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Eastern Kentucky University

Hermaphroditism and the Rhetoric of Shifting Sexual Identity in Early Modern
Europe

Honors Thesis

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Abstract

Hermaphroditism and the Rhetoric of Shifting Sexual Identity in Early Modern
Europe

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Abstract: This project is a historical examination of shifting sexual identities and intersex individuals in early modern Europe. This project focuses primarily on anatomical “hermaphrodites” (as they are termed in contemporary sources) and their place within the established binary society. This project answers questions pertaining to intersex individuals and their treatment throughout early modern Europe, depending on country, region, or communities in question. Using primary sources such as Spanish inquisition tribunal transcripts, among other official documents, this project sheds a new light on cultural gender norms of early modern society, producing deeper understanding and hopefully appreciation to our modern culture.

Keywords and phrases: Intersex, Hermaphroditism, Early Modern, Sexual Identity, Identity, Altering Identity

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Introduction and Thesis

Baptismal registers in the central Spanish town of Valdarecete record in 1496 the birth of a child named "Estebanía." The document specifically notes that the child was an anatomical "hermaphrodite," though the ascribed sex was female since the female genitalia appeared to be predominant. Far from a freak or monstrosity, locals held the child to be something of a medical marvel and blessing. As she grew through childhood, her community in Valdarecete did not appear to question her presence or her life as a girl and then young woman. Yet by age 20, local records demonstrate that Estebanía was particularly "renowned for her physical strength" and known for taking on tasks and jobs customarily understood to men's work.¹ Municipal officials questioned Estebanía's sex and ordered a medical examination conducted by midwives. The result of the examination was a clear declaration that Estebanía was biologically a "true hermaphrodite" and a definitive sex determination as either female or male was impossible.

A few years earlier, a ruling in the Royal Appellate Court of Granada allowed individuals who demonstrated anatomical hermaphroditism, whose predominant sex could not be determined, to choose their preferred sex assignment. The examination completed and her intersex status confirmed, Estebanía chose the sex that she believed would confer to her "the greatest social advantage." She elected to live as a man and changed her name to

¹ Richard Cleminson and Francisco Vázquez García, *Sex, Identity and Hermaphrodites in Iberia, 1500-1800* (New York: Routledge, 2013); 42.

“Esteban.” As Esteban, he even married a woman. Widely known for his strength and his prowess in matters of combat, he relocated south and for some time operated a swordsmanship training school in Granada. Esteban died only ten years after marrying his wife, and the documentation indicates little more about his life. It is possible to say, though, that Esteban’s case suggests an awareness of intersex individuals in the early sixteenth century even in rural villages such as Valdarecete and provincial cities such as Granada. The legal precedent that allowed Esteban/ía to shift sexual assignment as a young adult also suggest a broader awareness of this phenomenon across the Crown of Castile and indeed across western and central Europe, as well as at very least the possibility of an acceptance in at least some social sectors of the idea that intersex individuals could choose sex assignment even if it meant changing from that assigned at birth.

Judging by medical as well as literary texts in Europe’s early print era, the early modern period witnessed a broad and heightened curiosity with anatomical “hermaphroditism” (as it was called in the vernacular of the era). Anatomical hermaphrodites transcended the black-or-white distinctions of sex assignment and gender roles in early modern Europe. Analysis of cases from across western and central Europe in this era suggests that growing awareness of this biological phenomenon made possible a range of individual choices with regard to gender roles. This argument implies further support for a longstanding notion that the early modern concept of personal identity could be fluid and often involved “self-

fashioning” and “re-fashioning.”² It also provides an opportunity to revisit another matter of traditional debate and investigation among historians of this era: the relationships between “normative” or “official” culture on the one hand and “popular culture” on the other.

Definitions

In order to discuss such a sensitive topic, it is important to define the main terms which will be used and more importantly how they relate to this project in order to prevent any sense of confusion or misrepresentation. The first of these definitions are the broad terms of sex and gender. One’s sex identifies a person’s reproductive nature or functions, usually either male or female, with the male having a penis and testicles and the female having a vagina as the more easily observable sex organ. The idea of a binary status of sex, being either male or female, poses obvious problems for intersex individuals (termed “hermaphrodites” in the early modern documents consulted in this study), who possess both male and female genitalia. How does one fit into one category but not the other? How does one decide this, and who should be the one to decide this?

While sex and gender are often confused, gender refers to cultural norms associated with one’s sex. Gender is a learned concept based on one’s social and cultural backgrounds. For instance, in many societies, women were not allowed

² Stephen Greenblatt, *Renaissance Self-Fashioning: From More to Shakespeare* (Chicago: University of Chicago Press, 2005).

to join the military or own land apart from a male figure in her life, whether it be a husband or father. Other societies or cultures did not have these stipulations for women. For their part, hermaphrodites with predominant female sex organs but with some presence of male genitalia could, and did, join the militaries and militias and own land in many historical societies. For example, Elena/o de Céspedes, who will be discussed at length later in this project served in the Spanish military. To do so, Elena/o had to first craft a male identity, calling himself only Céspedes with the omission of a first name with a connotated sex, before s/he was able to do serve.

