

***Pleyto del manto* (ca 1508/1509): Its Genre and the Trial of Pedro Fernández de Córdoba y Pacheco, 1st Marquess of Priego and Head of the House of Aguilar**

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Poetry was a valued social skill during the Medieval and Early Modern Period practiced among groups of friends or associates, who read it outloud at gatherings, frequently for the entertainment of their patrons.<sup>1</sup> However, we often lack information about the authorship, performative context, or immediate purpose of many of these poems. This is particularly true of the longer works classified as "burlas."

Some—like Montoro's poem about the 1473 pogrom in Cordoba—are by a known author and make reference to an historical incident; others—like the *Coplas de la panadera* or the trip of Cardinal Rodrigo de Borja described in the *Aposento en Juvera*—refer to datable events, but we do not know who wrote them or for whom. When treating compositions like these, scholars often write about their sources, genre, style, metrics, ideology, or cultural setting. If they contain attacks against women or Jews, then they are interpreted in the context of misogyny or endemic antisemitism. A third group, however, combines anonymity with obscene language and no information about its context or purpose. These poems tend to be passed over in silence.

Until late, this was true of the longest of them, *Carajicomedia* (Domínguez 2015), but poems like *Pleyto del manto* are still largely unstudied. According to Marcial Rubio Áquez: "no hay estudios sobre el *Pleito del manto*; tan sólo algunas alusiones, casi siempre remarcando su carácter indecente, en otras dispersas" (239). This essay attempts to remedy in part this lack of scholarship.<sup>2</sup> It reviews the poem in relation to medieval jurisprudence and logic, to its genre and theatricality, and it proposes that the historical incident to which it alludes is the trial of Pedro de Aguilar for treason in 1508.

*Pleyto del manto* is an anonymous 63-stanza poem consisting of 593 verses to which another poet, García de Astorga,<sup>3</sup> later added 95 verses. It first appeared in the 1514 edition of Hernando del Castillo's *Cancionero general*; it was then reprinted in its 1517, 1520, 1527 editions, and in the *Cancionero de obras de burlas* of 1519,<sup>4</sup> before being removed from subsequent editions of the *Cancionero general* in 1535.

The bulk of *Pleyto* consists of the speeches made in a court of law by lawyers who argue before judges on behalf of an accuser (Carajo) and plaintiff (Coño). These speeches vary in stanza length. The "narrador," the "procurador del Carajo" and the first judge tend to "speak" in "coplas de arte mayor" (10-octosyllabic verses), and Coño and her "procurador" in "coplas de arte menor" or "reales" (8-octosyllabic verses). However, there is considerable variation in stanza length in the case of the latter and some variation in rhyme throughout: Coño expresses her "rebeldía" in one 9-verse stanza, and the

<sup>1</sup> People of the Early-Modern Period entertained themselves with occasional holidays, feasts, jousts, hunts, and poetry "veladas." See Victoria Ann Burrus, Ana Gómez Bravo, Ian MacPherson, Juan Escourido, Óscar Perea Rodríguez, and others on the way poetry pervaded society, and how it was used for games. An ample bibliography on recreation, particularly games of chance and bullfights, and their trace in the law, can be consulted in María Encarnación Gómez Rojo.

<sup>2</sup> See Joaquín González Chueca for an important exception. Of course, the authors themselves knew who, when, where, for whom they wrote, and what was their objective but, they may not have wanted to have their names attached to the work in printed form.

<sup>3</sup> Astorga is a minor "cancionero" poet who seems to have served Pedro de Aguilar towards 1508. I deal with his additions later in this article. For Astorga, see Jesús Ponce 2001, 2005.

<sup>4</sup> The *Cancionero general* of 1517 reproduces the contents of the section of burlas of the 1514 edition. The antecedents of *Pleyto del manto* and possible imitations of the poetic "pleito" are summarized by Rubio Áquez (1994, 245, 249).

second judge uses the same to deliver his judgement. Thereafter, 9-verse stanzas appear frequently. Towards the end of the original work, we also encounter some stanzas that are 11-verses long, one that contains "quebrados" (half-verses), and a half-stanza labeled "Fin."<sup>5</sup> This irregularity may indicate that *Pleyto* is the collaborative work of several poets who did not adhere to the same stanza structure.<sup>6</sup>

The content of the poem, however, can be easily summarized. According to an unnamed narrator, a stranger has stumbled upon a man and a woman having sex in a "huerta" and, troubled by their nakedness, has covered them with a cloak while saying, "do este manto en conclusion / para quien lo tiene dentro." The statement of the stranger, however, is ambiguous in the eyes of the narrator of the work, because it is not clear which one of the two deserves the "manto." He therefore asks the "quaestio,"<sup>7</sup> "a quien pertenece el manto," that then becomes the basis of a mock trial brought by the man—hence personified as Carajo—against the woman—hence personified as Coño—over ownership of the cloak.<sup>8</sup>

Different settings divide *Pleyto* into two uneven parts: a "huerta" (stanzas 1-3) and a court of law (stanzas 4-63). The "quaestio" that ties both sections together reveals that the poem owes some of its characteristics to the school debate—a favored method of medieval instruction—and to a modification of a subgenre of poetry called "pregunta y respuesta,"<sup>9</sup> as well as to a type of literature popular in the period. This awareness sets the "horizon of expectations" (Jauss) for the audience as it looks forward to hearing or reading a fictitious legal debate over what seems to be a very risible and inconsequential matter.

### Medieval Jurisprudence and the Genre of *Pleyto*

*Pleyto* reflects the continued interest of pan-European literature in jurisprudence. In Spanish, it begins with the *Cantar de mio Cid* and *Milagros de Nuestra Señora* of Berceo, which were both composed by people associated with it.<sup>10</sup> *Milagros*, in particular, contains stories in which the Devil is

<sup>5</sup> We may never know the identities of the authors unless new information is forthcoming. It is also not clear what type of court hears the case. Stanza 27 refers to the suit as following "canones mayores," which may be a reference to the *Apostolic Canons*, the body of rules adopted by councils of the Church for its governance. However, the adversarial system followed by the poem was a common characteristic of civil law. This is confirmed by a later stanza, which calls the action a "pleyto criminal" (stanza 24) and canon courts did not hear such cases. We are kept in the dark, because thefts were not considered criminal cases.

<sup>6</sup> Some critics have thought that poems like it are the work of young and immature writers.

<sup>7</sup> Medieval disputes usually started with "questiones dialogicae" or "dialecticae" (F. Carpintero 632). One of these questions had become a classic case of jurisprudence. It is known as the "tabula picta:" To whom does a painting (or thing) belong, to its creator or its possessor? The abuse of the practice of the "quaestio" is what provides the self-conscious laughter of *Pleyto*. See also Marta Madero.

<sup>8</sup> The personification allegory pervades the poem and makes it one of two long works of "burlas" to use it (the other being *Carajicomedia*).

<sup>9</sup> Francisco Layna Arranz and Antonio Chas Aguión have analyzed the texts that belong to the subgenre of the "pregunta y respuesta" in books and articles. The characteristics of the university dispute and the scholarship surrounding it are summarized by Laina Arranz, before specifically examining the burlesque dispute. He alludes to my previous conclusions about the *Pleyto*, saying that I am right in considering that its antecedents are to be found "en la educación medieval, en el énfasis dado a la retórica, en la práctica de la "disputatio" y en los casos ficticios que los alumnos de derecho argüían ante sus profesores como demostración de su habilidad lógica y su maestría de las "cautelae" o trucos legales" (27). This paper deepens those conclusions by examining different aspects of the work.

<sup>10</sup> A general discussion of the interpenetration of the law and literature can be found in R.H. Bloch 1977 and James A. Brundage 2002. On the Medieval development of the law profession, see Brundage 1988, 2008. Study of the law was divided into canon law and civil law. The most famous center for law studies was the University of Bologna, but Paris (through the study of canon law) and Salamanca were also active, and their students and professors would often travel to and from these centers. Among the texts they would handle were the studies of Bartolus of Sassoferrato and Baldus de

given the role of prosecutor, arguing for possession of a soul, while the Virgin acts as its defense attorney and Christ as the judge.<sup>11</sup> This interest continues in works like the *Libro de buen amor's* "Pleyto del lobo y la raposa ... ante don Gimio" and in innumerable poems that treat the "Courts of Love," "Judgements of Love," "Testaments of Love," and "Debates" in a legal context.<sup>12</sup> This is not accidental but rather speaks of the number of students who followed a law career in the Middle Ages. Burlesques of court procedures, however, are relatively sporadic until late (Goodrich 1996, 59-60), when the number of law-degree holders increased, as it became a necessary skill to advance in city and royal institutions.<sup>13</sup>

A law student's education was remarkably similar everywhere in Europe. All used many of the same textbooks and, when they practiced, their cases developed along similar lines: Non-inquisitorial trials began when an accusation was made before a judge. All arguments were in Latin and written by trained professionals. Appeals advanced lawsuits from lower to higher courts according to a predetermined order, and they were handled by "procuradores" (prosecutors or proctors) and "abogados" ("advocati"), who litigated over a "demanda" or "accusatio" by presenting or contradicting the evidence.<sup>14</sup> By the late Middle Ages, however, only university-trained lawyers were given the title of "advocatus" and were infrequently permitted to argue orally before a court. Otherwise, pleas were normally submitted in writing.<sup>15</sup> "Procuradores" were then restricted to assembling documentation and steering cases through the intricate court procedures with one exception: they could plead small cases

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Ubaldis, both of which are mentioned in *Carajicomedia*, arguing that *Pleyto* was written by people with legal training. The poem does not tell us what type of court hears the case—a seigneurial court, a Church court, a city court or an Audiencia (cases in the south of Spain, where the authors lived, were heard in Granada)—other than that it is being heard in a city. However, cases could be heard anywhere, when conditions warranted it. The poem designates the participants as "procuradores," "jueces," "letrado," and "notario." "Procuradores" and "notarios" often had more limited studies in the "ars dictaminis," or "ars notaria."

