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ORIGINAL ARTICLE

Essentialising Sex: Hermaphrodites and the Thresholds of Masculinity and Femininity in the Early Modern Catholic Church *c*.1700

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Abstract

This article focuses on four individuals from France and Italy who were viewed as hermaphrodites and their attempts to become members of the Catholic clergy between *c*.1650 and 1720. Drawing on largely unexplored material from the archive of the Roman Congregation of the Council, this article argues that whether, and how, bodies were problematised as hermaphroditic depended on the different and changing thresholds of masculinity and femininity they were confronted with. Offering a fresh perspective on practices of constructing sex and sex difference, this article suggests that the decades *c*.1700 saw marked transformations in the defining and assigning of sex both in theory and social practice. Medical and ecclesiastical decision-makers shifted their attention from a broader spectrum of behavioural and bodily signs to the anatomy of genitalia. The trend towards heightened vigilance and intransigence towards perceived sexual ambiguity was, however, highly asymmetrical, targeting mainly individuals initially believed to be women.

While the topic of hermaphrodites and their social and legal status prompted intense debates among early modern theologians and canon lawyers, by the end of the nineteenth century this discussion had changed profoundly.[1] Pietro Gasparri (1852–1934), for instance, who played a crucial role in devising the Catholic Code of Canon Law of 1917, dealt with the question as to whether hermaphrodites did, indeed, exist, in one short paragraph in his treaty on ordination. 'There are no true hermaphrodites', he stated, as that was the opinion of 'recent physiologists and physicians'.[2] Because of this medically grounded nonexistence, Gasparri did not feel the need to discuss the intricacies of legal and social placement of hermaphrodites. While he admitted that bodily signs of both sexes might appear, physicians should be able to determine with certainty to which of the two sexes this person truly belonged.

The aim of this article is to trace the origins of this transformation of 'hermaphrodites' in the early modern period and link them to broader historical varieties of 'making sex'. To that end, I will reconstruct the largely unknown paths of individuals who strove to become members of the Catholic clergy, but in some fashion did not fit into the Church's binary gender norms. As I will argue, the period *c*.1700 was a pivotal moment of transition, when 'true' hermaphroditism was still seen as possible, but an increasing scepticism against ambiguous and changing sex manifested itself. This article explores the interplay between individual hermaphrodites' experiences and shifting notions of masculinity and femininity in a specific historical and cultural context.

Over the last decades, research has significantly expanded our knowledge of early modern discourses and practices surrounding 'hermaphroditism'.[3] While historians such as Cathy McClive have demonstrated how bodies and behaviour were increasingly put on trial with regards to marriage and possible sexual deviance, clerical status as a context for sexual ambiguity has not been systematically analysed.[4] This relative lack of attention is surprising because connections between sexual ambiguity and clerical status, especially in the Catholic Church, are prominent in early modern sources. Stories of monks becoming pregnant and giving birth, nuns turning into men or bishops rumoured to be hermaphrodites clearly fascinated early modern writers and readers of literary, chronical, natural-philosophical and medical texts.[5] On a very different level of sources, clerics are equally prominent in legal procedures dealing with ambiguous gender.[6]

This article draws on two layers of sources: at its core is archival material discussing individuals' access to the clergy. Here, I will focus on four cases of (alleged) hermaphroditism that were discussed and decided upon at the Roman Curia in the seventeenth and eighteenth centuries. The cases are contextualised by the analysis of a large corpus of canon law and moral theology treatises that discuss the legal and social status of hermaphrodites. These two layers are closely related. Decision-makers directly referred to treatises and authors, in turn, referred back to individual cases and curial decision-making in their printed works.

Taking the connection between clerical status and sexual ambiguity seriously is promising for several reasons. This article complements important works on Jesuit masculinity that have fruitfully integrated the clergy as a topic into the vibrant field of gender history.[7] Recent research has also shown the trend towards a broader exploration of early modern sacerdotal corporeality including masculinity.[8] Catholicism rests on a strong exclusion of women from certain ranks of the clergy and the difference between women and men, referred to by most authors as *sexus*, was therefore of the utmost importance. Even though it is far from evident what this focus on *sexus* implied in terms of anatomy, gender and biological sex, the Church is at least a plausible place to start searching for trends relating towards a more essentialist understanding of sex. At the same time, one can question to what extent the Church, as a normatively chaste community, provided a 'freer' space for individuals with unusual genitalia. While we know a lot about medical thinking about early modern and modern hermaphroditism, the focus on a religious community allows us to ask how their approach differed from, or intersected with, medical ideas.[9]

The analysis allows three important historiographical discussions over sex and gender in the early modern period to be explored further. Regarding the ongoing debate on historical varieties of 'making sex', many researchers agree that there was more complexity involved in the historical development than suggested by Thomas Laqueur's transition from the one-sex to the two-sex model in the eighteenth century.[10] Referring to practices of locating sex, Helen King has argued that in the early modern period, the 'body was sexed far more widely' than through the anatomy of genitalia.[11] Maike van der Lugt has similarly stressed that medieval canonists such as Huguccio and Hostiensis described 'public behaviour as indicative of underlying real sex' rather than anatomical features.[12] It remains less clear when this broader definition of sex changed. I will argue that the period *c*. 1700 saw an important shift to genitalia as the most important marker of sex, both at a legal discourse level and in practice, too. While this trend originated in medical ideas, it was mainly driven by Church authors and officials.

Jean-Pascal Gay and others have stressed an increasing anxiety and watchfulness towards sexuality, gender and sex difference in the Catholic Church from the seventeenth century onwards.[13] This article applies this perspective to the level of social practice and suggests, rather than discussing general anxiety, the carving out of specific moments of watchfulness and the different actors exercising it (including the hermaphroditic individuals themselves). I also propose an analytical shift so as to investigate not just the attention paid to sex and gender, but the highly gendered nature of this attention itself, a perspective for which I introduce the term gendered vigilance. As I will argue, this allows us to see that individuals seen as men were attributed a much higher ability and authority to recognise and communicate about their own sex.

Intersecting with these two discussions on 'making sex' and gendered vigilance are debates on (in)tolerance, subjectivity and the agency individuals with 'extraordinary bodies' had in the past.[14] Christoph Rolker, for instance, has argued that in the early modern era, the possibilities to live freely deteriorated significantly for those perceived as ambiguously sexed.[15] While some of the individuals I will look at formulated their requests in petitions, these sources do not allow for an unmediated insight into their views. On the contrary, the language of Church law and the institutional setting of the clergy very much shaped how 'hermaphrodites' spoke about themselves and described their own life path and bodies. Here, the concept of subjectivation is helpful, addressing the dimensions of speaking about oneself and using the social possibilities to do so, but also submitting to external norms.[16] This allows us to ask what subject positions individuals could claim within their given circumstances.

This article comprises five sections. The first section briefly presents the four cases together and introduces the main elements of their legal and institutional context. The next section focuses on moments of doubt that brought the four individuals to the attention of authorities. I then turn to medical examinations, their gendered nature and the hierarchy of signs used to establish sex. The fourth section discusses ideas of sex changes and their impact on individuals' experiences. The concluding part summarises and contextualises the findings. It shows that the Church offered different subject positions and different room for manoeuvre for individuals depending on whether they were perceived as men or as women.