“Hermaphroditism” is technically a biological and anatomical term. As the term was used in the early modern era, it problematized both sex and gender norms. A “hermaphrodite” in medieval and early modern sources is an individual who had both male and female sex organs, although one set of genitalia was usually more prominent, and their predominance typically dictated the ascribed sex at birth. In modern society the term hermaphrodite has a derogatory connotation and the term “intersex” is more commonly used. The term hermaphrodite, however, was more widely accepted during the early modern era and therefore the term that this project will primarily use in recounting specific historical case-studies. Furthermore, there is a biological difference between hermaphrodites and intersex individuals. “Intersex” in our society is a term used to describe a wide variety of physical cultural aspects including but not limited to,

anatomical hermaphroditism. True hermaphroditism is one of several possible cases.

Some medical texts in the sixteenth and seventeenth centuries classified a female with an enlarged clitoris as a hermaphrodite, and suggest that the medical definition of a hermaphrodite as stated above is simple folklore or stories.³ This notion is displayed later in this project in at least one case, that of Marie/Marin le Macis.⁴ This notion is clearly not true, knowing the medical and scientific facts that modern science has provided. The individuals and societies that will be discussed in this project, however, did not have access to this knowledge. Governing officials charged Marie/Marin with sodomy, or same sex relations, because they did not believe hermaphroditism to be a legitimate claim to changing one's identity.

The last of these important definitions is the concept of an androgynous individual. The term androgyne, contrary to popular belief, is not a synonym of hermaphrodite. An androgynous individual does not necessarily possess both male and female sex organs. In order to be an androgynous individual, one may simply be a male who might have a more feminine face or other features, or even cultural and behavioral characteristics that diverge from gender expectations but that are completely independent of the sex organs of the

³ Sammy Al-Benna, "Albucasis, a Tenth-Century Scholar, Physician and Surgeon: His Role in the History of Plastic and Reconstructive Surgery," *European Journal of Plastic Surgery* 35, no. 8 (2012): 385.

⁴ Ruth Gilbert, *Early Modern Hermaphrodites* (New York: Palgrave, 2002); 44

individual. In extreme cases one could be a female with facial hair similar to that of a male, though only possessing the female sex organs.

Normative and Popular Culture Levels of Society

There are two main ideological and abstract levels of society discussed in depth within this project. The first is the normative level, which refers to the “official” culture, including government and church documents and laws outlining the expectations for individuals and communities that lived under their authority. The normative level of society was far more rigid in nature, and far less accepting of individuals who did not fit into a binary understanding of sex. Popular culture, by contrast, is more small-scale and showed how life was actually lived. The popular culture level is where the acceptance for nonbinary individuals was found. Cases discussed in this study suggest that local communities were sometimes far more accepting of intersex individuals during the early modern period than the normative or official level.

While the normative and popular culture levels of society can sometimes peacefully coexist, in many cases there are contradictions or differences between the expectations and how they are enforced. Because the church and state had expectations and even gender norms based on one’s ascribed sex at birth, there was far less understanding based on individual cases or wiggle room for individuals who sought to change their identity for any given reason. This

difference between normative and popular culture is a key issue to understanding the importance of the cases discussed within this project.

Newfound Awareness and Fascination/Curiosity

Cultural awareness of anatomical “hermaphroditism” was growing during the early modern period. Medical texts from the early modern period demonstrated increased that gained a curiosity about anatomical hermaphrodites and began to write about them in great detail. While hermaphroditism is documented in antiquity, even showing up in Plato’s *Symposium* and other Greek and Latin stories that briefly discussed the phenomenon, there had been little to no medical documentation or evidence of examinations of hermaphrodites prior to the early modern period.⁵ Another important distinction should be made that the time period in question was within the first generations of print, and this influenced the amount of texts on this matter. The individuals mentioned in the primary source material show this increased awareness by all levels of society.

Prior to the early modern period, hermaphroditism was depicted under a more mythological or conceptual basis. It has been suggested that even the biblical Adam was actually a form of hermaphrodite.⁶ During the early modern period the presence of medical texts pertaining to the phenomenon of hermaphroditic individuals increased dramatically. The research of Jenny Mann suggests that this was because during the medieval and early renaissance eras

⁵ Gilbert, *Early Modern Hermaphrodites*, 15.

⁶ Kathleen P. Long, *Hermaphrodites in Renaissance Europe* (New York: Ashgate, 2005), 8-10.

hermaphrodites were “included under the category of monsters” and “literature about monsters and marvels was ubiquitous at the dawn of the age of print.”⁷ At surface level this explains why hermaphrodites began to show up in texts, because the idea of monsters among ‘normal’ society captivated the attention of the community at large. This also shows, however, that there may likewise have been changes in thought concerning intersex individuals within society, because rather than being portrayed in folklore or fictional texts, they began to show up in medical texts and scientific documents.

During the early modern period hermaphroditism began to move from the realm of mythology into the light as a natural phenomenon. Popular awareness may have paved the way for anatomically hermaphrodite individuals to begin to change or alter their sexual identity from their ascribed sex. This was not accepted by all members of society; however, it did in many cases allow for such individuals to have a choice as to their sexual identity within the popular culture level of society, as this project will demonstrate through a series of case-study examples.