<sup>11</sup> This is the case in "El labrador avaro," "El sacristán fornicario," "San Pedro y el monje mal ordenado," "El romero engañado por el enemigo malo," and "Los dos hermanos."

<sup>12</sup> See Rubio Áquez 244-245. The influence of the law on medieval Spanish literature has been studied by Omar Sanz from the perspective of the "voz del defensor," although with emphasis in the older literature in which the "procurador" is often called a "personero" and the "abogado" a "bozero" (373-375). The most interesting of the cases he examines is that brought before "el alcalde de Bujía" in Juan Ruiz's *El Libro de buen amor* (392-402). This exemplum treatment of a lawsuit in poetry that is prior to *Pleyto* and similarly plays with the language of the court ("abogado," "acusación," "demanda," "querrela," "juizio," "abidores en fuero e en derecho," "escusas e las defensiones," "exepçiones," "replicación," "reconvençión," "sentença," "conclusión," "perentoria," "constituçión," etc.). Sanz's article ends with the *Cancionero de Baena*, but *Carajicomedia* also shows this interest in the law, particularly in the section devoted to the whores of Salamanca, the premier Spanish institution granting law degrees. The language of the law can be seen in the mock testaments ever-present in medieval satirical literature like François Villon's *Testaments*, farces like *Maistre Pathelin* and, as I explain below, Guillaume Coquillart's plays.

<sup>13</sup> See Chas Aguión (63-64) on the Latin antecedents of the "pregunta y respuesta" and on "cancionero" poetry that appears framed as an argument or "contienda" before a judge (156-157; 161).

<sup>14</sup> Proctors did not have as complete a university education as lawyers. They learned their trade from older procurators as apprentices, unlike advocates who always had a university degree (Brundage 1988, 443-445; 2008, 290).

<sup>15</sup> Advocates and procurators had well-delimited functions. According to Alonso Romero et al, procurators were only supposed to handle "peticiones pequeñas" by themselves. Most of the time, he acted as "el representante procesal de los litigantes, que en todas las actuaciones relativas a la 'sustancia', solemnidad y orden del proceso, confiadas a la dirección del letrado, que en realidad se comportaba como un mero mensajero o agente de éste. Pero esta subordinación profesional muchos procuradores se resistían a aceptarla, y era fácil caer en la tentación de las extralimitaciones" (2014, 52). Fernando and Isabel attempted to regularize the rights pertaining to them through the 1495 "Ordenanças de los abogados e procuradores," but the tension between these two groups continued. The Catholic Kings finally issued a mandate in 1504 to the effect that the approval of the authority of "procuradores" should be in the hands of the advocates rather than judges (Romero 2014, 51).

before a court by themselves.<sup>16</sup> A judge or judges determined which side won, and a favorable ruling rested on an argument's greater effectiveness, and the weight of its precedents and witnesses.<sup>17</sup> The sentences they issued, however, could have different outcomes depending on whether it was "interlocutiva" (provisional) or "definitiva" (i.e., "peremptoria").<sup>18</sup>

In contrast, the fictive "procuradores" of *Pleyto* take turns in arguing the case orally before fictive judges; the work is in verse with some Latin thrown in; and, it is foreshortened. We have to assume much of what happens in the case, because there is no deposition of the passerby or witnesses, or gathering of evidence. Greater attention is placed on the intricacies of the mock pleadings of the "procuradores"—based on logic, precedents, and witnesses—, on the depositions of friends, and on the rulings of its judges.

Thematically, *Pleyto del manto* is related to the "querelle des lois," a variation of the popular "querelles des dames" written by jurists exploring the legal underpinnings of the "leys d'amor."<sup>19</sup> One subset of this type of work, the "processus," sought to instruct students by posing an abstract question in a manner analogous to today's moot courts.<sup>20</sup> The *quaestio de facto* or *disputata* by it was "designed not primarily to discuss the intricacies of legal texts but to reproduce the aura of litigation so that the student could be initiated into the practice of law, not merely its academic discussion" (Taylor 72). However, while this type of moot court was meant to be treated seriously, the case of *Pleyto* was not.

The poem instead creates a "processus jocosus"<sup>21</sup> to determine whether the "manto" has been wrongfully obtained by Coño "per apprehensionem" (by capture), as Carajo maintains, or be his "per accessionem" (by accession or right of inheritance; see Marta Madero 28).<sup>22</sup> More broadly speaking, *Pleyto* plays with one of the core metaphors in contract law, the distinction between a "pactum nudum" and a "pactum vestito" (an informal [naked] or a formal [dressed] contract),<sup>23</sup> in its efforts to

<sup>16</sup> The reference to "procuradores" may signal the triviality and absurdity of the case, but there is some imprecision in the Spanish usage of the term "procurador," because it is sometimes applied generically to both types of law officials. An obligatory designation of "procuradores" by means of a "carta de personería" is not mentioned (F.L. Pacheco 22-23).

<sup>17</sup> These ancient authorities were often represented by men like Jacobus de Revigny, Cyno da Pistoia, Bartolus of Sassoferrato, and Baldus de Ubaldis. Canon courts, however, often served as courts of first instance for cases that were later remanded to civil courts (see Kenneth Pennington). The procedures of the court included representation of the parties, rules of evidence, testimony under oath, and a written trial record.

<sup>18</sup> Verdicts earlier were issued without reasonings, "in iure et in facto," for the decisions, but by the fifteenth century the practice of justifying a judge's ruling was well established. However, they were sometimes read without the presence of the parties (José Luis López 400).

<sup>19</sup> Lawyers and philosophers wrote on such topics, for example, in Boncompagnus di Signa's (ca 1170-1250) *Rota Veneris*, the jurist Étienne Forcadel's (1534-1573) *Cupido Iurisperitus*, Martial of Auvergne's (c. 1440-1508) *Arrets d'amour*<sup>19</sup> (later printed with the lawyer Benoît de Court's *Commentaires Juridiques et Joyeux*), and John Selden's (1584-1654) *Jani Anglorum Facies Altera*. (See the many works of Peter Goodrich, particularly his 2002 article.) In addition to the works cited above, Goodrich points as examples to Boccaccio's *Filocolo*, Christine de Pisan's *Book of Three Judgments*, Alain Chartier's *La Belle Dame sans Merci*, Mahieu le Poirier's *Cour d'Amour* and *Suite Anonyme*, Guillaume de Machaut's *Judgments of the Kings of Behaigne and Navare*, and *Las Leys d'Amor* and *Las Flors del Gay Saber* and "the mid-fourteenth-century tradition of poetic tournaments and their judgment by a judicial college or Consistory governed by the rhetorical rules that bore the name of laws of love," for example, Martial d'Auvergne's *Arrets d'Amour* (765).

<sup>20</sup> See also note 48.

<sup>21</sup> A "corpus juris" about the rights of the Devil had developed during the Middle Ages. The most famous of which was the *Processus Sathane infernalis contra genus humanum* (ca 1320; Scott 69), which appears in translation under a variety of names, including *L'Advocacie Nostre Dame*, and was attributed at times to Bartolus of Sassoferrato.

<sup>22</sup> A species of "accessionem" is "accessio discreta de re ad personas" or the things granted in perpetuity to one person, i.e. "someone's patrimony" (Madero 29).

<sup>23</sup> Although donations were not supposed to fall within the jurisdiction of the law, the donation of the cloak, as we said, is treated as a verbal contract, or "pactum nudum," and the trial seeks to give it the validity of a "pactum vestitum" through a binding decision about its ownership.

correctly assign the owner of a "privilegium:" Who should by rights have "dominium" (or ownership) of the "manto" (a "res")—the man who has entered or the woman who has been entered. However, even when we recognize the legal problem the donation of the "manto's" has posed, we still do not fully comprehend its metaphoric significance.

Rubio Áquez (245) has proposed that the donation of the "manto" is related to a passage in the Gospel of St. Matthew that reads: "et ei qui vult tecum iudicio contendere et tunicam tuam tollere remitte ei et pallium" (Douay-Rheims 5.39; And if a man will contend with thee in judgment, and take away thy coat, let go thy cloak also unto him). This parable, however, recommends surrendering the cloak and turning the other cheek, whereas each party to *Pleyto's* suit selfishly wants sole ownership. Therefore, the Gospel of St. Matthew does not agree with the lesson that the work wishes to convey.

We are on firmer grounds when we recognize that the donation of the "manto" in a "huerta" is based on a scene in Genesis: The cloaking of Adam and Eve's "vergüenzas" with fig leaves or tunics (which God later grants them) and their expulsion from the Garden of Eden.<sup>24</sup> Both sexes share in original sin, but while *Pleyto's* "manto" has the same purpose of concealing Coño and Carajo's shameful parts from the public, because they would reveal their sinfulness and corruption (Bayless 189),<sup>25</sup> this is still not the full significance of the scene.