The cases and their institutional and legal setting

The four cases analysed in this article were discussed at the Roman Curia in 1652, 1686, 1721 and 1722.[17] They were decided upon by the Congregation of the Council, a powerful Cardinals' office established to implement the norms of the Council of Trent (1545–1563).[18] Among the thousands of cases regarding a broad range of religious and legal issues that were decided by the Congregation of the Council during early modern times, these are to our best knowledge the only ones in which the terms 'hermafroditus/hermafrodita' are used to refer to a person whose clerical status was at stake.[19] It should be noted, however, that the office also discussed fifteen requests made by eunuchs or castrati to enter the clergy – that is men seen as deficient in their genitals. In addition, the office dealt with several hundred legal cases relating to so-called defects of the body or irregularities *ex defectu corporis*.[20] The latter could exclude clergymen from some or all of their functions, depending on how their bodily condition was evaluated by Church officials.[21] One of the main issues here was whether or not the concerned cleric's body would potentially cause a scandal among the surrounding community.[22] This larger documentation of the office's activity allows us to contextualise the cases relating to hermaphrodites and to show the specificity of ambiguous sex compared with other problematised body parts.

Before discussing the content of the legal cases in more detail below, it is worth noting their different geographical and institutional contexts. The first one originated from Toul in France and the later three from Italy (the Papal State, Naples and a place not named). In 1652, the layman and student Clodius

from Toul requested permission to enter the secular clergy and ultimately become a priest. The case from 1686 documents the novice Felice Antonio's wish to become a friar in a Capuchin convent in Naples and, in addition, to be ordained as a priest. By contrast, the two cases in the early 1720s relate to female institutions. In 1721, an anonymous 'unmarried noble woman' asked to become a nun after having been a novice. The fourth individual, Alessandra Bechelli, was already a nun in the monastery Santa Chiara in Montefalco, when doubts over her gender arose in 1722. The question was whether her profession was valid and, if not, whether the monastery had to repay her dowry.[23] This variety of contexts (female and male clergy in different settings) makes this sample particularly promising because it involves notions of clerical masculinity and femininity and different stages of the clerical hierarchy.

The different outcome of the cases is equally noteworthy. Regarding Clodius from Toul, the Curia voted to abstain from making any kind of decision. This type of non-decision often pointed to a reluctance to become involved in a complicated matter.[24] Similarly, a contemporary treatise mentions that the Curia, in this case the Apostolic Penitentiary, 'did not want to decide anything' in the case of a hermaphrodite in 1619.[25] Clear decisions were, however, taken in the other three cases. While Felice Antonio was allowed to become a professed religious and priest, the noble woman and Alessandra Bechelli had to leave their convents.

None of the cases investigated here turned into a *cause célèbre*, and they were not widely discussed in the early modern and modern literature such as that of Marie/Marin le Marcis.[26] Importantly, these cases did not take place in courtrooms but the decision-making was largely based on written correspondence. While the cases from 1721 and 1722 were included in a printed case selection later, at the time there was a certain degree of secrecy surrounding ecclesiastical procedures. Physical examinations were conducted in secret and, even in writing, N.N. was used to refer to people and places involved at least in the cases of Felice Antonio and the unnamed noble woman.

The legal procedures analysed here can be seen as an attempt to square the Church's binary system of male clerics and female nuns with a natural world that was more complex according to most contemporaries. Catholic authors and decision-makers shared an early modern vision of more than two clearly separated sexes.[27] Authors frequently discussed the existence of at least three types of hermaphrodites: a 'perfect' type with both the male and female parts in balance, and prevalent male and female types.

By the seventeenth century, secular and Church law had a long tradition with regards to hermaphrodites, especially when it came to matters relating to inheritance, baptism and marriage. Regarding clerical status, the question was whether to exclude sexually ambiguous individuals entirely, or to place them in a male or female religious space.[28] The canon law author Simone Maiolo (1520–1597) mentioned the idea of a third space, one exclusively for hermaphrodites, modelled on stories about ancient eunuch monasteries, but not discuss it further.[29] The most influential doctrine developed in medieval canon law was to categorise hermaphrodites according to the sex that was most prevalent.[30] Perfect hermaphrodites, on the contrary, were supposed to choose either the male or the female legal gender and to swear to use only one set of genitals sexually.

Importantly, sex and therefore hermaphroditism were relevant in two very different ways for clerical status, namely in terms of validity and lawfulness. The exclusion of women from priesthood was seen as something rooted in divine law. From this point of view, even if a bishop wanted to ordain a woman, she would never become a priest and the ordination was invalid. For men, on the contrary, there were many reasons prescribed by positive law why certain individuals *should* not be ordained (concerning their age, origin and so-called bodily and mental defects), but these were mostly questions of lawfulness, that is they *could* technically receive clerical character through ordination. According to most Catholic authors, unlike a woman, a predominantly male hermaphrodite could validly be ordained as a priest, even if this was not advisable or even lawful. Perhaps the most urgent question regarding hermaphrodites in the clergy was therefore how much femininity was permissible in a cleric without an ordination that was unlawful (restricted but possible) becoming a matter of impossibility.

Whether their clerical status and their bodies were being problematised with regards to validity or lawfulness determined the possible goals of the four individuals seeking legal clarification in Rome. If their admission to the clergy was merely a matter of positive law, the pope could grant dispensations, that is, exceptions from the law. How far this could theoretically go is illustrated by a case that was heard by the Spanish Inquisition. A priest claimed that he had a papal dispensation to be a hermaphrodite and even have sex with a man.[31] While this sounds implausible, the inquisitors themselves were apparently not sure if such a dispensation existed. The concept and practice of granting dispensations enabled a space to be opened up within which it was possible to think about the acceptance of non-binary practices; a space that not only existed for scholars, but also in practice.

Gendered vigilance, doubt and social environment

The archival cases allow us some insights into who voiced suspicions over an individuals' sex and when this happened. Significantly, suspicions did not arise randomly, but were connected to important stages in their life and career paths. Clodius from Toul in his petition began his life story by describing how, at his birth, there were doubts about his sex and he was 'held to be a hermaphrodite'.[32] While it is not explained who made this assessment, the petition continues that his parents were deceived by this doubt, which suggests that it might have been a third person, perhaps a midwife. In any case, this doubt is described as a mistake that set his life on the wrong path for years to come.

Birth was perhaps the most important moment of heightened attention towards an infant's sex, at least before determination in the uterus became possible. As a counter-image to the attentiveness required during this process, male legal and medical authors regularly chastised midwives for inaccurate observations that necessitated name changes later on.[33] This was particularly true if a newborn was immediately baptised due to fear for their life, leaving little time for waiting and making immediate decisions necessary.

In other cases, moments of progression in the clerical hierarchy triggered doubts over sexual ambiguity, as the case of Felice Antonio from 1686 illustrates very well. His convent's superior voiced doubts twice during the young man's progression in the order. First, when Felice Antonio had been a novice for one year and was about to profess, that is, to become a religious and a full member of the order.[34] Second, when Felice Antonio wanted to be ordained as a priest, in addition to being a professed religious. This led to the referral to Rome, where the case was categorised as 'doubt regarding ordination'.