Using modern scientific data, it is estimated that anatomically intersex individuals (including anatomical hermaphrodites) encompass between one-half and two percent of the human population regardless of location or regions. Anatomical hermaphroditism is closer to one-half of a percent of the entire population, while the looser and broader term of “intersex” encompasses closer

⁷ Jenny Mann, “How to look at a Hermaphrodite in Early Modern England,” *Studies in English Literature, 1500-1900* 46, no. 1 The English Renaissance (Winter 2006): 70.

to two percent according to intersex organizations.⁸ For this project's purposes, the true percentage of the population is a moot point because the communities of the early modern period were unaware of an exact proportion as to how many anatomical hermaphrodites existed within their societies. It is clear, though, that Western European communities were becoming increasingly aware of the presence of hermaphrodites and the challenge they presented to the traditional black-and-white sexual distinction between women and men.

Mobility and Identity

Most cases of shifting identity, especially those concerning altering sexual identity, involve the individual changing physical location. This sometimes meant that the individual(s) moved a few towns away, while others changed countries or in some cases even traveled to different continents. There is at least one early seventeenth-century case of an English individual named Thomas or Thomasine Hall, who changed his/her sexual identity many times and moved throughout the Atlantic world doing so, including traveling to the New World colonies for a period of time. S/he was able to change his/her identity rather easily, claiming to be both male and female, a true anatomical "hermaphrodite,"

⁸ This figure of 2% of the population encompasses numerous factors that could be associated with the term intersex, true hermaphroditism is only one of these factors attributing to between one-half and one percent of the population; Hida, "How Common is Intersex? An Explanation of the Stats," *Intersex Campaign for Equality* last modified April 1, 2015, <https://www.intersexequality.com/how-common-is-intersex-in-humans/>.

when asked by legal officials.⁹ This case in particular will be discussed later in this project.

The idea of mobility associated with the change in sexual identity is more simply to sever ties to those within the community who knew the individual prior to their identity change. Members of the community who knew the individual prior to their change in sexual identity could cause an issue for the individual as they began their new life including new career and other social environments. However, this was not always the case. Elena/o de Céspedes, for instance, who was able to serve in the military as a man after it was discovered by the community that s/he had female genitalia.

Elena/o de Céspedes

Elena/o de Céspedes' account of her/his own life survives in the personal testimony that she provided in her/his 1587 Inquisition trial in Toledo. Her story is an intriguing one for multiple reasons, but primarily because of the numerous inconsistencies within it. This case is not only fascinating but is a precise example of how individuals could use the growing cultural awareness of hermaphroditism to their advantage.

Elena/o was born a slave around 1545 and ascribed the sex of female. She was born the daughter of a North African slave-woman and a Spanish farmer, which dictated her class status from birth. Even though she was born a

⁹ Gilbert, *Early Modern Hermaphrodites*, 46-50.

slave, her master freed her when she was a small child and she began to serve her former master's wife. In fact, this made such an impact on her that she decided to call herself by the master's wife's name, Elena de Céspedes "in her honor."¹⁰ Because she was ascribed the female sex at birth, she was married to a man at the age of sixteen following cultural and societal expectations of a young female. She lived with him for only three months before they separated because "she got along badly with him," although in that short amount of time she became pregnant with his son.¹¹ After the separation of this union she waited approximately two years and decided to leave her child with a man in Seville named Mario Antonio in order to find work as a tailor in Granada. After moving multiple times throughout the next twenty-plus years she eventually, living in male dress, married a woman. She was arrested because of this act and charged with sodomy, which can be broadly defined as participating in homosexual behavior. During her case she explicitly claimed that she was an anatomical "hermaphrodite" and that the presence of a male member allowed her to change her ascribed sex. Because she was not entirely female, she argued, she should be allowed to marry whomever she pleased without being accused of homosexual acts. However, one of the issues with her trial testimony is her claim

¹⁰ It should be noted that Elena/o was exposed to the idea of changing identities early in life, which could have served as a basis for her alterations of her identity throughout the course of her life; "Sexuality and the Marriage Sacrament: Elena/Eleno de Céspedes," in *Inquisitorial Inquiries: Brief Lives of Secret Jews and Other Heretics, 2nd ed.*, edited by Richard L. Kagan and Abigail Dyer (Baltimore: The Johns Hopkins University Press, 2011), 68.

¹¹ Kagan and Dyer, 67-68.

as to the absence of the “male member” during her trial; she claims that she “cut it bit by bit” and it had “finished falling off” fifteen days prior to her testimony.¹²

Even in the beginning of her trial, Elena mentions that she “got in a fight with a pimp,” during which she stabbed the individual and was arrested.¹³ After this event transpired and she was let out of jail, the pimp’s friends reportedly began to make threats against Elena. In order to escape safely, she dressed herself in male garb. This was, according to Céspedes’ testimony, the first occurrence of wearing anything but traditional women’s clothing. S/he safely escaped and found work briefly as a farmhand in a different town and continued to identify and dress as a man. In order to attain this job, s/he called herself/himself Céspedes, with no other gender-referenced name. After leaving this job, s/he found another job which typically applied to male cultural norms and used a male name. Fifteen days later Elena/o was arrested by the corregidor who believed s/he was a woman pretending to be a man. Céspedes was released shortly after, but was forced to return to wearing female clothing because the corregidor “knew” s/he was a woman.¹⁴ This shows the rigidity of the normative level of society. According to the state officials (serving as the ‘normative officials’ in terms of this project) since Céspedes had some notion of female

¹² These are actual quotes and the terminology used in her testimony as to explain the absence of her ‘male member’ and why they could not simply preform another medical examination to observe her/his maleness; Kagan and Dyer, 77.

¹³ Kagan and Dyer, 68.