Coño has not only absconded with a cloak but transformed it into an item of clothing used by women outside the home ("manto. el que cubre a la muger, quando ha de falir de su casa, cubriendo con el fu cabeza," Covarrubias, 1611, 1075.1). This is meant to remind us of an old popular proverb that is partially quoted in *Carajicomedia* (stanza 72): "Putá la madre, *puta la hija, y puta la manta que las cobija*."<sup>26</sup> What the scene tells us, in spite of what the Bible and its commentarists say, is that Coño has stolen something that rightly belongs to her. All women have a right of "dominium" over a "manto," because of their overweening desire. However, this answer to the "quaestio" posed by the narrator is long in developing.

After the customary acknowledgment of the power of the judge, the "procurador del Coño" begins his plea with a famous argument that is based on the physical accidents of the container and contained, and that was known to every student of logic.<sup>27</sup> His source is Aristotle, who first used the it in *Physics IV* when talking about "locus" as the name given to the surface of a containing body holding

<sup>24</sup> Valera, Genesis 3.7: "Entonces fueron abiertos los ojos de ambos, y conocieron que estaban desnudos; entonces cosieron hojas de higuera, y se hicieron delantales"; Valera, Genesis 3.21: " Y Jehová Dios hizo al hombre y a su mujer túnicas de pieles, y los vistió;" Alfonso el Sabio, *General Estoria* 6a-b, "et quando los echaua del Parayso dioles unas pellicas fechas de pelleias de ganados muertos que fueron uiuos."

<sup>25</sup> The "manto" also indicates the higher status of the passerby, for the term designated an outside garment covering the nobility (Sebastián de Covarrubias 1075.1).

<sup>26</sup> The *Especulo de los legos* contains an "exemplum" in which an old whore says, "Ya non quieren beuer los omes de mi uino por ser anejo, ve e pregona el uino de la cuba nueua de mi fija . . . E de aquí es lo que dize el profeta Ezechiel: Qual era tu madre, tal es la fija" (361). Other variations of the same sentiment exist: "Cual la madre tal la hija, porque las crían junto sí, las hacen a sus costumbres" (Covarrubias 689-690), and Iñigo López de Mendoza, "Cabra va por viña, cual madre tal fija" (núm. 164). Covarrubias also comes close to the meaning of the proverb "Putá la madre, puta la hija, y puta la manta que las cobija" in his gloss to "capa," which mentions that "echar la capa encima al amigo es cubrir fus faltas, como lo hizieron Sem, y Iapheth, hijos de Noe" (384.1-385.1). "Manto" and "manta" are distinct items, although the latter is derived from the former. For other variations of the use of the "manto" in 16th and 17th century theater and in proverbs (see de la Granja 276).

<sup>27</sup> The container/contained argument has been used down to our time to explain sexual difference (see Luce Irigaray 12). However, *Pleyto* places its emphasis on proper ownership, and we must never forget that it is written exclusively from a male point of view that sees the universe hierarchically ordered, where the male principle is not only superior but active and the female is reactive and passive.

the contained.<sup>28</sup> However, he later treated the same concept in *Categories* to represent location (place or space) and elaborated on the several modes that could be used to answer the question "where?," but he only mentioned three of them: action, passion, and position.

The confusion caused by the two descriptions of "locus" and the incomplete discussion of its modes resulted in one of the most hotly debated Scholastic arguments.<sup>29</sup> Medieval scholars expanded the 6th-century *Commentary on the Categories* of Simplicius (first translated into Latin in the mid-13th century) and the anonymous 12th century *Liber sex principiorum*, or *De sex principiis* by translating "locus" as "where" ("ubi") and dividing the concept into two, "ubi circumscriptivum" (the location of concrete bodies) and "ubi difinitivum" (the location of spiritual beings). They also further developed the nature of the concept's predicates by discussing substance, quantity, relation, quality, action, passion, and position; and, they determined that "locus" refers to the space that holds, whereas "ubi" is "what is circumscribed and surrounded" (Edward Grant 71-72).<sup>30</sup> This makes the "manto" a fitting symbol for the juridico-political possession of a place or territory, in other words, who has sovereignty over a thing, because "dominium" and "imperium" both have spatial consequences. This is central to the works of Bartolus and Baldi and the first question posed by Machiavelli's *The Prince* (ca. 1513). These arguments are central to *Pleyto*.<sup>31</sup>

The "procurador del Coño" first states that for a thing to be physically contained within another, it must be smaller:<sup>32</sup>

por razon muy conofcida  
toda cofa que fe tiene  
dotra mayor fer tenida.<sup>33</sup>  
(stanza 5)

that, according to common knowledge,  
everything contained  
must be held by something greater.

<sup>28</sup> Emanuela Bianchi (381) characterizes Aristotle's argument as resting on "on four primary axioms. (1) It contains a thing, but is not part of the thing contained; (2) it is neither less nor greater than the thing contained; (3) it can be left behind by the thing contained and is separable (choriston) from it, and (4) all places are characterized by being up or down." See her article for a more thorough discussion of the problems caused by his definition.

<sup>29</sup> "Los nominalistas defienden que la palabra es un mero signo verbal que carece de valor representativo, distinguen entre significado y contenido significativo y consideran el estudio del significado, independientemente del contenido, como el campo propio de la lógica ... Los humanistas, por el contrario, reivindicarán el viejo realismo aristotélico, según el cual existe una relación isomórfica entre la realidad y la palabra que la designa: la palabra es la cosa" (Baranda 1992, 16).

<sup>30</sup> The longest discussion had to wait until Francisco Suárez's Sixteenth-Century *Disputationes metaphysicae* (LI: "De ubi"). See Grant on the medieval concept of "ubi" and the *Stanford Encyclopedia of Philosophy* for a general discussion of Aristotle's ten categories.

<sup>31</sup> Arguments about the container/contained appear everywhere. Geoffrey of Vinsauf (*Poetria nova* and *Documentum de mode et arte dictandi and versificandi*), for example, recommended the "disputatio" between container and contained as one of the ways of achieving "ornata difficultas" (Vinsauf *Documentum*, 66). It can even be approached from the point of view of reliquaries, in which the most important thing is not the container but what is contained (Hahn). They also figure to a lesser degree in *Carajicomedia*.

<sup>32</sup> The metaphor goes back to Gorgias's *On Not Being*, Plato's *Timaeus* (9-52), and Aristotle's *Physics* (2.209<sup>b</sup>6-13) and *Categories* (see below). It is an aspect of the evolving theories of place. One famous example is Jorge Manrique's sea/rivers metaphor, where rivers/lives end in an all containing sea/Death. The thing contained can also be discussed as part of a whole, a part of a thing's nature, a modification of another thing (Shallo 133), or it can be considered a greater thing depending on its accidents (context) or agency.

<sup>33</sup> All textual references come from my edition and translation of *Pleyto* that appears at the end of this article in an Appendix. Syllogistic reasoning is strongly identified with Aristotle, who was so well-known that there was no need to identify him by name, because "the Philosopher" would do.

What's more, he maintains that, since this idea is held by all, it is the equivalent of a "common knowledge" proof, and therefore, it should be sufficient in itself to uphold Coño's rights of ownership.<sup>34</sup> He then adds a corollary. Since power and preeminence are determined by size, and greater size equals greater might, she cannot have taken the "manto" by force, as alledged by her accuser, because it was already hers by right.

The narrator ("el que pregunta") delivers the first counter-argument. He contradicts the statement made on Coño's behalf by saying that her "procurador" has erred in stressing size over deeds (stanzas 7-10).<sup>35</sup> "Actio" and not "quantitas" (quantity or size) is more important, because it can determine the shape of a container,

Toda cofa *que* ha dentrar  
y tenerfe en otra dentro  
ha de fer que pueda estar  
para meter y facar  
(stanza 8)

Everything that must enter  
and be contained in another  
must be at the ready  
to thrust in and pull out.

and adds that what has been claimed by the "procurador del Coño" as a "common knowledge" proof is not actually so, because the opposite is what is really a very well-known fact: Size is of no importance in matters of sex!

Y digo que no conuiene  
fer razon muy conofcida  
por do el hombre fe condene  
toda cofa *que*<sup>36</sup> fe tiene  
dotra mayor fer tenida  
pues que puede lo menor  
en materia de hornicio  
estar dentro enlo mayor  
(stanza 9)

And I say that it cannot  
be a commonly known thing  
for which men can be damned  
that everything that is held  
is bound by something greater;  
since the lesser can  
—in matters of fornication—  
be inside the greater,

And, he concludes that,

aquel es dentro enla cofa  
que entra *con* fuerça enella  
de donde señor fe va  
*concluyendo* enel debate  
que aquel *manto* como eſta  
que fe lieue y fe leda  
al cuytado que *combate*  
(stanza 10)

he who is inside a thing  
enters forcefully in it.  
From which, My Lord, one can  
conclude this debate  
by saying that said cloak  
should be taken and given  
to the wretched litigant."

<sup>34</sup> *Pleyto* argues the concept of space from the point of view of the male and female sex organs, whose existence is a "fact" that should be "readily" accepted. The relationship can be stated as: if  $A > B$  or  $B < A$ , and A is Cunt and B is Prick, then only B can be in A, because it is smaller. The argument also involves the relationship of a part to a whole, because it can be logically argued that if A contains B then A can be considered a whole of which B is a part.