The superior's behaviour was in line with a general duty of vigilance that ecclesiastical functionaries were supposed to show towards candidates' bodies before profession or ordination. Explicitly directed at gender, commentaries on the Council of Trent's decrees on ordination include watching out for gender ambiguity under the heading of a candidate's persona. During the bishop's examination before ordinations, it was his duty to make sure that no candidate was 'hermaphrodite & prevalent in the female sex'.[35]

Similarly, moral and legal case literature connected questions of bodily qualification for clerical status directly to anxieties over an ambiguously sexed person trying to enter the clergy. The Jesuit theologian Paulo Comitolo (1544–1626) described the case of a hermaphrodite in a female monastery 'showing himself as a woman but with a stronger male nature and sex'.[36] Following the rule of prevalence, the solution was that the person could not continue life as a nun, but should instead be admonished or even forced to dress as a monk and enter a male monastery. Watchfulness was attributed to the male confessor who found out about the case. Going beyond the simple discovery, the confessor should 'explore the mind of the hermaphrodite with subtle questioning'.[37] This was supposed to establish whether the individual in question had entered the monastery with bad intentions or in good faith – that is, we can presume believing that they were qualified to be a nun. However, as Comitolo

continues, in such a grave case, a circumspect confessor should decide nothing on his own, but refer the case to the Roman Curia.

While some examples show the strong role of observers in social surroundings (such as the prior), the norms of entering a monastic community also stated that candidates themselves had to reveal anything that might be problematic for their monastic status, otherwise the profession would become invalid. The obligation to speak the truth about oneself was also present in confession discourse.[38] All of this made the self-observation not only of thoughts and feelings, but also of the body, a virtue for candidates.

The case of the unnamed 'noble woman' who wanted to become a nun in 1721 illustrates how much the required attention to one's own sex was itself subject to gender norms. When she had first entered the monastery as a novice, 'she had not noticed that she was a Hermaphrodite (*se esse Hermafroditam*) because of her innocence and a certain virginal shame'.[39] The exact nature of this inattentiveness to one's own sex is not explained, but the terms innocence and shame, and the fact she is described as an unmarried woman (*zitella*) and a virgin could point to an unfamiliarity with the sexual organs. This potentially dangerous lack of attention was framed as a decidedly positive quality for a future nun. While it was brought up by the petitioner as a defence strategy against the reproach of not revealing her sexual status at once, this fitted within a larger clerical-patriarchal image of young women and clerical women in particular.[40] Vigilance towards sex was therefore deeply shaped by societal gender norms.

Only when the time for profession came after a year of being a novice, the noble woman 'noticed her status' and sent a petition to Rome asking for clarification. As with Felice Antonio in 1686, doubts arose at the moment of status change, but this time voiced by the person concerned herself. Although we should not exclude pressure from someone else, the fact that the petition states 'she had fulfilled her noviciate with great spirit and to the satisfaction of all the nuns' suggests that there was little doubt in the convent surrounding her aptitude.[41]

Importantly, unlike in the case of Felice Antonio, who claimed he was a man, the phrasing implied the admission that sexual ambiguity was indeed present (*esse Hermafroditam*). However, with her petition, the novice asserted that the female sex notably dominated and prevailed while the male sex barely appeared. An advocate may have formulated this phrase, underlined and inserted in Latin within an otherwise Italian petition. In any case, it directly appealed to the legal doctrine of prevalence. As a predominantly female hermaphrodite, the noble woman wanted to fulfil her wish to become a nun. In case the Roman decision-makers deemed this illegal, the petition asks for a dispensation to make it possible. Both requests were not granted, so no further investigation into her bodily condition seemed necessary.

The case of Alessandra Bechelli from 1722 can serve as a last example of male, as well as medical, vigilance. Unlike the other monastic cases, she had passed her noviciate and professed in the monastery of Santa Clara de Montefalco in 1709 and 1710 respectively. After twelve years as a nun, one day she told her brother, Pier Sante, prior of Saint Bartholomew in the same town, that 'she had become a hermaphrodite (*Ermafroditam evasisse*)'.[42] Alessandra's brother informed the bishop, who referred the case to the functionaries of the Congregation of the Council through his representative in Rome. The Secretary of the Congregation then instructed the bishop to conduct an inquiry through his chancellor and medical experts.

It is noteworthy that the nuns of Santa Clara di Montefalco apparently did not participate in reporting or discussing the case. Apart from Alessandra herself, this was an all-male chain of reporting. In fact, the report sent to Rome states that 'none of the other Religious of the Monastery is aware of this there is a notable change' in Alessandra.[43] This may seem unlikely given that, as we shall see, her transformation included facial hair and a deep voice, and a female monastery was supposed to be a tightly run ship captained by an abbess. The fact that she kept her status secret was attributed to Alessandra's great modesty, again a positive virtue in a nun, although in this case it had not kept her from noticing the changes in her own body.

Although Alessandra lived in a monastery, she was physically close to, and clearly in contact with, her brother. The male family members appear as a main purveyors of vigilance in this case. Not only did Pier Sante report what his sister told him, he also filed a successive request to have her dowry restored to the family should her profession be annulled. In the end, Alessandra was assigned to live with her brother and father, who were told to keep her inside their own house and to carefully guard her. The Roman authorities therefore called upon male guardianship to exercise vigilance and to avoid any scandal arising in the future.

Medical examination, reordering signs of sex and 'essential instruments'

The extensive records of Alessandra Bechelli's examination and their discussion by Church authorities provide thorough insights into which characteristics were viewed as those that established sexual status. Questions over 'locating sex' are rightly seen as crucial in historiography because they involve social authority defining sex.[44] Public behaviour, for example seeking the company of men – to take Hostiensis' criteria of masculinity –, is visible to everyone and relatively easily changed. Genitalia are ostensibly less visible and less easily changed. While the development from behavioural to anatomical signs has often been described as a 'medicalization' of gender, I will argue that the focus on medical experts needs to be complemented by looking at how legal decision-makers incorporated medical expertise.[45]

The setting of the corporal inspection in Alessandra Bechelli's case is described in some detail.[46] The bishop deputised an Oratorian father to visit the convent with a physician, Bernardo de' Amici, and a surgeon, Antonio Ciardelli, both from Montefalco. The latter two inspected Alessandra in a separate room close to the monastery gate, making it unnecessary for the men to fully enter the convent. In addition, two married women or matrons, Battista de Valentini and Agata Bontadosi, participated in the examination. All of them stated that they knew Alessandra Bechelli, some even from before she became a nun.

The presence of the two women deserves attention, because it offers a starting point to understand the gendered nature of the inspection. When discussing the case of the noble woman one year before, the secretary of the Congregation of the Council, Prospero Lambertini (1675–1758, later Pope Benedict XIV.) had stated that matrons should be involved in any case concerning a virgin's profession and that the matrons should be the ones to provide the verdict. This was an adaption of a longstanding legal principle 'on the inspection of the belly' from the Digests, stipulating that midwives were to be consulted in cases in which a pregnancy was called into question.[47] Lambertini also referenced a more recent decision by the Rota Romana, the Church's highest ecclesiastical court in Rome, on proving the virginity of a nun.[48] The discussion in that case was, in fact, sceptical with regards to inspections carried out even by midwives, because they did not only look at, but also touched the nun's genitals, something perceived as immodest. As we will see, these restrictions did not apply to Alessandra Bechelli's examination, likely because of the prevailing suspicion that she was either a hermaphrodite or a man.

