverso. Ay tienes mi corazón, recivelo con cariño y recreate con el ya que no puedes conmigo. Francisco de Lazaro.³⁵

Although it is supposedly addressed to María Theresa/Mariquita Garrido, the text is written entirely in the masculine form. Francisco de Lazaro begins by excusing himself for not writing, because he is in prison and does not have access to the necessary instruments, and by declaring his longing for his lover. The image represents how Lázaro gives up his heart, depicted as a crowned sacred heart (a symbol of Christian fidelity and purity), in what may be an allusion to his military office, namely in the service of the monarch. In addition to this, he is winged by two arrows, which could symbolise Leirado's love. Arrows are a recurring motif in religious iconography, reminding us of martyr love (Navarro Martínez 2018, 132). Despite the singularity of this letter of love between men, in the judicial declaration Francisco Lázaro has no qualms in pointing out that the letter is indeed his, and that if he called him in the feminine it was because 'Oyó decir que era almofodrita [sic. Hermafrodita] y que esto es la verdad'.³⁶

As has been shown, love letters are, regardless of their nature and subject matter, an essential source to provide insight into a space of intimacy that would be difficult to trace through other types of sources. Passionate encounters, reciprocated affection, jealousy or separations illustrate the 'emotional' agency of individuals accused of sodomy. But in addition to this, in the case of love letters between men, this is the only textual space in which these relationships can be narrated, in contrast to the vast number of documents that tell us about repression and sexual violence (civil and religious laws, confessional manuals, judicial processes, etc.).

³⁵ AHN, *Consejos*, Leg. 5373 Exp. 4, P. 2, 17r-18v (By Francisco Lázaro, My master, may God grant you health, the health that assists me is for whatever you want to send me, which only my affection desires, to occupy it in things of your greatest pleasure. I cannot but tell you that the reason I have not written to you has been that I have been imprisoned and unable to write with ink or paper, and now that I see myself in the barracks, entertained, I put it into effect and tell you that as soon as you receive this letter you will write to me as you have done, for my eyes, complaining of your absence, are crying for your sight. If you only knew what days I have spent in the dungeon always struggling with your person, but among so many sorrows, I am content to say, the day will come when our sight will be the cause of vociferating the most excessive love, the most perfect loyalty and the most ardent love that there is in two lovers. And this is my idea, by asking God to save your life for many years to come. Madrid and September 17, 1769. Your most humble servant until death. On reverse. Here, you have my heart, receive it with affection and enjoy it as you cannot with me. Francisco de Lazaro).

³⁶ AHN, *Consejos*, Leg. 5373 Exp. 4, P. 1, 50v (He heard that he was an almofodrita [sic. Hermaphrodite] and that this is the truth).

6. Conclusions

We began this article by pointing out, as Rilke did more than a century ago, the need to unravel the life of feelings encapsulated in letters. As Anne Martin-Fugier remarks with quite different assumptions, during the early modern period certain codes shaped educated epistolary exchanges, which were governed by figures of compromise between the public and the private (1991, 262). This is not the case with ‘minor letters’, of no political and institutional interest, but loaded with meaning for the history of emotions. Spontaneous, full of sincerity, sometimes even badly written, they are a daily record of the lives of individuals. Among some of Domenico Pelliccia’s letters, there are numerous letters of receipt for the purchase of objects and some ‘promissory notes’ to acquaintances and friends who had lent him money.³⁷ In Sebastián’s letters, as well as fragments of his theatrical scripts – Sebastián was an amateur actor in some of Calderón de la Barca’s plays – there is even an advertisement in which he offers himself as ‘un criado que sabe guisar y peinar, cose de toda ropa, y componer medias de seda y dejarlas como nuevo’³⁸, or the receipt of the payment for the rent of his house in Madrid. There is no doubt that documents referring to laws, ordinances and mandates are important for understanding a society through its sources of power. However, these elements, totally involuntary, unmediated and, of course, intended for specific purposes, allow us to better understand human relations and everyday life in the *Ancien Régime*. This is precisely the richness of letters, advertisements and other forms of non-formal communication. They are essential to elaborate a new social history of affect and sexuality in the early modern period.

This comparative analysis, which starts from the shared element of confiscated letters, has demonstrated the aspects common to the constitution and punitive praxis of two different courts in time and space: the ‘Tribunale Criminale del Governatore di Roma’ and the ‘Sala de Alcaldes de Madrid’. Of course, the documentary richness of these letters, texts and clippings, is closely related to the role they played for the judicial bodies of the early modern age. The usefulness of private letters as judicial evidence, especially in criminal cases which were difficult to prove, is evident. The nature of the confession of the accused as ‘full proof par excellence’ is not to be doubted. However, the discovery of letters in which the fear of being reprimanded for these sexual practices is openly mentioned, as can be seen in some of Domenico Pelliccia’s writings, or letters of love affairs between men, as in the case of Leirado, were in themselves forms of ‘deferred confession’.

Family and friends maintained secrecy around those accused of the crime of sodomy. In the domestic sphere, families adopted two strategies. The first was one of absolute disengagement from the family member accused of this type of crime, the well-known ‘abandonment’ that Domenico himself pointed to. Secondly, as Sebastián’s relatives determined, the family could understand the practices, not without misgivings or fear of further reprisals. Here it can be observed that the parents’ requests are aimed at avoiding ‘future problems’, although there is a predisposition to forgiving past ones. On the other hand, friendship has been referred to as a space for greater relaxation. In early modern friendship, we observe a greater strength in the forms of involvement, which become deeper than family relationships (Castan 1991, 41). This can be seen in the case of Domenico, who only confesses his ‘mistakes’ to his friend, or in the text written to him by Joseph Sánchez, who, although he is fully aware of his friend Sebastián’s preferences, continues to support him. The importance of relational networks, not just friendships, should be noted in

³⁷ ASR, Tribunale criminale del Governatore di Roma, L. 280, 290, P. 25, 10-11 and 12.

³⁸ AHN, *Consejos*, Leg. 5373 Exp. 4, P. 2, s.f. (a servant who knows how to cook and comb, sew all kinds of clothes, and make silk stockings and make them as good as new).

this regard. Homoerotic relationships in the early modern period, especially consensual ones, had a strong social component. In the case of Sebastián Leirado, a whole network of ‘friends’ who shared his sexual desires has been uncovered (Vicente 2017; Navarro Martínez 2018).

A final fundamental element in this study is the transcription of the love letters between Domenico and Giovan Bernardino, and between Sebastián Leirado and two of his lovers, Ramón Prieto and Francisco Lázaro. As Dall’Orto points out, in the case of Domenico Pelliccia we can observe the dynamics of courtship and disaffection typical of Italian gallantry at the end of the sixteenth century. A genuine love that could break down barriers and offer body and soul if the lover so wished (1995). In the case of the two letters of Leirado, we observe in both courtship dynamics similar to those of the heteronormative relationships of the Spanish eighteenth century, although the masculine language of the texts allows us to queer these texts, understanding the gender fluidity of Sebastián/María. In sum, the study of the written pieces emanating from the judicial records is fundamental for a thorough understanding of emotions in the early modern period. Moreover, the study of letters may allow us to elaborate new approaches to the ‘memory’ and ‘genealogy’ of a written culture that definitively breaks with the traditional patterns of the *Ancien Régime*. In the meantime, we will continue, like Rilke (2021, Third Letter, 39-44), to question ourselves with every letter that comes into our hands.

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