<sup>35</sup> The questioner's interruption is treated as an oral deposition of an expert, in reality such opinions were submitted in writing.

<sup>36</sup> I read this "que" as "por qué."

Carajo's lawyer speaks next. He is also deferential towards the judge but, in a speech that is peppered with irony, he calls his opponent's case specious and fallacious because of its faulty reasoning (stanzas 11-13). It would be absolutely absurd, he says, to consider an action as encompassed by the thing acted upon, and he gives two examples false deductive logic: Because the king and his kingdom are considered to be one, should it follow that a "coño" be thought to be "in" a "carajo" or a bell "in" a clapper?:<sup>37</sup>

Ved *quan* falsa conſeſuencia  
 contra raxon y ſu ley  
 ferie dezir que enel rey  
 el reyno eſta por prefencia  
 pues no menos por potencia  
 eſta el coño enel carajo  
 la campana enel badajo  
 pueſto *que* mueſtra paciencia<sup>38</sup>  
 (stanza 12)

"See how false a consequence  
 —against reason and its law—  
 would be to say that, because in the king  
 the kingdom is present,  
 it is no less possible to say  
 that a cunt is in a prick,  
 [and] a bell in a clapper,  
 because they are within."

The question argued is an aspect of the principle "civitas sibi princeps" (i.e. city which is its own emperor"), does possession convey "dominium"? Coño, fearing that the argument of her lawyer is weak and that the outcome of the trial does not bode well for her, interrupts to declare that if the ruling is not in her favor, she will put herself "en rebeldía" (stanza 14)—a legal term that applies when one of the parties disagrees with a judge's determination. At stake is the payment of "coftas" (court costs), a penalty incurred by the losing party. Coño's lawyer adds that, although there might be authorities and precedents that favor males—and an argument based on agency could appear reasonable to some—a judgement is nevertheless still needed, because the parties can not come to terms, and the passerby did not order the cloak split. He therefore joins Coño in threatening to appeal the verdict if it is not in her favor and also asks that Carajo be condemned to the payment of expenses (stanzas 15-19).

The first judge, who has heard both sides, acknowledges that they have argued a thorny matter; nevertheless, he is ready to issue a "ſentencia interlocutoria" (preliminary ruling) that states that the contained/Carajo is indeed greater than the container/Coño (stanzas 20-22). However, while proclaiming his even-handedness, he also acknowledges that he shares a "carajo" with the accuser. This admission prompts Coño's appeal:

ſabe cos traygo apelado  
 vn claro pleyto en ſu nombre  
 contra lo flaco del hombre  
 por letrados eſforçado<sup>39</sup>

Know that I have appealed  
 the matter in her name  
 against man's weakness  
 backed by learned men."

<sup>37</sup> A false deduction from a premise that misuses the relationship of a king to his kingdom: "Si el rey era entendido y presentado como alma, cabeza y corazón del cuerpo del reino, ni el alma, ni la cabeza ni el corazón pueden separarse del cuerpo sin resultado de muerte. La presencia del rey sería, pues, imprescindible para la vida del reino" (Pérez Samper 40). Metaphors that indicate an inappropriate relationship between container and contained return in the continuation (stanza 68), where García de Astorga makes a burlesque adaptation of the Aristotelian allusion in *Physics* 212 to a ship anchored in flowing water (stanza 68). The bell/clapper relationship was also often explored in logic. Of course, the metaphor is highly sexual in *Pleyto*.

<sup>38</sup> The same idea appears in *Disputatio adversus Aristotelicos sequaces*. Aristotle accuses Herrera of not knowing the difference between "medir y ser medido, que lo uno es hazer y lo otro padecer" (175).



(stanza 23)

What follows is Carajo's lawyer's rebuttal (stanzas 24-29) and his supporting authorities/witnesses — Ptolemy (stanzas 30-31), Dante (stanzas 32-33), and Macías (stanzas 34-35)—who exemplify the universality of the situation.

A second ruling further reveals the judge's biased nature. During disputes over ownership, judges could order sequestration of a "res" in order to later transfer custody to the winning litigant (Pérez Ragone 298).<sup>40</sup> We assume, therefore, that the proper "restitutio" of the "res" is about to be flouted, when he says that possession of the "manto" should by all rights be his (stanza 36). Instead, however, he delivers a surprising "sentencia difinitiva" in favor of Coño (stanzas 36-39) that is supported by the examples of Adam (stanza 40), Solomon (stanza 41), Hercules (stanza 42), and Samson (stanza 43), who are all witnesses to her superiority (stanza 44).<sup>41</sup> The judge's ruling (stanzas 45-48) then condemns Carajo to pay all court costs:

Y pues mal ha proceffado  
por esta sentencia ordeno  
queste preso, encarcelado  
enel coro<sup>42</sup> confiscado  
porque en costas le condeno  
y enel coño le confuma  
pleyto costas y trabajo  
(stanza 47)

"And because his case failed,  
by this sentence I order  
that he be imprisoned, jailed,  
confined to the choir,  
because I condemn him to pay costs  
and in the Cunt be consumed  
lawsuit, expenses and work

The "costas" include not only the expenses of the court, but a per diem for his confinement. There follows a funny declaration of a gentleman in support of Carajo about the latter's need to auction his testicles to pay the costs (stanzas 50-53),<sup>43</sup> and another formal appeal of the sentence by Carajo that invokes the name of Torrellas and Juan del Encina as authorities and demands to see all the documentation concerning the preceding trial (stanzas 54-60), because the initial ruling was given in the absence of himself or his "procurador" (stanza 25), but all legal manouevers come to an end with the judge's refusal to grant another appeal (stanzas 61-63), and Coño wins the trial.<sup>44</sup>

We should be careful, however, in how we interpret the trial's outcome. Although the judge rules in favor of the accused, *Pleyto* does not deal in righteousness but in irony. In the words of Taylor (77), justice requires "sinceritas" and, although Coño is the winner of the "manto," "todo entero / por titulo verdadero" (stanza 18), *Pleyto* mocks this result. The sole purpose of the "sentencia definitiva" is to assign blame to Coño, as the place or "locus, from where children have come since the beginning of time:

<sup>39</sup> These are the "iuris periti" who will support the plea as expert witnesses.

<sup>40</sup> This is the objective of a "sequestratio possessionis."

<sup>41</sup> It may be significant that three of the four authorities cited in the judge's ruling are biblical (Adam, Samson, Solomon), and the fourth was considered the founder of Spain (Hercules). Those given earlier by Carajo's "procurador" are not biblical (Ptolemy, Dante, Macías).

<sup>42</sup> A metaphoric use of the word "coro" (choir). It means that he is remanded to the public jail along with other prisoners but, as we soon learn in stanzas 50 and 51, the dark jail is actually another metaphor for the inside of Coño.

<sup>43</sup> Stanzas 50-53 appear to be just another supporting statement like García de Astorga's continuation.

<sup>44</sup> Álvaro Pérez Ragone writes: "Por su lado la rebeldía del demandante otorgaba al demandado el derecho a optar entre dos alternativas: una el rechazo de la demanda, otra la continuación del proceso con la posibilidad del dictado de una sentencia definitiva de mérito" (298).

De adan dize el escritura  
*que* fiendo hombre tan fanto  
 por aficion de natura  
 por cobrir el abertura  
 luego proueyo de manto  
 quenel primero retoño  
 dela primera nacion  
 fuera verguença enel coño  
 parecer la criacion  
 (stanza 40)

"Of Adam, the Scripture says  
 that, in spite of being such a holy man,  
 by natural inclination,  
 in order to cover the gash  
 he then provided a cloak for it.  
 For the first shoot  
 of the first nation  
 would be ashamed in the cunt  
 to have appeared."

The judge's statement is confirmed by Astorga, who says that,

... lo quel coño leuo  
 digo ques muy bien leuado  
 por preminencia y estado  
 del mismo pues del fãlio  
 Y pues este fue el venero  
 donde se crio primero,  
 muy iusta causa lo quiere,  
 fer el coño el heredero  
 delo *que* permaneciere  
 (stanza 70)

And what the Cunt pocketed,  
 I consider properly taken  
 by the superiority and state  
 of it, for it ["Carajo"] came from it.  
 And because this was the source  
 of its earliest upbringing,  
 it is very justified  
 that the Cunt inherit  
 whatever might remain.

*Pleyto's* judge is part of a system that adjudicates based on precedents (Goodrich 2011, 793),<sup>45</sup> which in burlesques only "seem" to engage the present with the past with the intention of binding a future (see Del Mar). *Pleyto's* turning of a "pactum nudum" into a "pacto vestito" is therefore double-edged. Coño may have won a "manto" with which she can cover herself but, in the topsy-turvy world of "burlas," rulings never meet out justice.

### Staging the Law: *Pleyto del manto* and the Théâtre de la Basoche

As we have seen, texts belonging to the "querelle des lois" and the "processus" found particular favor among Medieval and Renaissance jurists. It is very probable that *Pleyto* was written by the same type of person: university-trained lawyers or clerks aware of these literary traditions and who adapted them to their purposes. As students, they prepared for a career in the law mostly at Salamanca or Valladolid.<sup>46</sup> Some of them were second sons of the nobility; most, however, belonged to a city's oligarchy, which considered education in the law a means of securing posts for their children, who then

<sup>45</sup> Coño's final victory should be viewed as a miscarriage of justice. Astorga would assert her guilt until the Second Coming.