The two women only contributed short statements that did not include direct observations of the body, but only that they had 'heard' the physicians say that Alessandra was a hermaphrodite. They wrote that they had lifted her clothes and uncovered her private parts, which the physician and surgeon then thoroughly inspected.[49] Apart from this, their function was most likely to be present to avoid leaving the male experts alone with a nun. It was also up to the two married women to convince Alessandra to let herself be inspected in the first place. As Battista de Valentini put it, it 'needed a lot of struggle and convincing by me and said Agatha to let herself be seen and examined'.[50] The physician De Amici also stated that Alessandra had tears in her eyes when asked if she knew why the visitors had come and showed resistance, which the women had to address. As we can see, the women certainly did not give the final verdict. Inspection of the private parts by men was not

problematised, a remarkable difference to the examination in sanctification procedures described by Gianna Pomata.[51]

During the fifteen-minute inspection, the physician de Amici asked questions and inspected Alessandra visually, while the surgeon also performed a tactile exploration with his 'specillo Chirurgico'.[52] The physician's report is longer, with the surgeon following often word to word. Both of them first mention that they found the female parts 'in their natural being'.[53] They had expected to find the clitoris enlarged but, in fact, found it small, which gives some insight into their preconceptions of what a possible hermaphrodite might look like.[54]

Slightly above the clitoris, they describe a convolution of skin, similar to a snail's shell, akin to a male foreskin. When they pushed it back, in its middle there was a 'nervous substance' the size of a writing pencil with an orifice in the middle. As the surgeon touched it with his stick, Alessandra was visibly disquieted with both experts adding that they did not know whether from 'pleasure or harassment (dilettazione, o molestia)'.[55] After this intrusive tactile examination, she 'confessed' to urinating with a wide jet from this orifice and also ejecting a substance similar to milk, which the experts judged to be sperm. Under this member they found two sacks of skin to both sides of the vulva. Asked whether during the 'erections that she often felt' she had noticed anything hard, similar to a bean, she answered yes, one to each side. The medical men believed that these must be testicles.

While genitalia took up a large part of the experts' statements, they also described many other signs that resulted in their ultimately concluding that Alessandra was a hermaphrodite. They observed, first, chest hair, a beard and a hairy upper lip, fluff on the cheeks and hair around the jaws, and short and shaggy hair on her head. In addition to this, they stated that her voice was sonorous and she was quick in masculine actions and exercises. Her thighs were described as not wide like a woman's but small like a man's and while she said she had had slightly bigger breasts when she was around twenty, now her chest was apparently flat.[56]

A different category of signs was the 'venereal stimuli' Alessandra admitted to feeling when looking at women. These inner signs could only be observed indirectly through the erection of the 'member' Alessandra said she was frequently having. This desire itself was not highly moralised in the decision-making, something which is somewhat surprising given the increasing strictness regarding alleged homosexual sexuality in other legal contexts at that time.[57]

Overall, the records of the medical examination gave decision-makers a relatively clear indication of Alessandra's sexual characteristics based on a list of signs. Importantly, the medical experts did not categorise these signs into any kind of hierarchy, but instead merely listed them one after the other. It is therefore all the more significant that Prospero Lambertini, the Secretary of the Congregation of the Council, introduced a very clear hierarchy of signs when he summarised the case material for the Cardinals in Rome:

> The experts judgement rests not only on very outward and sometimes equivocal signs, that is the hair on the chest, upper lip and jaws, the sonorous voice, the little curved breasts, the absence of menstruation and the stimuli of desire (*concupiscentiae*) which she feels when meeting women, but also in intrinsic and more certain signs, that is the external appearance of all male genitals.[58]

In a remarkable turn of phrase, the *external* appearance of genitalia became the most *intrinsic* and certain sign of sex. Such diverse signs as hair, behaviour, lack of menstruation, but also a sexual desire for women – something that could be seen as related to something internal – were seen as merely outward and uncertain signs.[59] In this context, it is important to note that Lambertini personally had a keen interest in anatomy, for instance by promoting the collections in Bologna.[60]

Lambertini's reordering of the signs of sex was not just something pertaining to this individual case, but points to a more important shift in the seventeenth and early eighteenth centuries. In 1656, the Neapolitan Theatine Angelo Maria Verricelli criticised the established thinking on the ordination

of hermaphrodites in his book on moral questions. In particular, he attacked the practice of assigning sex by a multiplicity of bodily and behavioural signs. Instead of taking into account accidental signs of sex, he argued it was only of importance to look for the presence or absence of 'essential instruments' of each sex.

Since Verricelli does not name these essential instruments in the same section, a cursory reader would have had some freedom of interpretation. If one turns back some pages, however, there is a passage outlining his belief that testicles are the defining indicator for men and the uterus for women.[61] As Verricelli put it, 'sex is essentially constituted by these instruments'.[62] For Verricelli, it did not matter whether these organs were functional, which would mostly refer to procreation. Unlike in the medical treatises examined by Michael Stolberg, a woman was therefore not essentially defined through being able to carry a child. Although Vercelli gives no explicit reason for disregarding functionality, it seems plausible to link this to a clerical context where neither sexuality nor childbearing would have been central.[63]

Verricelli rejected the entire doctrine of prevalence that allowed so-called prevalently male hermaphrodites to be ordained. Prevalence, in his view, was not precise enough to capture what true sex meant as a legal guideline. 'If a hermaphrodite has the principle instruments of female sex, he is incapable of ordination, even if the male sex is dominant'. It did not matter if that person otherwise had a male appearance, virility, a beard and masculine hair.[64]

Contrary to Laqueur's claim that for hermaphrodites in the early modern period the question was not 'what sex they are really' and that 'maleness and femaleness did not reside in anything particular', this emphasis on essential organs resulted in a push towards the essentialisation of sex.[65] In short, an individual either had the principle instruments of one sex or of both and was accordingly essentially male, female or both. An increasingly essentialist definition of sex did not mean that there were no hermaphrodites anymore, as in the late nineteenth-century quotation by Gasparri given above, but turning against a broader continuum provided a starting point for this later development.

Regarding manhood, the focus on essential instruments made male status both easier and more difficult to achieve. On the one hand, in this view, it was impossible to be treated as a man however well one may perform as one outwardly, if one had the essential organ of a woman. On the other hand, even the essential organs of the male sex were not required, as Verricelli's discussion of castrated men makes clear. The mere absence of essential female organs was enough to allow one to be categorised as male. Since Verricelli denigrated performative and external aspects as markers of sex, they were logically not required to be male, as his example of a beardless adolescent shows. Even to have what Verricelli called 'accidentia of the female sex', such as an 'impassable cleft', was not a problem for a male cleric.[66]

The acceptance of a high variability in male genitalia very much resonates with the case of Felice Antonio from Neaples, who was examined by different experts twice before his profession and ordination. They found that his male genitalia were formed 'in their expected and natural way'. They were small but this did not speak against this normality since 'nature varies more in those than other parts of the body in forming them'.[67] The penis was not perforated but instead he urinated from a orifice the size of a needle head on the scrotum, 'a defect that the Greeks call Hypospadeas'.[68] This condition did not cast any doubt over his belonging to the male sex, and was viewed as being nothing else than a mistake or a 'joke of nature'.[69] Even if his body had some imperfections in the male parts, Felice Antonio was a perfect man to medical and ecclesiastical authorities.

One-way sex change, mutable bodies and surgical intervention

The drive towards an essentialisation of sex in the seventeenth century had a strong impact on the understanding of sex changes, a topic closely linked to ambiguous gender in contemporary sources. For authors such as Simone Maiolo, the five categories of male, female, two prevalent hermaphrodites

and the perfect one were not fixed, since bodies could move between them to a certain degree. This possibility of sex changes meant that besides a current bodily status, Church officials had to calculate future risks.