¹⁴ Kagan and Dyer, 69.

genitalia, s/he therefore had no claim to dress or act as a male with little or no regard to the presence of male genitalia.

Furthering the notion that Elena could take on a male identity within this society with a simple change of clothing and omission or change of a first name, s/he decided to join the military in Granada, again using only the name Céspedes. S/he was successful in joining, and even helped subdue the uprising of the *moriscos* in Granada, according to Céspedes' testimony.¹⁵ After the uprising s/he became a tailor, while still wearing men's clothing. The community, however, forced her to place a "seamstress" sign outside of her shop because they "knew she was a woman."¹⁶ Shortly afterward a military recruiter came to the town and a man who had been drafted paid Céspedes to go to the war in Granada in his place, meaning s/he went to war a second time dressed in male garb and omitting a gender-referenced name.¹⁷ This time, the enlistment lasted three years and Céspedes served as a man during the entire length of this enlistment.

After serving this tenure in the military, Céspedes moved to Madrid, left the tailor's trade and took up that of a surgeon. Shortly after moving to Madrid,

¹⁵ This likely would refer to the Second Morisco Rebellion of 1568-71, though it is not clear if s/he served the entirety of this time.

¹⁶ Kagan and Dyer, 69.

¹⁷ The chronology of these events is very important to note. S/he dressed as a male in order to join the military the first time and then s/he opened a shop as a tailor, however, was then forced to identify herself as a female. After the community identifies her as female, she then dons male garb and rejoins the military in place of a male who was drafted, with seemingly no repercussions or acknowledgment of her identity as a female prior to reenlisting. The ease in which s/he transitioned between genders, and even names, is astonishing to say the least.

Eleno de Céspedes “became fond” of a woman named Maria del Caño.¹⁸ After procuring Maria’s parental permission, Eleno filed the proper legal documents with the vicar to marry Maria and was physically examined to ensure that Eleno was in fact a male, because s/he lacked facial hair. According to the late inquisition trial testimony, Eleno was examined three times by no less than twelve men and was eventually able to obtain the license in which to marry Maria del Caño. Approximately a year and a half after their engagement was official, Eleno/a was arrested on the charge of sodomy and of a lesser charge of deceiving Maria’s father.¹⁹ Elena/o was adamant that s/he had not deceived anybody, since s/he had been verified to be a male prior to obtaining the legal documents in order to allow him/her to marry Maria. In fact, during her series of examinations Elena/o stated that “... it was public knowledge and widely rumored that I was both male and female...” however the examiners claimed Eleno was, in fact, male.²⁰

Throughout the trial Elena/o claimed to be female while recounting certain events, male when recounting others, and later acknowledges the idea that “in reality, I am and was a hermaphrodite” in order to explain this frequent change.²¹ Elena/o was ultimately not believed to be a true hermaphrodite by the

¹⁸ Note the name change from Elena de Céspedes to simply Céspedes, and currently to Eleno de Céspedes, the masculine version of her original chosen name; Kagan and Dyer, 71.

¹⁹ This charge of sodomy was more appropriately applied as the sin of homosexual behaviors. Elena/o is eventually convicted of disrespect for the marriage sacrament, which shows the normative narrative toward hermaphrodites during this period.

²⁰ Kagan and Dyer, 72.

²¹ Kagan and Dyer, 74.

inquisitors because of the absence of a penis during her trial.²² Elena was eventually convicted of sorcery and disrespect for the marriage sacrament. S/he was sentenced to two hundred lashes, public shaming, and serving the poor as a surgeon in a charity hospital for ten years without pay with the stipulation that she do so in woman's garb.²³ This sentence shows that inquisitors did not believe her claim to be a true hermaphrodite and that she did not fit into the normative culture because of its binary nature.

Elena/o's case helps to shed a light on the contrasting nature between the normative and popular culture levels of society in relation to intersex individuals. Government and church officials throughout her/his story forced her/him to conform to the ascribed sex at birth. This is displayed by small instances such as the seamstress sign in front of her tailor shop to the much bigger issues including her sentencing. The sentencing forced Céspedes to conform to the ascribed sex at birth, with no understanding of how the developmental periods of life had affected her and may have changed the accuracy of her ascribed sex. Normative culture was clearly black or white, with no room or understanding for any individuals who did not fit into this mold, even as situations in life may change an individual's reflective identity.

²² As mentioned previously, Elena/o claimed that shortly before s/he was arrested she had begun to slowly cut off her 'male member' because of pain associated with it. Therefore, while she was placed on trial, she had no evidence of ever having a male member in order to prove her identity as a hermaphrodite.

²³ Kagan and Dyer, 81.

Popular culture, however, had in many instances accepted Elena/o as an anatomical “hermaphrodite” and therefore also accepted the ability for her/him to change identities and status somewhat frequently. While the issue of mobility does affect this case because Elena/o moved and changed communities multiple times, in many cases the communities in which she lived appear to have accepted her as an individual who did not fit into the more traditional expectations of societies.

Juan Díaz Donoso, the “Priestess of Zafra”

Another fascinating case of altering of gender identity during this period is that of Juan Díaz Donoso. Donoso lived in seventeenth-century Spain, close to the border of Portugal in a western province of Extremadura. He served as a priest in a parish church within the area, which explains Donoso’s later nickname as the “Priestess of Zafra.” Unfortunately, this case was not as well-documented as that of Elena/o de Céspedes and shows how rare a surviving trial document such as that of Céspedes truly is. For instance, the latter parts of Donoso’s trial as well as medical examination records proving his hermaphroditism are missing. An important papal dispensation which was pivotal for his claim is also missing and it may or may not have ever existed. The documentation that still exists, however, demonstrates clearly his/her awareness and claim of anatomical “hermaphroditism” and change of gender identity.