<sup>46</sup> Jurists in Córdoba, for example, served as "lugartenientes del alcalde mayor" in resolving "pleitos sobre cuestión de términos, problemas de herencias, etc." (Margarita Cabrera Sánchez 2002, 336). Cabrera finds corroboration of this interest in the law even among those about whom the documentation is silent about their degrees, because they function as "abogados, procuradores, alcaldes mayores lugartenientes o alcaldes de la justicia, o analizando los cometidos que llevan a cabo: resolución de pleitos, ejecución de sentencias, etc." (2002, 336). For the steady increase of university trained jurists during three Trastámara reigns, see W.D. Phillips 479.

worked for city governments, the Church, or the Crown in different capacities. Some may have also studied in Paris, or been trained by professors from the Sorbonne.<sup>47</sup> It is probable that this subset of students would have been familiar with the preponderantly legalistic farces of the Théâtre de la Basoche (Joy Enders 9), which share many characteristics with *Pleyto*.

The French Society of the Basoche was founded in 1303.<sup>48</sup> It was composed of law students and clerks that were officially charged by the king of France with the entertaining a particular type of audience, one that enjoyed mocking the same legal jargon they used on a daily basis.<sup>49</sup> Members of the Basoche wrote and acted in the one hundred and fifty surviving "soties," farces, and moralities created between 1440 and 1560 (Dominique Goy-Blanquet 133-134), and which represent what one critic has called the golden age of French farce (Freeman 12). What's more, the phenomenon was not restricted to Paris.<sup>50</sup> Basoche societies existed in several provincial cities in France as well.

Perhaps the best examples of basochien compositions with a strong juridical component that is comparable to *Pleyto* are the farces of Guillaume de Coquillart, who wrote a monologue entitled *Les Droitz Nouveaux* (2328 octosyllables written in 1480), in which court procedures and the practice of jurisprudence are mocked, while pointing out that both men and women are subject to the desires of the flesh; *Le Plaidoié entre la Simple et la Rusée* (a legal dispute written in 813 octosyllables between 1482 and 1483, in which allegorical characters called Simple and Cunning fight over a young man called Mignon);<sup>51</sup> and, a continuation of *Le Plaidoié* written during the same time and called *L'Enqueste d'entre la Simple et la Rusée* (964 octosyllables).<sup>52</sup>

These works of Coquillart share characteristics with *Pleyto*: they take place in court; their rubrics indicate the function of the characters who take part in the case (le Juge, L'Advocat de la Simple, L'Advocat de la Rusée, Le Greffier, le pledoiant, la demanderesse, le petitoire, etc.); and the testimony of witnesses ("Le premier tesmoing," "Le seconde tesmoing," etc.). Their speeches likewise incorporate copious Latin and vernacular law terms, for example,

La fournir à son appetit:  
Car qui ne fonce, **de quibus**?<sup>53</sup>  
Prester l'appetit sensisif.

(Coquillart, *Plaidoyé*, Héricault, ed., II: 22)

<sup>47</sup> The vast majority of those about whose education we know attended Salamanca, with a few going to Paris, Toulouse, or Bologna in the fifteenth century (Susana Guijarro González 84-95).

<sup>48</sup> The French term 'basoche' seems to be a corruption of "basilica" (palace) and may have originally indicated a craft or an association. However, it always has been associated with mockery. There is evidence that writing and staging plays was also an important activity among the clerks of the Inns of Court in England (Guillemette Bolens). This may have also been an outgrowth of the moot courts they held as part of their training.

<sup>49</sup> According to H.G. Harvey (23), "The humor in these mock trials arose from the incongruity of setting into motion all the elaborate processes of justice, all the learning of the judges and advocates, for a trivial and ridiculous cause .... All the exquisite boredom of judges who had listened the year long to the tortuous arguments of advocates, all the pent-up resentment of advocates forced daily to employ their learning for the benefit of despicable and ungrateful litigants, evaporated into ribald laughter ... fully appreciated only by the elite, and yet the essentially comic situation was capable of amusing a much wider audience."

<sup>50</sup> The best studies on the Basoche and Coquillart are by M. Bouhaïk-Gironès (2005, 2007, 2008, 2010), and you can consult the evidence for an early French theater in Jelle Koopmans (2011).

<sup>51</sup> Coquillart died in 1510. These pieces were probably staged on 1478/1479 and 1480 (Freeman 1980, 92-94).

<sup>52</sup> There are many other examples both before and after the theater of the Basoche. We have seen how Mary's role as mediatrix is mostly cast in the form of a "disputatio" with Satan in which he is the prosecutor, she is the defense attorney, and Christ is the judge. At the other end we have much of *La Farce de Maître Pathelin*, which takes place before a court (see Maryse Forget).

<sup>53</sup> "What shall one do?"

**Ubi de hoc?**<sup>54</sup> Aulx veaux! aulx veaux  
(Coquillart, *Plaidoyé*, Héricault, ed., II: 26)

De la Simple, je dis, **primô**,  
De sa **possession et saisine**  
N'est pas faicte **tali modo**,  
Comme **le droit** le determine;  
(Coquillart, *Plaidoyé*, Héricault, ed., II:42)

These farces also refer to a variety of judgements (provisional, peremptory, or definitive) according to when they are delivered; and to argumentations and contracts,

Et dit que celle Simple aura  
De cest amy la recreance,  
**Despens réservés en sentence**  
**Diffinitive**. Sans doubter,  
Ouy de chascune **l'alegance**  
**Contraire**, vous veult appointier.  
(Coquillart, *Plaidoyé*, Héricault, ed., II:68)

Lesquelles faisoient mentions  
De battures, seditions,  
D'excez, de partialité,  
De **contractz** et de **pactions**,  
Et aussy de **drois et raisons**  
**Qui touchent la propriété**  
Du Mignon. Et en verité,  
Cela fut par vous appointé.  
Et furent donnés commissaires,  
Ausquelz la Rusée a porté,  
Ainsi comme il est d'equité,  
Ses **poins** et **interrogatoires**;  
Et ladicte Rusée encores,  
Aux **possessions** et **memoires**,  
Respondit tout pour le meilleur;  
Du surplus, vey **paremptoires**  
(Coquillart, *Enquête*, Héricault, ed., II:75)<sup>55</sup>

There are frequent appeals to the authority of the law about rights of possession,

<sup>54</sup> The question, "Ubi de hoc?" (What else?), is followed by the yells of students forced to declaim absurdities.

<sup>55</sup> Interesting also is a section of Coquillart's *Droitz Nouveaux* called *De pactis*: "Vous sçavez, mes bons aprentis / Quant mismes fin à noz leçons, / Nous laissames à departis / Des pactes, des conventions. / D'acordz, traictiez et pactions / De toutes façons, et contraulx, / On trouve les definitions / Sur ce tître en noz droitz nouveaulx; / Tous achaptz, marchez feriaux, / Prestz, obligations, louages, / Promesses, motz sacramentaulx, / Despens, donacions et gaiges, / Renonciations, langaiges, / Tous consentemens sans erreur, / Ainsi comme dient les saiges / Se traictent icy par honneur" (Héricault I: 121-122).

Et est, selon bonne equité,  
**Possession non juridique.**  
 Nous avons **en droit et pratique**  
 Pour nous, au mains touchant ces ditz,  
 Et mesmement la voye unique,  
**Codice, Ubi possidetis,**  
**Et la loy tierce, Digestis,**  
 Qui dit, **eodem titulo:**  
 Que à bien possiderest requis,  
**Non vim, clari nec preclaro.**<sup>56</sup>  
 (Coquillart, *Plaidoyé*, Héricault, ed., II:41)

and references to who is responsible for paying trial costs,

Elle faict protestation  
 Et si requiert **tous coustz et fraiz**  
 Por toute resolution,  
**Despens, dommaiges et interestz,**  
 (Coquillart, *Plaidoyé*, Héricault, ed., II: 21).

Like Coquillart's plays, which mix French and Latin, *Pleyto* mixes Spanish and Latin, and refers to its case as a "pleyto" or "processo," and to the roles of its characters as "procuradores" and "jueces." These last two terms are so frequent in the poem or its rubrics that I do not dwell on them unless they are used to qualify a specific role—such as "primer juez" (to refer to the original case) or "a quo" (to refer to a judge against whom an appeal is brought). There are also references to the kind of witnesses "teftigos para prouar" (exemplary persons mentioned used to prove a point), "teftigos prefentes," (witnesses that appear in person), or friends of the court and their depositions. For example,

dela **sentencia** que veys  
 del dicho **juez aquo**  
 (stanza 27)

with the judgment before you  
 given by the former judge.

la parte fin requerir  
**teftigos repreguntados**  
 (stanza 28)

the case [of the Prick] without requiring  
 a cross-examination of witnesses

**teftigos para prouar**  
 en *contrario* mintincion;  
 (stanza 29)

witnesses to support  
 my opposing argument,

<sup>56</sup> According to Héricault (II, 41), the argument is about possession in Roman law. In order to possess a thing by right, one must possess it **non vi, nec clam, nec precario**, in other words, without threat of violence, openly, and with unassailable title. Besides alluding to aspects of the arguments of the "procuradores" in *Pleyto*, the comment illustrates how at times, the language of the court almost takes over a text, for example: "Car nous avons communement, / (**Et de jure notissimo.**) / Contre vous ung fort argument: / **Quod possidenti**, seurement, / **Nulla competit actio: / Instituta et Digestis,** / (Assi vray que je dis, / Au Paragraphe **cum vero / De acquirendo dominio,** / Le plus souvent **invenio / In jure: quod probatio / Semper incumbi actori**" (*Enquete*, Héricault, ed., II: 76-77).