The possibility of change was, however, diminished by a prevailing understanding of sex change as a one-way process.[70] As Maiolo and many other authors held, a woman could turn into a man but not vice versa. As Sylvie Steinberg and others have emphasised, this acceptance of female sex change went back to ideas of women as imperfect men with nature always striving to perfect itself.[71] The idea of an asymmetrical permeability had a direct impact on how medical experts and Church officials treated individual cases. In the case of Felice Antonio, the Roman authorities had not only asked the experts whether he was a hermaphrodite at that moment in time, as his superior suspected, but also, if there was a chance of some sort of disorder or scandal occurring at a later point in time. One of the physicians directly answered this question by stating 'that no scandal can arise because one commonly reads that women have progressively turned into men, but not that men ever turned into women'.[72] This gave Felice Antonio a stable position, one that was not enjoyed by those seen as women or hermaphrodites.

Sex change was of crucial importance for the general discussion of ordination. If a woman could fully turn into a man, she/he could theoretically be ordained as a priest. If such a case was verified by the local bishop, the main issue for canon lawyers shifted from validity to more circumstantial questions of lawfulness, just as with predominantly male hermaphrodites. According to Maiolo, it would cause a scandal if the community saw a person celebrating mass as a man whom they had known as a woman. However, if that person moved to a location where their sex change and previous existence as a woman was unknown, their ordination was tolerable.[73] Some authors cited the story of Flavio Cherubini, an editor of a collection of Papal bulls, as a proof that this had happened. Allegedly, he became a priest and canon in Santa Maria di Via Lata in Rome after having started out as a nun.[74]

According to Jonathan Beecher, around 1600, the medical mainstream had largely discarded Aristotelian notions of true sex change that were based on the idea that heat could drive out the genitalia located inside a woman's body. Growing scepticism towards sex change was also very perceivable in canon law and moral theology in the seventeenth century, even if it was not entirely new.[75] The Italian theologian Giacomo Pignatelli (1625–1698) weighed different opinions on the foundation of sex difference and the possibility of sex change in his discussion on a nun who had ostensibly turned into a man. The Greeks and Arabs, according to him, had viewed the difference between men and women as something 'accidental […] with the male and female genitals only differing in their location, so that a woman has inside what a man has outside'.[76] The author, however, sided with a different opinion: 'The anatomists demonstrate that the conversion of the female into male sex is physically impossible because the genitals of man and women differ in form, structure, and number of nerves'.[77] The passage about the essential anatomical difference of the sexes points back to earlier opinions voiced by the French physician André du Laurens (1558–1609) and the Spanish-Dutch Jesuit theologian Martín del Río (1551–1608).[78] It still allowed for initially hidden male genitalia to appear, but no essential change of sex could take place. Therefore, a nun who had turned into a man had always been a man and the profession had never been valid.[79]

In practice, things were less straightforward. As we have seen, the physician in Felice Antonio's case in 1686 at least acknowledged that one could read a lot about the change from female to male in accounts written by respectable 'doctors'.[80] Since he viewed the young religious to be a 'perfect male', the question of what a female could turn into was not of much relevance in the case at hand.[81] Alessandra Bechelli turned from a woman into a hermaphrodite according to all observers. This was why she was extracted from the monastery just like a 'professed woman who had turned into a man'.[82] It is possible that the medical experts and the decision-makers in Rome believed that she had always been male or male-dominant, but this cannot be inferred from their statements. The literature that Lambertini's case summary quoted suggests that one reason why she was to be guarded in her parents' house was so that she could continue to observe her vows.[83] If she had been a man or an equal

hermaphrodite from the very beginning and no sex change had been involved, she would not have been obliged to continue observing her vows.

While Alessandra told her brother that her body had changed, the case of Clodius offers a striking example of the belief in surgery to correct sexual ambiguity and to change sex actively.[84] As he claimed, he was born 'male with all parts becoming for a man'.[85] However, since he also had a female cleft (*rima foeminea*) he was viewed as a hermaphrodite. As described above, his parents had been strongly influenced by the doubts surrounding their child's sex and had decided that he should live as a girl. In an attempt to stabilise this placement, they had some part of his male genitalia (presumably the scrotum or testicles) removed by a lithotomist. They then dressed him in female clothes and, when he turned 18, had his *testes* pulled out fully. He lived as a woman until he was thirty-four years old, when he could not dissimulate his male sex anymore and finally managed to be publicly acknowledged as a man.

In Clodius' description, however, the operations on his genitalia in no way changed his original sex. While some authors held that castrated men in fact gradually turned into something akin to women and lost their manhood, this was not the case in mainstream legal theory and social practices regarding access to the clergy.[86] Many castrated men applied to enter the clergy and were often allowed to do so with or even without special permission from Rome.[87] Exactly which concept of sex and sex difference was used very much depended on the circumstances that individuals found themselves in and the positions that Church and society offered.

Conclusion: the gendered essentialisation of sex

The four cases of individuals described as hermaphrodites striving to be members of the clergy analysed here allow for qualitative insights into different notions and thresholds of masculinity and femininity. While the documents suggest very different bodies, and changes to them, in each individual case, how these bodies were observed, described and evaluated and what they could become in the eyes of their contemporaries was strongly influenced by culture-specific, gendered paradigms and expectations.

The case material shows that a certain fluidity between the categories of male, female and hermaphrodite was still seen as possible in the seventeenth and early eighteenth centuries, with change generally believed to occur only from female to male. Sex change was even described as acceptable and individuals were allowed to remain within the priesthood as long as the change was complete and not public knowledge in their specific community. The case of Alessandra Bechelli demonstrates that 'perfect' hermaphrodites were still believed to exist by both medical experts and church officials. If there was no linear 'disappearance' of hermaphrodites and individuals changing their sex into a more rigid framework of sex and sex difference, there were still important shifts in how ambiguous sex was viewed and how bodies were sexed around 1700.

Church authors took up the growing scepticism among physicians and theologians regarding sex change. They increasingly emphasised the incommensurability of female and male genitalia as opposed to an inside/outside model. In defining sex, as we have seen, both legal discourse and practice attributed increasing importance to genitalia, which was viewed as being distinct from outward performance such as behaviour, clothes or even other bodily signs such as facial hair. As I have argued, this shift was not only a question of a growing reliance on medicine, as neither was consulting medical experts new, nor did their statements focus exclusively on genitalia in the examples analysed.[88] Rather, a process of essentialisation and genitalisation of sex is evident in how Church officials incorporated medical statements into their decision-making processes.

There had long been a legal dictum that hermaphrodites could/should decide which of the two accepted legal genders they wanted to take, something that showed a degree of acceptance of their own evaluation of sex. This authority to determine one's own sex and legal gender to a certain degree was increasingly restricted over the period investigated here. In the case summary from

1721, decision-makers explicitly argued in favour of disregarding the hermaphrodite's own statements in favour of views put forward by the medical authority at that time. Indeed, knowledge of their own bodies was denied to the 'noble woman' and, to some extent, to Alessandra Bechelli, too, who reported her changing body to her brother setting off a chain of male vigilance over her sex. This was in line with the thriving seventeenth-century medico-legal discourse and medical experts such as Paolo Zacchia (1584–1659) unsurprisingly favoured the pre-eminence of their own judgment.[89]

These finding can be contextualised within two larger societal and clerical phenomena of the time. First, the strictness regarding bodily divergence in nuns was in line with the important social and symbolic role female monasteries fulfilled within their local communities and the Church more generally. Gabriella Zarri, in particular, has shown that Catholic female monasteries of the time were also a place valued by the local community to implement family strategies and protect but also to discipline their female offspring.[90] A masculine or hermaphroditic nun would threaten the idealised community of brides of Christ and therefore needed to be removed.