Juan Díaz Donoso told his story in 1633, when inquisitors notified their superiors in Madrid of the existence of a priest in the town of Zafra who was reportedly a hermaphrodite who was cohabiting with at least two men.²⁴ It was apparently common knowledge within the town that of these two men, he had asked one of them to marry him. After inquisitors detained one of these men and interrogated him, however, it was decided that this case did not fall within the jurisdiction of the Inquisition.²⁵

Approximately one year after this brief trial, the *Suprema*, or central governing council that oversaw all of the Inquisition tribunals, learned of the priest (Donoso) who was believed to be a "hermaphrodite woman" and of a testimony that Donoso had sexual relations with a man in Zafra.²⁶ However, even the Suprema was unsure of the jurisdiction of this case and proceeded with caution and discretion. Because Donoso's "accomplice" wished to leave Zafra, he was detained and "held in the house of an inquisitorial familiar."²⁷

This case becomes even more interesting with the addition of testimony from a cobbler from Zafra named Domingo Rodríguez. Rodríguez provided this testimony to the inquisitorial commissioner without having been summoned with

²⁴ François Soyer, "The Inquisition and the 'Priestess of Zafra': Hermaphroditism and Gender Transgression in Seventeenth-Century Spain," *Annali Della Scuola Normale Superiore Di Pisa. Classe Di Lettere E Filosofia*, Serie 5, 1, no. 2 (2009): 539.

²⁵ François Soyer, "The Inquisition and the 'Priestess of Zafra,'" 540.

²⁶ The phrasing of Donoso in this context is important, he is being labeled as a "hermaphrodite woman" rather than simply as a hermaphrodite. This identification as a woman would discredit his priesthood status and would therefore imply that Donoso's prevalent sex was that of a female, rather than a male as his ascribed sex at birth would claim based on his given name; François Soyer, "The Inquisition and the 'Priestess of Zafra,'" 540.

²⁷ Soyer, "The Inquisition," 541

the intent to “unburden his conscience” concerning the sexual relations of the local priest (Donoso).²⁸ Rodríguez testified that he had recently hired a Portuguese apprentice named Juan whom he found in a distraught state one morning. Juan eventually told his master that the night prior he had been to the house of the priest, Juan Díaz Donoso, and was invited to come and warm himself by the hearth before he returned to his own housing which was on the same street. Juan then told Rodríguez that the priest had sexual intercourse with him as a woman. Within this story told in confidence, Juan stated that he and the priest had “carnal excess” three times that night and swore on the Holy Gospels that the priest was a woman.²⁹ Furthermore, Juan told his master that he was not the first male to attract the priest’s sexual attention. He stated that Donoso had boasted to him of a “boy who was a tailor from Badajóz and whom he had housed, fed and clothed in return for sexual favors.”³⁰ Rodríguez’ deposition ended with a statement concerning the number of individuals that knew about the priest’s questionable sexual behaviors and limited the number to less than five.

The true issue for the church officials (serving in the abstract place of “normative culture” in this case) who were seeking to investigate this further was the issue of jurisdiction.³¹ Because it was technically a case of sodomy, it would

²⁸ Soyer, “The Inquisition,” 541

²⁹ Soyer, “The Inquisition,” 542

³⁰ Soyer, “The Inquisition,” 542

³¹ These church officials serve in the theoretical realm of normative culture officials during this case since they serve as the enforcing structure of the church and this case concerns a priest.

fall within the jurisdiction of the secular authorities. However, since it involved a priest, it would fall under the episcopal authorities. Extending the confusion even further, because it was a case of a clergyman misleading parishioners and allowing them to believe that a woman could serve in the office of a priest and conduct all of the responsibilities expected of a priest, the case fell to the Inquisition authorities. The Inquisition authorities had decided not to act without further evidence and sought to do so.

The following year, in 1634, inquisition authorities dispatched an official named Cristóbal Serrano Osório to Zafra to acquire more evidence on this case. He began by questioning Juan *el Portugués* about whether Juan Díaz Donoso used his female genitalia when copulating. In his testimony one year later, Juan *el Portugués* stated that when he “reached for the private parts of the priest with his hands, he did not detect any evidence that the priest possessed male genitalia but rather, he alleged, felt certain that he had a vagina.”³²

Following this interrogation of Juan, along with others from the community, the inquisitors approved the arrest of the Juan Díaz Donoso and his immediate transfer to the prisons of the Inquisition in Llerena. Once in the custody of the inquisition, Donoso’s genitalia were to be examined by two medics followed by two midwives and their expert opinions would dictate the proper sex of Donoso. Before this could be completed, however, the episcopal authorities had launched their own investigation. In fact, these medical examination records

³² Soyer, “The Inquisition,” 547

have not been found so there is no evidence of this examination ever taking place. Therefore, Donoso's true biological sex may never be known.