Al dar daquesta sentencia<sup>57</sup>  
**testigos presentes** fueron  
 (stanza 49)

In making this ruling,  
 the witnesses present were

**Declaracion** de vn cauallero en  
 nombre del carajo condenado.  
 (rubric to stanza 50)

Deposition of a Gentleman in the Name of  
 the Condemned Prick

*Pleyto's* judges are members of a "tribunal" or "consistorio," and the poem uses a judicial formula, "pro tribunal y sedendo," to indicate the formal issuance of a ruling from the bench of a presiding judge. It also makes constant references to procedures, appeals, and issuance of sentences ("or sustentaciones"):

fabe cos traygo **apelado**  
 vn claro pleyto en su nombre  
 (stanza 23)

Know that I have appealed  
 the matter in her name

que diftes en **confitorio**<sup>58</sup>  
 con cierto **interrogatorio**<sup>59</sup>  
**sentencia interlocutoria**<sup>60</sup>  
 (stanza 28)

that you gave in the consistory,  
 jointly with a certain questioning,  
 a preliminary sentence

**Vifto el proceffo** presente<sup>61</sup>  
 (stanza 38)

"Having heard the present case

conellos pronuciare  
**sentencia difinitua**<sup>62</sup>  
 (stanza 44)

with them, I will deliver  
 a definitive sentence.

**Sustentacion** dela sentencia  
 (rubric to stanza 45)

Writ Upholding the Ruling

entiendo de dar **sentencia**  
**pro tribunal y sedendo**<sup>63</sup>

I agree to give judgment  
*pro tribunal* and *sedendo*."

<sup>57</sup> This stanza may be in the voice of the narrator/questioner, who uses "coplas reales."

<sup>58</sup> "Consistorio . . . El Consejo, Tribunal ò Juzgado, donde se ven y deciden las causas y litigios en común, assi Sacras, como civiles, criminales y económicas" (*DRAE* 1729, 531.1).

<sup>59</sup> The "interrogatorio" is the written or verbal questioning of the plaintiff and witnesses in order to establish the truth.

<sup>60</sup> The "sentencia interlocutoria" is the temporary judgment given against one of the plaintiffs.

<sup>61</sup> This is the formulaic language that concludes a trial and announces the sentence (see *Cancionero de Sebastián de Horozco* 259)

<sup>62</sup> A "sentencia definitiva" brings a trial to a close. However, the phrase can be misleading, because it can refer to the final judgement on a particular stage of a case (summarized in the next five stanzas with an appeal for leniency); or to a formal appeal of the ruling before another judge, as is the case later.

<sup>63</sup> Covarrubias gives the following definition for "TRIBVNAL, los estrados y filla alta en que se fienta el juez a juzgar, y dar la sentencia, segun la formula comun, pro tribunal i sedendo" (54r).

(stanza 45)

vna **lencia** cruel  
**protribunal affentado**  
 (stanza 54)

issued a cruel sentence  
 from the bench sitting,

to documentation ("canones mayores," "apostolos"),

antes toda conformada  
 con los **canones mayores**<sup>64</sup>  
 (stanza 27)

but in accord  
 with the Major Canons."

he fabido por **memoria**,  
 (stanza 28)

learned through a writ

me otorgueys esto *que* quiero,  
 con los **apostolos**<sup>65</sup> del;  
 (stanza 59)

that you grant my demands  
 and the documents you sent.

and to the payment of court costs,

vos las **coftas**<sup>66</sup> purgareys  
 enlo hondo de mi parte  
 (stanza 14)

[I say] you will pay the cost of the trial  
 in the depths of my being [i.e. cunt]."

y demando reprobuar  
 ala parte y condenar  
 en **coftas** las quales pido  
 (stanza 19)

and I demand a rebuke  
 of the [opposing] part and its conviction  
 to the payment of court costs, which I request."

quel coño deue purgar  
 las **coftas** enel letrado<sup>67</sup>  
 (stanza 26)

the Cunt to purge  
 her expenses of the *iuris peritus*."

porque en **coftas** le condeno  
 y enel coño se confuma

because I condemn him to pay costs  
 and in the Cunt be consumed

<sup>64</sup> Law degrees could be in "Leyes" or "Cánones," or both. "Cánones mayores" was also the name of the exam to obtain a degree in canon law.

<sup>65</sup> In some areas, it is still a writ summarizing the case that a lower court gives to the party making the appeal so that he can give it the appellate court.

<sup>66</sup> The sense is that Coño threatens to disappear before the judge rules, but she turns to Carajo and threatens him with losing. A losing litigant could be saddled with all the expenses of the trial. The reference is to the "addictio bonorum," or the sequestration of goods made by the judge to cover the expenditures of the trial. The "costas expensis, dampnis et interesse" include the expenditures incurred by the court, the fines fixed by the law, the honoraria of the lawyers and, at times, those of other court and jail personnel (Pérez Ragone 301).

<sup>67</sup> Having lost, Coño is condemned to paying all of the expenses of the trial, but the allusion here is only to the support of the *iuris peritus*.

pleyto **coftas** y trabajo  
(stanza 47)

lawsuit, expenses and work

y enlas **coftas** condenado  
... pues mandays *quefte encerrado*  
hafta auer **coftas** pagado  
enlas tinieblas del coño.  
(stanza 50)

and condemned to pay expenses  
... for you have ordered him jailed  
until he has payed legal costs  
in the dark recesses of the Cunt."

These coincidences make it very likely that the writers of *Pleyto* were aware of the existence of the French farces, even though plays were not usually performed in Spain until later.<sup>68</sup> However, the questions of for whom *Pleyto* was written, when, and where still need to be asked, and I believe that they are to be found in the original poem and in the additions of Astorga.

### **The Additions to *Pleyto del manto* and Pedro Fernández de Córdoba y Pacheco, 1st Marquess of Priego and Head of the House of Aguilar**

In his final "apelación," Carajo" maintains that one of his witnesses, the Catalan poet mossén Pere Torroella, had died in the past century (stanza 57).<sup>69</sup> Since Torroella died ca 1492 according to Rodríguez Risquete, everyone has surmised that *Pleyto* was composed in the interval between 1500 and its publication in 1514. The additions by García de Astorga, however, allow us to further narrow down that date.

Astorga added 1) three stanzas that come after *Pleyto's* original "Fin" and counsel Carajo on the sale of his testicles (stanzas 64-66); 2) a two-stanza "canción" inserted into a "carta de envío" to Pedro de Aguilar that criticizes Coño (stanzas 67-68); and 3) a five-stanza "canción" in favor of the final verdict that follows after the letter and mentions that the original poem was written "en estilo cordoues" (stanzas 69-73).

Ponce Cárdenas believes that this last description of the poem as written "en estilo cordoues" most likely refers to the fame of Antón de Montoro, the great Cordoban satirical poet, who died around 1483 (2001, 265). I believe, however, that it tells us that the *Pleyto* was composed by Cordobese authors. At least part of the addition was sent to Pedro de Aguilar, Astorga's lord, who was better known to us as Pedro Fernández de Córdoba y Pacheco, 1st Marquess of Priego, 7th lord of Aguilar de la Frontera, and "alcalde mayor" of the city. As we shall see, *Pleyto* actually refers to his trial for treason in 1508 and to its aftermath.

Fernando III had conquered Cordoba in 1236 and made the city and its vast territory part of the royal domain (see Juan Bautista Carpio Dueñas). The Crown, however, shared some of its "dominium," i.e. the city's higher offices and hinterland, with its most prominent citizens, while reserving the right to appoint its "alcaldes mayores" and "consejo de veinticuatro" (John Edwards 1984).<sup>70</sup> These functionaries, together with the "jurados" that represented Cordoba's parishes, ruled the city. The "veinticuatro" and the "alcaldes mayores," however, came to be largely picked from the two

<sup>68</sup> The terms "farsa" (with the sense of "interlude"), "comedia," and "entremés" (from the Italian intermezzo") appear in Spanish slightly before the *Pleyto* and *Disputatio*. Critics believe that "farsa" is an Italian borrowing, but it could just as easily have come through France.

<sup>69</sup> It is interesting to note that, in addition to Torroella's "Maldezir de las mujeres," he has been considered the probable author of the prose "Leyes de amor" of the *Cancionero de Herberay des Essarts* (Aubrun 24-26).

<sup>70</sup> The name "twenty-four" is a misnomer, because by the late-fifteenth century the council had increased to more than four times that many (Edwards 1984, 282).



noble "bandos" that controlled Cordoba, the Aguilar and Baena, headed respectively by the Marquess of Priego and the Count of Cabra at the beginning of the sixteenth century.