Second, the findings fit within a more general picture of norms and practices of controlling clerical bodies in the early modern Catholic Church. The Church in practice offered significant opportunities to those male clerics who admitted that their genitalia were deficient in some way, but who nevertheless claimed to be 'perfect' regarding their male sex.[91] This relative lack of strictness regarding male genitalia is particularly striking in contrast to the close attention that canon law and Church institutions paid to other parts of the male clerical body such as hands, eyes, face and legs. In the case of nuns, this relationship was almost entirely inverted. Canon law authors described bodily 'defects' such as blindness, deafness or a missing hand as entirely irrelevant for nuns as long as they were pious – and female. The eunuch or mutilated man can be understood as a subject position that allowed those striving to be men to both speak about their own bodies and to fit win with prevailing norms. For those who were confronted with the thresholds of femininity, no such position was available. Even if they were met with suspicions and even interventions from their social environment, Felice Antonio's hypospadias and Clodius' cleft did not bar them from eventually being viewed as males by the authorities. Nuns such as Alessandra Bechelli were more quickly viewed and subjectified as hermaphrodites if they had anything resembling testicles or penises. In sum, unlike in early modern marriage trials, the threshold to become a male member of the clergy was relatively low and often significantly lower than that which existed for a woman to become or remain a nun.[92] In some ways, in the early modern Catholic clergy, it was easier to arrive at, or remain in, the socially privileged position of a man than the disadvantaged one of a woman.

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ENDNOTES

[1] On early modern debates, see for instance Valerio Marchetti, *L' invenzione della bisessualità* (Milano: Sintesi, 2001).

[2] Pietro Gasparri, *Tractatus canonicus de sacra ordinatione* (Paris: Delhomme et Briguet, 1893). On the gradual 'disappearance' of true hermaphrodites in nineteenth-century medicine, see Alice D. Dreger, *Hermaphrodites and the Medical Invention of Sex* (Cambridge: Harvard University Press, 1998); Richard Cleminson and Francisco Vásquez García, *Hermaphroditism, Medical Science and Sexual Identity in Spain, 1850–1960* (Cardiff: Iberian and Latin American Studies, 2009).

[3] I will use 'hermaphrodites' as a source term without making assumptions about underlying bodily conditions. For general works, see Ruth Gilbert, *Early Modern Hermaphrodites* (New York: Palgrave, 2002); Kathleen P. Long, *Hermaphrodites in Renaissance Europe* (Aldershot: Ashgate, 2006); Maximilian Schochow, *Die Ordnung der Hermaphroditen-Geschlechter: eine Genealogie des Geschlechtsbegriffs* (Berlin: Akademie-Verlag, 2009); M. Closson (ed.), *L' hermaphrodite de la Renaissance aux Lumières* (Paris: Classiques Garnier, 2013); Erika Nussberger, *Zwischen Tabu und Skandal: Hermaphroditen von der Antike bis heute* (Wien, Köln, Weimar: Böhlau, 2014). With a regional focus, see for instance for France

Lorraine Daston, 'The Hermaphrodite and the Orders of Nature: Sexual Ambiguity in Early Modern France', *GLQ* 1 (1995), pp. 419–38; Cathy McClive, 'Masculinity on Trial: Penises, Hermaphrodites and the Uncertain Male Body in Early Modern France', *History Workshop Journal* 68 (2009), pp. 45–68; for Spain and Portugal Francois Soyer, *Ambiguous Gender in Early Modern Spain and Portugal: Inquisitors, Doctors and the Transgression of Gender Norms* (Leiden: Brill, 2012); Edward J. Behrend-Martínez, 'Manhood and the Neutered Body in Early Modern Spain', *Journal of Social History* 38 (2005), pp. 1073–93. For the Medieval period, see especially Christof Rolker, 'The Two Laws and the Three Sexes: Ambiguous Bodies in Canon Law and Roman Law (12th to 16th Centuries)', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kanonistische Abteilung* 100 (2014), pp. 178–222; Leon Jacobowitz Efron, 'Hermaphrodite Trouble: Gender, Sex and Sexuality in Fourteenth-Century Italian Commentaries to the Divine Comedy', *Gender & History* 25 (2013), pp. 65–85; Leah DeVun, 'Erecting Sex: Hermaphrodites and the Medieval Science of Surgery', *Osiris* 30 (2015), pp. 17–37.

[4] McClive, 'Masculinity on Trial'. On hermaphroditism in marriage cases, see also Elizabeth Reis, *Bodies in Doubt: An American History of Intersex* (Baltimore: Johns Hopkins University Press, 2009) and Gabrielle Houbre, '"An individual of ill-defined type" ("Un individu d'un genre mal défini"): Hermaphroditism in Marriage Annulment Proceedings in Nineteenth-Century France', *Gender & History* 27 (2015), pp. 112–30.

[5] For some of these episodes and their sources, see Franz Ludwig von Neugebauer, *Hermaphroditismus beim Menschen* (Leipzig: Klinkhardt, 1908).

[6] In Francois Soyer's work on ambiguous gender in inquisitional trials in Spain and Portugal, for instance, among the four individuals that separate chapters are devoted to, one is a priest and one a novice in a convent. It is worth noting that Herculine Barbine also lived in a convent, see H. Herculine Barbin, *Herculine Barbin: Being the Recently Discovered Memoirs of a Nineteenth-Century French Hermaphrodite* (New York: Pantheon Books, 1980). For a criticism of Michel Foucault's reading of Barbin, see Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1990).

[7] Mary Laven (ed.), *'The Jesuits and Gender: Body, Sexuality, and Emotions'*, *Journal of Jesuit Studies* 2 (2015). On Jesuits missionaries, see Ulrike Strasser, *Missionary Men in the Early Modern World. German Jesuits and Pacific Journeys* (Amsterdam: Amsterdam University Press, 2020).

[8] On the priest's body, see Brendan Röder, *Der Körper des Priesters. Gebrechen im Katholizismus der Frühen Neuzeit* (Frankfurt a.M./New York: Campus, 2021). On sacerdotal masculinity, see Jean-Pascal Gay, Silvia Mostaccio and Josselin Tricou (eds), *Masculinités Sacerdotales* (Tournhout: Brepols, 2022).

[9] For medical views, see for instance Osvaldo Cavallar and Julius Kirshner, 'Lo sguardo medico-legale di Zacchia sugli ermafroditi', in Alessandro Pastore (ed.), *Paolo Zacchia: Alle origini della medicina legale; 1584–1659* (Milano: Angeli, 2008), pp. 100–37. Sarah-Maria Schober, 'Hermaphrodites in Basel? Figures of Ambiguity and the Early Modern Physician', in Susanne Burghartz, Lucas Burkart and Christine Göttler (eds), *Sites of Mediation: Connected Histories of Places, Processes, and Objects in Europe and Beyond, 1450–1650* (Leiden: Brill, 2016), pp. 299–327; J. Harris, '"La Force du tact": Representing the Taboo Body in Jacques Duval's Traité des hermaphrodits (1612)', *French Studies: A Quarterly Review* 57 (2003), pp. 311–22.

[10] Thomas Walter Laqueur, *Making Sex: Body and Gender from the Greeks to Freud* (Cambridge: Harvard University Press, 1990). For criticism, see especially Helen King, *The One-Sex Body on Trial: The Classical and Early Modern Evidence* (Farnham: Ashgate, 2013) and Michael Stolberg, 'A Woman Down to Her Bones. The Anatomy of Sexual Difference in the Sixteenth and Early Seventeenth Centuries', *Isis* 94 (2003), pp. 274–99.