During the episcopal investigation, the officials found a number of witnesses from the community who testified about Juan Díaz Donoso's sexual interests. These witnesses confirmed that the priest "enjoyed the company of young men of all kinds."³³ Some of these citizens of Zafra claimed that Donoso was a hermaphrodite, possessing the genitalia of both a male and a female. One citizen claimed this was not true, telling the story of a foreign woman who noticed that Donoso was having stomach pains and placed her hands on his stomach and "seized the opportunity to grope his genitalia and it appeared to her that he possessed the genitalia of a man."³⁴ These testimonies from the members of the community at least show that the ambiguous nature of Juan Díaz Donoso's sexual identity was public knowledge within the community.

The most interesting part of Juan Díaz Donoso's tale is that of a papal dispensation that supposedly allowed him to choose his identity as either male or female and still allow him to hold his pastoral office. This piece of evidence was brought forth by a citizen of Zafra named Don Alonso Delgado. Delgado claimed to know Donoso well and relayed a story that years prior Donoso had shown him a document from the Pope, granting him this right to choose the status of man or woman. However, Delgado stated that while he visibly saw the dispensation, he was unable to read this document because he did not know how to read

³³ Soyer, "The Inquisition," 549

³⁴ Soyer, "The Inquisition," 550

Latin. He later admitted that one night he stayed the night at Donoso's house, and the priest offered numerous times for him to share the same bed, although Delgado declined each offer.³⁵

Francois Soyer argues that the inquisitors "still seemed willing to consider that the priest might be a homosexual rather than a hermaphrodite," which could cause an issue with the jurisdiction of the inquisitors over the secular authorities.³⁶ Soyer continues that the punishment for homosexuality under the Crown of Castile was usually by burning both individuals at the stake. The inquisition authorities did not want this potential breach of jurisdiction to cause such an outcome for the priest, and certainly not for the cobbler's apprentice. This notion of hermaphroditism and belittling the importance of it is continued in Osório's investigation within Zafra. During the course of his investigation, he found that a member of the community had previously (in 1633) spoken to the inquisitional commissioner Don Alonso de Jeremias y Porras who informed him that Juan Díaz Donoso was "a hermaphrodite who used both his sexes..."³⁷ This claim by the commissioner shows the awareness of hermaphroditism among church officials, but also shows the allowance of such a situation because the official was aware of the instance, but did not pursue it any further. It was a different set of officials who sought to further the case against the priest. This notion alone begs the question to the degree of acceptance between the

³⁵ Soyer, "The Inquisition," 551

³⁶ Soyer, "The Inquisition," 545

³⁷ Soyer, "The Inquisition," 546

normative and popular culture levels of society. Clearly the community of Zafra, or at least some members within it, had issue with Donoso's sexual actions while serving as a priest, but the church officials only sporadically and at various levels seemed to find interest in the case.

Later in this recounting of Donoso's story by Soyer we find that he once again claimed to have a papal dispensation to allow him to be a female and a member of the clergy.³⁸ The Inquisition commissioner asked a young man by the name of Pedro Alonso about his encounter with the priest Donoso and he told a story similar to that of those mentioned prior. Pedro Alonso claimed to have stayed at Donoso's house one night, nearly nine years prior, and was invited repeatedly to share the same bed as Donoso but refused each invitation. In the following days Donoso told Pedro Alonso when having a conversation that he was "a woman and possess[ed] a papal privilege from His Holiness [the Pope] permitting [him] to marry or chose the status that I wish to have."³⁹ In a claim that resembled the one made by Elena/o de Céspedes in 1587, he stated further that he was allowed to have this dispensation because at the time of his ordination he had a miniscule penis, however it had "withered away and been replaced with a vagina" by the time of the conversation.⁴⁰ Upon hearing this, Pedro Alonso would not believe this outlandish claim without seeing the document itself. Pedro Alonso claimed that the priest then retrieved a book that

³⁸ Soyer, "The Inquisition," 556

³⁹ Soyer, "The Inquisition," 556

⁴⁰ Soyer "The Inquisition," 556

had embellished binding and three pictures at the beginning, one of the Pope himself and the other two of apostles, however he did not mention anything of the contents of said book.

The final surviving document concerning the case of Juan Díaz Donoso is a letter sent from the inquisitor Juan de Vallejo y Acuña to the *Suprema* in Madrid on 12 April 1635. This letter includes the "evidence" that had been collected against Juan Díaz Donoso calling him/her "a hermaphrodite and resident of Zafra."⁴¹ The fact that the Inquisition official acknowledged Donoso as a hermaphrodite is important; he did not note Donoso as a "hermaphrodite male" or any other term, but as a hermaphrodite. This means one of two things: either he was scared to acknowledge Donoso in any other fashion because of the sensitivity of the topic in regard to the jurisdiction of the case; or the inquisitor actually believed Donoso's claim of anatomical hermaphroditism. Aside from the way in which Donoso was addressed, this letter continued to include suggestions for other individuals from the community of Zafra that should be interrogated about their relationship to the accused. This further suggests that the inquisition was not satisfied with the evidence provided and therefore sought to continue the investigation. Soyer states that the disappearance of any other documentation means that the final resolution of this case is not known.⁴²

Unfortunately, because of the lack of surviving documentation this case leaves much to question, especially concerning the end result of the case. There

⁴¹ Soyer, "The Inquisition," 559

⁴² Soyer, "The Inquisition," 559

is no surviving documentation of a transcript of an interrogation of Donoso himself, or even the results of the medical examination. Even with the missing information, it is certainly possible to draw some conclusions about the nature and treatment of hermaphrodite individuals within normative and popular culture in the seventeenth century. Throughout this case there is a distinct awareness of hermaphroditism by the general population within the community of Zafra. There were widespread rumors by some accounts concerning the priest having both male and female sex organs, and others simply ambiguously questioning his true sex. This case shows clear awareness of the presence of hermaphroditism as a biological phenomenon.