Given this complex system, ruling Andalusian cities proved difficult for the monarchs that followed Fernando III, because it involved a careful balancing of the Crown's interests with those of the local nobility and people. In the late-fifteenth century, the titled aristocracy of Andalusia, in particular, resented the interference of two new institutions by which the Catholic Kings attempted to cope with the problems that arose in cities under their jurisdiction, the "corregimientos" and the Inquisition. The grandees, however, considered that both infringed on ancestral rights that they were sworn to protect. For example, when the 1st Marquess of Priego inherited his father's titles and offices in 1501, one of his first acts was to sign an alliance with Fray Diego de Deza, Archbishop of Seville, the Duke of Medina Sidonia, and the counts of Cabra and Urueña to defend the region against unnamed threats (M.C. Quintanilla Raso 1979, 150).<sup>71</sup> The pact, however, was really intended to protect their privileges in the face of both institutions.<sup>72</sup>

Cordoba, however, remained relatively peaceful until 1507, when Fernando de Aragón was forced to appoint "corregidores" tasked with fact finding and resolving disputes between its people and the Inquisition. That year, some of its citizens had rebelled against the excesses of Inquisitor Lucero, destroyed the Inquisition's jails, freed its detainees, and imprisoned its prosecutor and notary (José Szmolka 282-283).

Pedro de Aguilar, who managed by June 1508 to have himself reinstated as "alguacil mayor" after being deposed from the office by one of the "corregidores" appointed by Fernando de Aragón (Edwards 1976, 166), did not move against the mob. What's more, when the king sent an "alcalde de casa y corte," Fernando López de Córdoba, to investigate, Aguilar had him imprisoned in his castle at Montilla under the pretext that Juana had not signed the order appointing him to his office (Edwards 1976, 227).<sup>73</sup>

Aguilar must have believed that he was within his rights, and that he was merely signaling to the king that he had to contend with the desires of the overlords of Cordoba in any affair regarding the city. He had neither thought through the consequences of his action, nor was he sufficiently powerful to defy the king, who interpreted his act as an overt defiance of the Crown that was in need of a prompt response. On the 25th of June, Fernando de Aragón wrote:

El Rey.—Concejo, justicia, xxim caballeros, jurados, etc. de cibdad de Xerez de la Frontera. Vimos vuestra letra de 24 de Junio en que nos hacéis saber el atrevimiento que el Marqués de Priego ha hecho en contra lo que debía y era obligado á la justicia y obediencia de la Serma. Reyna nuestra hija, y como sus más leales vasallos ofrecéis para lo que se hubiere de proveer para el castigo y execucion de cosa tan graue vuestras, personas y haciendas; y como quiera que no es cosa nueva esa cibdad señalarse siempre en las cosas que son de mucha lealtad y servicio para la Corona Real destos reinos y desto se ha visto larga experiencia en todas las cosas pasadas, todavía habernos habido placer de

<sup>71</sup> The summary of events comes from John Edward's 1976 and 1984 essays and from chapter 5 of Quintanilla Raso (1979). Many of the persons who joined the alliance were probably connected to *Carajicomedia* as well.

<sup>72</sup> A copy of the pact, signed by the Duke of Medina Sidonia, the Count of Urueña, the Count of Cabra, the Archbishop of Seville and the Marquess of Priego survives (RAH Salazar K-37, fols. 196-197; see also Edwards 1976, 231). But this is just one of several self-protective pacts entered into by the titled nobility.

<sup>73</sup> The events that led to the revolt, as I said, have been studied by Edwards (1976, 1984) and by Quintanilla Raso (1979) and Antonio Espejo (2012). For more information about Aguilar, also see Ponce Cárdenas 2001 and 2002; his revolt has been examined by Regina María Pérez Marco (532ff) from the point of view of the tensions that existed between the Crown and a portion of the nobility.

ver que tengáis en tanto vuestra lealtad que no solamente uséis siempre della, más que seáis de los delanteros en sentir lo que se hace en deservicio de la dicha Serma. Reina mi fija y en obrar en el castigo y exención dello: lo cual vos agradecemos y tenemos en servicio Dada en Burgos. (Rodríguez Villa *BRAH* 54, 1909, 155)<sup>74</sup>

The king had intuited—correctly—that Aguilar's challenge of his authority would encourage other Andalusian magnates to similarly rebel, and he intended to make an example of him to warn off others who might want to do the same (*BRAH* 54, 1909, 170-171). Orders were sent to the cities of Ubeda, Sevilla, Baeza, Granada, Andujar, Ecija, Antequera, Carmona, Jerez, Alcala la Real, Loja, and Cordoba, in the name of the queen, asking them to be ready to add their forces to those of her father who, in August of that year, would come in person to remedy the situation. This rebellion is the event recalled by *Pleyto*. If this is correct, then the work is not an example of an adolescent concern with sex, but a burlesque of the clash between a Cordobese nobleman and the Crown that is written from the point of view of people who favored Aguilar.

It is remarkable that although Coño is the accused, she and her "procurador" speak in only stanzas 4-6, 11-19, and 23. Most of the attention of the poem is given over to Carajo and his "procurador," the narrator (who favors him), and the second judges' sentence concerning his failings (stanzas 7-10, 24-35, 50-60). The points of coincidence between the historical event and the poem are also remarkable and may even change the way we interpret some of *Pleyto's* verses. For example, when discomfited Coño says "a cufo la rebeldia," her words may not allude merely to the legal concept of "rebeldía," which I have translated as "in absentia," but to the actual rebellion of Aguilar, which shifts the focus of her words to Carajo:

Por guarda de mi derecho  
llevando la cierta via  
y fustanciando mi hecho  
no deueys auer despecho  
a cufo la rebeldia  
(stanza 14)

"In the upholding of my rights,  
according to the letter of the law,  
and recapitulating my case,  
you should not take umbrage:  
I declare myself *in absentia*."

More to the point, Carajo's revolt is deemed pointless, not only because it is "contra naturam" (i.e. the natural order decreed by God) but, because his forces are insufficient to challenge Coño, just like Aguilar's:

y aunque deffee el poder  
defte que nunca perdio  
no le quitare el poder  
que la natura le dio.<sup>75</sup>  
(stanza 4)

Even if he [Prick] hankers for the power  
of someone who never lost,  
he can not rob [Coño] the authority  
that nature gave her."

And, the "procuradores" argue whether Coño should be considered the all-powerful owner of the "manto," or should she respect the rights of Carajo to a shared "dominium." The second flies in the

<sup>74</sup> The letters corresponded to the first years of Fernando de Aragón's second regency (1508-1509). They were published in several parts by Antonio Rodríguez Villa in volume 54 of the *Biblioteca del la Real Academia de la Historia*.

<sup>75</sup> The question of the power Coño derives from nature masks a discussion of the irrevocability of the "lex regia" favored by Baldus.

face of the wishes of the "primero testador," in other words, the natural order established by God or Fernando III:

conforme ala voluntad  
del primero testador  
el qual como cauallero  
no mando que se partieffe  
mas fe dieffe todo entero  
por titulo verdadero  
(stanza 18)

in accord with the intent  
of the person who first gave it;  
who, as a gentleman,  
did not order it be split  
but given as a whole,  
with bonafide title,

ñabe cos traygo apelado  
vn claro pleyto en su nombre  
contra lo flaco del hombre  
(stanza 23)

Know that I have appealed  
the matter in her name  
against man's weakness

Just after Coño has denounced the rebellion of Carajo, she threatens that before he will be able to defend his case he will pay the expenses of the trial:

y antes señor *que* hableys  
pues es derecho y no es arte  
vos las coftas purgareys  
en lo hondo de mi parte  
(stanza 14)

And before, my lord, you speak,  
because it is my right and not trickery,  
[I say] you will pay the cost of the trial  
in the depths of my being [i.e. cunt]."

This threat to force Carajo to pay the expenses before the judgment makes no sense, since the payment of "coftas" was one of the things determined only when a final judgment was reached. Carajo's response to the sentence issued by the first judge in favor of Coño also appears to be somewhat incomprehensible. His appeal declares that he is in complete agreement with the judge's decision:

y agora *que* nueuamente  
es venido ami noticia,  
como quier *que* fue ausente  
la confiento enteramente  
lo que haze en mi justicia  
(stanza 25)

and now that word  
of it has recently reached me  
—even though delivered in my absence—,  
I wholeheartedly agree with  
what justice does to me."

These two statements by Coño and Carajo only make any sense until we realize that they reflect the course of action taken by Aguilar before and during his trial.

Gonzalo Fernández de Córdoba (the Gran Capitán) Aguilar's uncle, had earlier explained to him the enormity of the king's displeasure, saying: "Sobrino, sobre el yerro pasado, lo que os puedo decir es, que conviene que a la hora os vengáis a poner en poder del rey: y si así lo hacéis, seréis castigado: y si no, os perderéis" (Zurita VIII, 21). This caused Aguilar to abandon his resistance and go to Toledo to plead his case. The king, however, refused to speak to him until he had surrendered his fortresses:

...conociendo el marqués cuán mala salida tenía, y la determinada voluntad del rey, y que no le quedaba otro remedio, por consejo, y persuasión de su tío, se vino de su propia voluntad a poner en la merced del rey con toda su casa, y estando al tiempo que llegaba a Toledo: y sin querer le ver el rey, le mandó que estuviese a cinco leguas de la corte: y que entregase sus fortalezas ... (Zurita VIII, 22)<sup>76</sup>

Fernando then had Aguilar returned to Cordoba and tried for treason. He also removed him from his official duties; confiscated his properties in the queen's name; ordered his fortress at Montilla destroyed; fined him 20 million maravedis; and required him to pay part of the salary of those who replaced him as administrators of his own properties (Quintanilla Raso 1979, 151-152; Antonio Luis Espejo 294).