[11] King, *The One-Sex Body*, p. 205.

[12] Meike Van Der Lugt, 'Sex Difference in Medieval Theology and Canon Law. A Tribute to Joan Cadden', *Medieval Feminist Forum* 46 (2010), pp. 101–21.

[13] Jean-Pascal Gay, 'Sexualité et régime de normativité à l'âge confessionnel', *Cahiers d'histoire. Revue d'histoire critique* 147 (2020), pp. 33–52. See also Fernanda Alfieri, *Nella camera degli sposi: Tomás Sánchez, il matrimonio, la sessualità (secoli XVI–XVII)* (Bologna: Il Mulino, 2010).

[14] Robert Bogdan, *Freak Show: Presenting Human Oddities for Amusement and Profit* (Chicago: University of Chicago Press, 1988); David A. Gerber, 'Volition and Valorization in the Analysis of the "Careers" of People Exhibited in Freak Shows', *Disability, Handicap & Society* 7 (1992), pp. 53–69.

[15] Rolker, 'The Two Laws'.

[16] On this duality, see Michael Foucault, 'The Subject and Power', in Hubert L. Dreyfus (ed.), *Michel Foucault, Beyond Structuralism and Hermeneutics* (Chicago: University of Chicago Press, 1982), pp. 208–26; Judith Butler, *The Psychic Life of Power: Theories in Subjection* (Stanford: Stanford University Press, 1997).

[17] The case material is located in the Archivio Apostolico Vaticano (AAV), Congregazione Concilio, Libri Decretorum and Positiones.

[18] Anne Jacobson Schutte, *By Force and Fear: Taking and Breaking Monastic Vows in Early Modern Europe* (Ithaca: Cornell University Press, 2011).

[19] I will use pronouns according to these nouns when referring to sources.

[20] On eunuchs, see for instance Lynn E. Roller, 'The Ideology of the Eunuch Priest', *Gender & History* 9 (1997), pp. 542–59; Shaun Tougher, *The Roman Castrati: Eunuchs in the Roman Empire* (London: Bloomsbury, 2020); Matthew Kuefler, *The Manly Eunuch: Masculinity, Gender Ambiguity, and Christian Ideology in Late Antiquity* (Chicago: University of Chicago

Press, 2001); Arnaud Fossier, 'The Body of the Priest: Eunuchs in Western Canon Law and the Medieval Catholic Church', *Catholic Historical Review* 106 (2020), pp. 27–49.

[21] Irina Metzler, 'Then and Now: Canon Law on Disabilities', in Christian Laes (ed.), *Disability in Antiquity* (London: Routledge, 2017), pp. 455–67; Röder, *Der Körper des Priesters*.

[22] On the issue of *scandalum*, see Brendan Röder, 'Appearance and Essence. Speaking the Truth about the Body in the Early Modern Catholic Church', in Andreea Badea et al. (eds), *Making Truth in Early Modern Catholicism* (Amsterdam: Amsterdam University Press, 2021), pp. 111–31.

[23] This case was discussed by Schutte, 'Perfetta donna'. See also briefly Röder, *Der Körper des Priesters*, pp. 272–80.

[24] For this practice in doctrinal matters, see Christian Windler, 'Praktiken des Nichtentscheids: Wahrheitsanspruch und Grenzen der Normdurchsetzung', in Wolfram Drews, Ulrich Pfister and Martina Wagner-Egelhaaf (eds), *Religion und Entscheiden. Historische und kulturwissenschaftliche Perspektiven* (Baden-Baden: Ergon, 2018), pp. 271–90.

[25] Francisco Pellizzari, *Tractatio de Monialibus*, (Bononiae: Ioannis Recaldini, 1681), p. 41.

[26] See McClive, 'Masculinity on Trial'.

[27] See the works quoted above.

[28] Valerio Marchetti has underlined the strong theological impetus not to exclude hermaphrodites from the sacraments, see Marchetti, *L' invenzione della bisessualità*.

[29] Simone Maiolo, *Tractatus de Irregularitate* (Romae: Andreae Phaei, 1619), p. 61.

[30] Rolker, 'The Two Laws'.

[31] Soyer, *Ambiguous Gender*.

[32] 'Sexus dubium fecisset ut pro hermaphrodito haberetur', AAV, Congr. Concil., Positiones (Sess.) 126.

[33] Giacomo Pignatelli, *Consultationes Canonicae*, vol. 4 (Coloniae Allobrogum: Gabrielis & Samuelis de Tournes, 1718), p. 48.

[34] 'Religiosus cum esset in actu emittendi Professionem, dubitans superior ipsum Oratorem esse Hermafroditum', AAV, Congr. Concil., Positiones Tom. 45 (11 January 1687).

[35] Santa Sede, *Nouae declarationes congregationis S.R.E. cardinalium ad decreta Sacros. Concil. Trident* (Lugduni: Laurentii Durand, 1634).

[36] Paulo Comitolo, *Responsa Moralia* (Lugduni: Horatij Cardon, 1609), p. 337.

[37] Comitolo, *Responsa Moralia*, p. 337.

[38] See also Barbin, *Herculine Barbin*.

[39] Folia Sacrae Congregationis 1721.

[40] On gendered norms regarding clerical women, see Jutta Sperling, *Convents and the Body Politic in Late Renaissance Venice* (Chicago: University of Chicago Press, 1999).

[41] 'Ha fatto il suo noviziato con molto spirito, e con sodisfattione di tutte quelle Religiose', AAV, Congr. Concil., Positiones 457.

[42] Folia Sacrae Congregationis 1722.

[43] 'Niuna dell'altre Religiose del Monastero siasi avveduta di questa si notabbile mutazione' AAV, Congr. Concil., Positiones 460.

[44] On this point, Michael Stolberg agrees with Thomas Laqueur, see Stolberg, 'A Woman Down'.

[45] For medical examinations of genitalia in ecclesiastical procedures, see Soyer, *Ambiguous Gender*. For the role of medical experts in the Catholic Church more broadly, see Bradford A. Bouley, *Pious Postmortems: Anatomy, Sanctity, and the Catholic Church in Early Modern Europe* (Philadelphia: University of Pennsylvania Press, 2017); Silvia De Renzi, 'Witnesses of the Body: Medico-Legal Cases in Seventeenth-Century Rome', *Studies in History and Philosophy of Science. Part A* 33 (2002), pp. 219–42.

[46] Schutte, 'Perfetta donna'.

[47] Folia Sacrae Congregationis 1721; on other uses of the principle 'de ventre inspiciendo', see Monica H. Green, *Making Women's Medicine Masculine the Rise of Male Authority in Pre-Modern Gynaecology* (Oxford: Oxford University Press, 2008).

[48] The discussion relied heavily on debates over testing virginity from late antiquity, see M. Rosenberg, *Signs of Virginity: Testing Virgins and Making Men in Late Antiquity* (Oxford: Oxford University Press, 2018).

[49] AAV, Congr. Concil., Positiones 460.

[50] 'Abbisognato molto fatigare, e persuadere, in specie di me e di detta S.a Agata per lasciarsi vedere, e riconoscere' AAV, Congr. Concil., Positiones 460.

[51] Gianna Pomata, 'Malpighi and the Holy Body: Medical Experts and Miraculous Evidence in Seventeenth-Century Italy', *Renaissance Studies* 21 (2007), pp. 568–86.

[52] AAV, Congr. Concil., Positiones 46.