However, it is also important to mention the fluidity associated with this specific case. While there is no change in gender identity with the case of Juan Díaz Donoso like in the case of Elena/o de Céspedes, there are still important concepts of identity to be noted. Elena/o claimed to be able to change her/his identity based on the presence of both genitalia, Donoso simply claimed to have a document allowing him to maintain his status in the community, a priest, and be female as well.⁴³ Donoso did not wish to change his identity based on the presence of a vagina, but rather sought to maintain his identity as a priest and accept his equally 'true' identity as a female, allowing him/her to have sex with male individuals while still holding his clerical office.

⁴³ I use the term "claimed" because unfortunately this document does not survive and therefore there is no actual documentation of this dispensation ever existing.

Other Cases Assuming the Male Identity

The overwhelming majority of the cases being discussed in this project involve the notion of an individual who was ascribed the female sex at birth seeking to change her identity to that of a male later in life, usually after reaching maturity. The ascribing of sex usually occurred at birth without any acknowledgement of the pubescent or developmental periods in one's life and therefore as it relates to an anatomically intersex person could be inaccurate by the time the individual reached maturity. This section focuses on other cases of individuals who were ascribed the female sex but at some point, later in their life sought to change their identity for one or more of several reasons. The case of Estebanía de Valdaracete mentioned in the introduction of this project is a phenomenal example of an individual who changed their gender identity based on an anatomical claim to hermaphroditism. Estebanía changed her/his identity to the masculine, Esteban, in order to gain the societal advantages offered to men of the time, associated with the gender norms mentioned prior. Esteban/ía is not alone in this change of identity as this section of the project will discuss.

Catalina de Erauso (b. 1592) is a unique case, because she reportedly remained a virgin throughout her life. Though it occurred later, this case can be compared to that of Elena/o de Céspedes mentioned earlier in both identity alteration and geographic location (Spain). Throughout her life Catalina exercised as many (if not more) trades than Elena/o, altering her identity on numerous occasions. S/he served as a page, cabin boy, servant, butler, and tax manager of

diverse activities in mining, livestock farming, merchandise, and even serving in militias later in life.⁴⁴ She informally changed her name numerous times from Catalina de Erauso to Francisco de Loyola, and eventually to Alonso Ramírez Díaz when joining the militias and gaining the rank of Lieutenant.⁴⁵ She eventually used this rank to her advantage and “gained permission from the king and the pope to dress as a soldier and to receive military pension as Lieutenant Catalina de Erauso,” which contrasts the case of Elena/o and the notion that women were not typically allowed to serve in military roles. Catalina eventually left for New Spain under the name of Antonio de Erauso, even after receiving this permission from these political and religious leaders.

The most interesting part of Catalina’s case involves her claim of virginity. This does not mean that she was abstaining from sex entirely, in fact she was quite sexually active. She was actually involved in numerous romantic affairs with young women, and even a married woman.⁴⁶ Since these affairs were not with a male and none of the individuals wanted to be placed on trial for sodomy, there was no legal issue to begin to process of evaluation for Catalina. Because of this, there is no trial and no medical examinations to provide for her biological sex. Though this case is significantly shorter than others mentioned in this project, it is still significant. Catalina appears to have used her position and the cultural

⁴⁴ Cleminson and Garcia, *Sex, Identity and Hermaphrodites*, 52.

⁴⁵ Cleminson and Garcia, *Sex, Identity and Hermaphrodites*, 52.

⁴⁶ Cleminson and García, *Sex, Identity and Hermaphrodites*, 52.

awareness of hermaphroditism to alter her identity on numerous occasions, without the general population seeing any need to question her claim.

The early seventeenth-century case of a Frenchwoman/man named Marie le Macis is yet another case of identity alteration based on hermaphroditism and the awareness thereof. Marie was ascribed the female sex at birth and served as a servant until she was twenty-one years old at which time, she declared she was in fact truly a man. Upon this declaration, s/he changed her/his name to Marin and renounced her female identity altogether. As a part of this major life change she stated her intention to marry a widow named Jeane le Febvre, with whom she had a love affair prior to these declarations.⁴⁷

In 1601 the French courts refuted her/his claim of masculinity and brought forth a charge of sodomy against Marie/Marin. This charge claimed that Marie/Marin had been "abusing her/his lover with an unnaturally enlarged clitoris" and condemned her to death as a result.⁴⁸ Jeane, however, was viewed as the innocent party and was forced to watch her lover's execution, to suffer a whipping, and to be exiled from the region.⁴⁹ Marie/Marin appealed for a medical examination to determine his/her true biological sex. During the course of the evaluation, the medical professional "aroused what seemed to be a latent penis

⁴⁷ Gilbert, *Early Modern Hermaphrodites*, 44.

⁴⁸ Gilbert, *Early Modern Hermaphrodites*, 44; This charge of sodomy associated with an "enlarged clitoris" was a common belief among some medical professionals during the medieval period which carried into the early modern period. As mentioned in the beginning of this paper, the enlarged clitoris belief suggested that true hermaphrodites did not exist, but that the individual was truly a woman with an enlarged clitoris instead of a penis.

⁴⁹ Gilbert, *Early Modern Hermaphrodites*, 45.

to ejaculation” which proved Marie/Marin was, in fact, not guilty of sodomy as s/he was charged.⁵⁰

After the medical examination was completed, the death penalty was rescinded but Marie/Marin was still not allowed to follow his/her chosen sexual identity. Instead, Marie/Marin was ordered to live as a woman and abstain from any sexual behavior until the age of twenty-five when she was to be examined again to determine her true biological sex. It is reported that ten years after this determination, Marin was living as a man though his marital status is unknown.⁵¹

Thomas/ine Hall, who was briefly mentioned before, is another example of how important the aspect of location and mobility were to intersex individuals during the early modern period. In contrast to the French case of Marie/Marin le Macis, Thomas/ine Hall was an Englishman/woman whose cases took place around time same period of time in the seventeenth century.⁵² In contrast, Thomas/ine Hall was more free to change her identity how s/he pleased because of the acceptance by her surrounding environment than her/his French counterpart.

Thomas/ine Hall was boring in Newcastle-Upon-Tyne and was ascribed the female sex at birth, and s/he was even christened as a girl as was the local custom. S/he lived as a woman until s/he was twenty-two at which point s/he decided to don male dress and enlist in the military. Later, s/he lived in Plymouth

⁵⁰ Gilbert, *Early Modern Hermaphrodites*, 45.

⁵¹ Gilbert, *Early Modern Hermaphrodites*, 46.

⁵² Gilbert, *Early Modern Hermaphrodites*, 46.

as a female seamstress. After her/his Plymouth life, Thomas/ine changed his/her sexual identity again and traveled to America where s/he initially lived as a man, but later adopted the female persona yet again.⁵³ With the frequent gender and identity change, the colony questioned Thomas/ine's sexual orientation which eventually led to her/him being brought to trial, though the actual offence is not known.⁵⁴ Ruth Gilbert claims that it was a common belief that hermaphrodites existed in the New World, she claims that "European explorers returned from their voyages to the New World with reports that hermaphrodites existed in some regions of the Americas."⁵⁵

Within Thomas/ine's trial in the colonies, for an unknown offense, s/he apparently explicitly identified her/himself as an anatomical "hermaphrodite." When asked about her/his sex s/he replied that "[he] was both man and [woman]," this claim was upheld by Thomas/ine dressing as a man on some days and a woman on others throughout the course of the trial.⁵⁶ According to testimony from members of her/his colony the tendency of Thomas/ine to dress as male sometimes and female others was not abnormal or simply an attempt to sway the decision of the court, it was somewhat normal for her/him. The outcome of this case was that Thomas/ine was both man and woman, proving

⁵³ Gilbert, *Early Modern Hermaphrodites*, 47.

⁵⁴ Ruth Gilbert notes that Thomas/ine could have been charged with sexual promiscuity, transvestitism, sodomy, or any combination of these charges; Gilbert, *Early Modern Hermaphrodites*, 47.

⁵⁵ Gilbert, *Early Modern Hermaphrodites*, 47.

⁵⁶ Literally, "hee was both man and woeman," altered for ease of reading; Gilbert, *Early Modern Hermaphrodites*, 48.

that s/he was the exception to the laws and the binary (sexual) nature of the colony.

Conclusion

The distinction of normative and popular culture levels of society is clearly important when examining this topic, as is the awareness of hermaphroditism in the location being examined. A hermaphrodite in certain locations and communities seemingly had more freedom to change or alter their identity than in others, for example the French case of Marie/Marin le Macis in contrast to the English case of Thomas/ine Hall. It was not impossible for hermaphrodite individuals to alter their identity while living in more restrictive regions however, the notion of mobility associated with one's identity is also an important distinction. Thomas/ine Hall still chose to move numerous times while changing her/his identity, as did Catalina de Erauso and Elena/o de Céspedes, and others mentioned in this project as well. There is no one case that summarizes how hermaphrodites were treated and the expectations of hermaphroditic individuals during the early modern period. Time and place certainly seem to play an important role when discussing intersex individuals with respect to the degree of acceptance within their respective communities.

Broad awareness of anatomical hermaphroditism certainly allowed some of these individuals to alter their identity to match their preferred status, based on scientific and biological evidence rather than simply wishing to change or alter

their identities. Each of the cases mentioned in this paper had some aspect of the communal awareness of hermaphroditism. The first generations of the printing press aided in moving hermaphroditism from the realm of fiction to the realm of empirical and social fact.

As a cisgender heterosexual male, I find this project and topic fascinating. It focuses on altering identities and creating new ones based on a medical marvel that encompasses less than one percent of the population. This project hinges on the idea of a more consciously aware society concerning the scientific fact of hermaphroditism, however in the present-day the topic is treated with a demeaning and negative mindset. While researching this phenomenon I was met among my peers with puzzled and aghast looks when I would discuss my topic choice. This discontent went so far as an individual telling me that I would have issues presenting my project because it was so taboo in nature that nobody would listen to it or be interested in it. I must pose the question: If we are supposedly a more advanced society than those discussed in this project why have we turned a blind eye to scientific facts and ostracized members of our communities simply because they do not fit into our binary system? Why is this topic so offensive to research and discuss?

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