[53] 'Trovato le Muliebri nel suo essere naturale', AAV, Congr. Concil., Positiones 460.

[54] Perhaps it was the size of the clitoris that seems to have dispersed potential suspicions of female sodomy. For the intricate links between the latter and hermaphroditism, see only Marzio Barbagli, *Storia di Caternina che per ott'anni vestì abiti da uomo* (Bologna: Il Mulino, 2014), pp. 71–90

[55] On the role of manual exploration in the famous case of Marin/Marie le Marcis, see Harris, 'La Force'. In the case of Zacchia, see Cavallar and Kirshner, 'Lo sguardo medico-legale', pp. 111–13.

[56] 'La Barba alquanto pelosa nel labro superiore, nelle guancie con lanugine, e circa le mascelle superiori con abbondanza d'esso pelo, la voce sonora, l'abito di corpo mediocre, pronta nelle sue operazioni, et esercitazioni virili, li capelli della testa irsuti, curti, e rasposi Di più ci ha confessato avere avuto le Zinne un poco grandi prima in c. delli venti anni di sua età, della quale ora come anni trenta'. AAV, Congr. Concil., Positiones 460.

[57] Rolker, 'The Two Laws'.

[58] 'Fundamentum, cui Peritorum iudicium innixum fuit, nedum illud constitutum est in signis, ut plurimum extrinsecis, & aliquando aequivocis, hoc est pilorum, tam in pectore, & labio superiori, quam in maxillis, in voce sonora, in mammillis nullatenus turgescendtibus, in defectu, multo ab hinc tempore, menstruorum, in stimulis concupiscentiae, […] se in occursu mulierum commoveri sentit, sed etiam in signis intrinsecis, & certioribus, hoc est in extrinseca apparitione omnium virilium genitalium', *Folia Sacrae Congregationis 1722*.

[59] Presence of menstruation was not universally accepted as a sign of sex difference; see Lisa W. Smith, 'The Body Embarrassed? Rethinking the Leaky Male Body in Eighteenth-Century England and France', *Gender & History* 23 (2011), pp. 26–46 and Cathy McClive, *Menstruation and Procreation in Early Modern France* (Farnham: Ashgate, 2015). Zacchia is a counter-example, see Cavallar and Kirshner, 'Lo sguardo medico-legale', p. 131.

[60] See Lucia Dacome, 'The Anatomy of the Pope', in Maria Pia Donato and Jill Kraye (eds), *Conflicting Duties: Science, Medicine and Religion in Rome, 1550–1750* (Turin: Aragno, 2009), pp. 353–74 and the contributions in Rebecca M. Messbarger, Christopher M.S. Johns and Philip Gavitt (eds), *Benedict XIV and the Enlightenment: Art, Science, and Spirituality* (Toronto: University of Toronto Press, 2016).

[61] 'Tunc dici essentialiter faeminam, quando habet principale instrumentum […] sexus faeminini, id est uterum'. Angelo Maria Verricelli, *Quaestiones morales* […] *seu Tractatus de Apostolicis Missionibus* (Venetiis: Franciscum Baba, 1661), p. 692.

[62] Verricelli, *Quaestiones*, p. 698.

[63] Stolberg, 'A Woman', p. 298.

[64] 'Si Hermaphroditus habeat principalia instrumenta sexus faeminini, est incapax characteris; quamvis praevaleat in sexu masculino' Verricelli, *Quaestiones*, p. 692.

[65] Laqueur, *Making Sex*, p. 135.

[66] Verricelli, *Quaestiones*, 698.

[67] 'In tali parti più che in altre del corpo svole essere varia la natura nel formarle', AAV, Congr. Conc., Positiones 45.

[68] 'Il qual vitio da Greci è chiamato Hypospadeos', AAV, Congr. Conc., Positiones 45.

[69] On the expression 'scherzo della natura', see Paula Findlen, 'Jokes of Nature and Jokes of Knowledge: The Playfulness of Scientific Discourse in Early Modern Europe', *Renaissance Quarterly* 43 (1990), pp. 292–331.

[70] On the medical discussions, see Donald Beecher, 'Concerning Sex Changes: The Cultural Significance of a Renaissance Medical Polemic', *The Sixteenth Century Journal* 36 (2005), pp. 991–1016.

[71] Sylvie Steinberg et al., Une histoire des sexualités (Paris: Presse Universitaires de France, 2018), pp. 178–81.

[72] 'Non potervi esser giamai sospetto di scandalo alcuno, poiche communemente leggiamo ne nostri Dottori, che Donne in progresso di tempo siano diventuti maschi, mà non si legge, che maschi siano giamai divenuti donne', AAV, Congr. Concil., Libri Decretorum 36, fol. 513v.

[73] Maiolo, *Tractatus*, p. 61. See also Giulio Capone, *Disceptationum Forensium*, Vol. 3 (Coloniae Allobrogum: Pellissari & Sociorum, 1737), p. 444.

[74] Lucio Ferraris, *Prompta Bibliotheca canonica, juridica, moralis, theologica*, Vol. 3 (Venetiis: Gasparem Storti, 1763), p. 303.

[75] For previous views, see Van Der Lugt, 'Sex Difference'.

[76] 'Immo quod mas & foemina solum accidentaliter inter se differant, & quod genitalia viri ac foemina solo situ distinguantur ut quod vir habeat foris, faemina contineat intus', Pignatelli, *Consultationes*, p. 47.

[77] 'Anatomistae namque demonstrant conversionem sexus foeminei in masculinum naturaliter impossibilem esse cum genitalia maris & foeminae differant forma, structura, & nervorum numero', Pignatelli, *Consultationes*, p. 48.

[78] Cleminson and García. *Hermaphroditism*, p. 39.

[79] For the same opinion, see Pellizzari, *Tractatus*, p. 41. Such nuances are largely missed if one presumes that the epoch as such adhered to a one-sex-model, see Laqueur, *Making Sex*.

[80] AAV, Congr. Concil., Libri Decretorum 36, fol. 513v.

[81] AAV, Congr. Concil., Libri Decretorum 37, fol. 25r.

[82] Folia Sacrae Congregationis 1722.

[83] Capone, *Disceptationum Forensium*, Vol. 3, p. 444.

[84] DeVun, 'Erecting Sex'.

[85] AAV, Cong. Conc. Positiones Sessiones 126, 22 r/v.

[86] See Théopile Raynaud, *Eunuchi, nati, facti, mystici* (Divione: Philibertum Chavance, 1655).

[87] See for instance AAV, Congr. Conc., Positiones 170.

[88] In fact, as Geertje Mak and Alice Dreger have shown, a plurality of medical signs and diverging opinions remained in place in the nineteenth-century Dreger, *Hermaphrodites*; Geertje Mak, *Doubting Sex: Inscriptions, Bodies and Selves in Nineteenth-Century Hermaphrodite Case Histories* (Manchester: Manchester University Press, 2012).

[89] See Cavallar and Kirshner, 'Lo sguardo medico-legale'.

[90] Gabriella Zarri, *Recinti. donne, clausura e matrimonio nella prima età moderna* (Bologna: Il Mulino, 2008).

[91] See Brendan Röder, 'Ambiguous Gender in Early Modern Catholicism? The Case of Clerical Eunuchs', in Jean-Pascal Gay, Silvia Mostaccio and Josselin Tricou (eds), *Masculinités Sacerdotales* (Tournhout: Brepols, 2022), pp. 71–86.
[92] McClive, 'Masculinity on Trial'.

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