Aguilar's surrender reflects the second judge's agreement with the "procurador del Coño's" reasoning that she cannot have taken the "manto" by force, because it was already hers by right (stanzas 4, 14, 29). Like the first judge, he also finds the rights of Carajo weaker and his plea inadequate to justify his suit, therefore, he rules for the defendant:

Hallo quel coño ha *prouado*  
por justicia no de hecho  
fultanciado y alegado  
y al carajo ha reprobado  
por flaqueza de derecho  
(stanza 45)

"I find that the Cunt has proven  
—in justice, not in fact—,  
argued and alledged,  
and the Prick has reprobved  
for the weakness of his right;

y pues justicia lo guia  
daquesto nadie no huya  
digo quen tercero dia  
el manto le restituya.  
(stanza 46)

And because justice has ruled  
let no one circumvent it.  
I rule that on the third day  
it is to return the cloak to her [the Cunt]."

and concludes by saying:

Y pues mal ha procellado  
por esta sentencia ordeno  
queste preso, encarcelado  
enel coro *confiscado*  
porque en costas le *condeno*  
y enel coño le *confuma*  
pleyto costas y trabajo  
(stanza 47)

"And because his case failed,  
by this sentence I order  
that he be imprisoned, jailed,  
confined to the choir,  
because I condemn him to pay costs  
and in the Cunt be consumed  
lawsuit, expenses and work

Faced with this negative judgement, Carajo pays for his folly by selling the property he inherited from his father. These properties are defined as Carajo's "cojones:"

hasta que venda *ellerencia*

until he can sell the inheritance

<sup>76</sup> For Aguilar to reconcile with the Crown, he first had to give up his arms, offices, and castles and place himself at the mercy of the king, but that was not enough for Fernando, who proceeded with his plans without his knowledge.

que fu padre le dexo  
(stanza 53)

left to him by his father.

In the actual trial, the king, who really arrived in Cordoba on September 7, had Aguilar formally accused of the crime of "lese majesté," tried by members of the royal council in the village of Santa María de Trassierra (a short distance northwest of Cordoba), and judged guilty. For Aguilar, these proceedings were highly arbitrary given his status and the circumstances surrounding his offense, and *Pleyto* agrees with this assessment by giving Coño's desire as the core reason for the trial's outcome in the second judge's ruling:

y fi algunos juzgaran  
mal de aquefto que leyeren  
repondo que leyes van  
alli donde coños quieren  
(stanza 48)

And if some were to disagree  
with this that they read,  
I reply that laws go  
wherever cunts desire."

The verses are a parody of a real proverb, "allá van leyes do reyes quieren," that agrees with maxims like "qui potest jus condere, potest illud tollere" (Godolphin 7) that comment on the absolute rights of kings, "rex in regno suo est imperator regni." Like the trial, *Pleyto's* lesson is that nothing can be done against an absolute power. Aguilar had to be content when his sentence was commuted to exile by the mercy of the king:

Sentenciaron los del consejo real en lo que tocaba al marqués que como quiera que según la gravedad de los delitos, y ecesos por él cometidos, por derecho, y leyes del reino, había incurrido en pena de muerte, y perdimiento de todos sus bienes, pero consultado con el rey, considerando que se había presentado, y había guardado la carcelería que se le había señalado, y puso su persona, y estado en las manos del rey, usando de clemencia, y moderado el rigor del derecho, se comutaban las penas de muerte, y confiscación de bienes en destierro perpetuo de la ciudad de Córdoba, y su tierra: y de la Andalucía (Zurita VIII, 22).

...e él [Fernando de Aragón] mandó facer proceso contra el Marqués, e cerrado el proceso, e visto por el Rey e por su alto Consejo, el Rey dió en él su sentencia definitiva ... diciendo que mereçia muerte, empero que por los servicios del Gran Capitan su tío se la reservaba, e condenolo en destierro de Córdoba, que por toda su vida no entrase mas en ella ... (Bernáldez II, 152)

Aguilar's uncle, the Gran Capitán, refused to intervene on his nephew's behalf during the trial,<sup>77</sup> but he fruitlessly objected to the destruction of the castle of Montilla, where he himself had been

<sup>77</sup> The words of the Gran Capitán proved prophetic. Zurita acknowledges as much: "Todos los grandes procuraban de mitigar la ira que el rey llevaba: y aun aquéllos que no tenían al marqués buena voluntad: teniendo por común aquel caso, siendo acometido por grande: y suplicábanle, que se acordase de los servicios, y muerte de don Alonso de Aguilar: y de los que tenía tan presentes, cuanto la persona del Gran Capitán: y el duque de Alba, que era el que más tenía en la gracia del rey, envió sobre ello al marqués de Villafranca su hijo, intercediendo en el negocio, como lo pudiera hacer por don García su hijo mayor. Estuvo el rey muy determinado, y firme, en no dar en este negocio crédito a grandes: para que se disimulase el castigo: porque en la disimulación ellos hacían su hecho: y no curaban de lo que tocaba al estado del rey: y por esto iba

born.<sup>78</sup> Its demolition was a signal to the rest of the Andalusian nobles that resistance to the king could lead to the obliteration of a noble House. The Constable of Castile, however, protested vigorously the rigor of the sentence, which he considered unjust and unprecedented. The section of *Pleyto* that precedes the judge's refusal to hear Carajo's final appeal and is rubricated as a "Declaracion de vn cauallero en nombre del carajo condenado" (stanzas 50-53) is a mocking reminiscence of this plea to the king on Aguilar's behalf.

The flippant additions of Astorga that follow the original poem are not as knowledgeable about court procedures as it is. They are the verses expected of a bufoon; however, we surmise from internal evidence that they too were written after the trial and they do touch on particular characteristics of the sentencing.

Astorga first comically argues that Carajo should get at least half what his Cojones are worth, but he doubts that anyone will buy them. Then he claims that they were accessory culprits, uneven in guilt for their transgression, and yet they were most harshly punished:

Es la caufa tan relaxa  
en herir con tal virote  
fu justicia va tan baxa  
porque hodieron a axa  
açotaron a maçote  
Pero fi quereys mirar  
fi en razon ay cosa cierta  
el carajo entro a hurtar  
y por mas afegurar  
fe quedaron ala puerta.  
(stanza 65)

The case is too weak  
to strike with such a rod!  
Its lack of justice so clear:  
because Axa was fucked,  
Mazote was beaten!  
But, if you want to enquire  
if there is a modicum of truth,  
know that the carajo entered to steal,  
and to be better assured,  
they, [the testicles] remained at the door.

Pero trae razon hermosa  
fi fu derecho le dan,  
dexando metros y profa  
de traellos alaylan  
Mas fi con eftas fomoftas  
no figuieron fu compas  
por matar eftas langostas  
vendanse para las coftas  
pues que no puede fer mas  
(stanza 66)

But his reasoning is good  
if he is granted his right,  
—verses and prose set aside—  
to sell them at auction.  
But even if these crumbs  
are not enough,  
to squash this plague  
let them be sold for the expenses  
for nothing is left.

Likewise, the punishment of Aguilar was not as severe as befell those who backed him:

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muy resuelto de poner al marqués en tanto estrecho, que todas las gentes conociesen, que era perdonado de pura clemencia, y no suspender antes el rigor" (VIII).

<sup>78</sup> From the point of view of Fernando de Aragón, no stronger signal could be sent to other nobles who might be tempted to follow Aguilar's example than the destruction of his principal estate. Montilla, and not Cordoba, was the permanent residence of the Aguilar clan. I do not know who were the members of the Consejo Real that judged Aguilar, but the "alcalde de casa y corte" known as Dr. Cornejo was in charge of the demolition of the castle of Montilla in mid-October, and it is not impossible that *Carajicomedia* refers to same person as the Cornifator (Domínguez 168, 221). Later, when Aguilar was brought back into the fold, the pardon contained a permission to rebuild Montilla, which he never did.

el rey estuvo alli dos meses, e poco menos, e mandó facer sus pesquisas contra el Marqués, e contra los culpados, e contra el Regimiento de Córdoba, e contra todos los que fueron contra el Pesquisidor, e contra el Corregidor, e comenzaron de prender e facer justicia, e mataron e desquartizaron, e al Alcalde de la Hermandad Joan Estevez que dió el cavallo en que fué preso el Pesquisidor desde la Puente cortaron un pié, e derribaron las casas a todos los que fuyeron, e otros asolaron todos sus bienes, e muchos sentenciaron a muerte, e ser quarteados de los que fuyeron ... (Bernáldez II, 152)

Aguilar's person was ultimately not threatened, because he was married to the king's niece, and killing him would have offended a good portion of the high nobility to whom he was related and encouraged more opposition. It was better to make him an example of the king's punishment and mercy.

## Conclusion

In my opinion that *Pleyto del manto* is not just a pornographic poem, but one that mockingly uses the conventions of a debate clothed as a "processus jocosus" to describe the 1508 rebellion of Pedro de Aguilar, who believed that he had an inherent right to share in the rule or "dominium" of Cordoba as its "alguacil mayor," and thought that they were being ignored by Fernando de Aragón. Aguilar had supported Philip of Burgundy's effort to gain control over the cities of Castile by replacing Fernando de Aragón's appointees to city governments with his own men, and one of King of Aragon's first acts, when he assumed the Governorship of Castile after Phillip's death, had been to undo his son-in-law's appointments. Aguilar objected to the king's actions under the pretext that they were illegal, because the grandees had not been notified of or ratified Fernando's regency, but to no avail.<sup>79</sup>

At the trial, Aguilar was found guilty of treason, but his sentence of death was commuted to permanent banishment to the Kingdom of Valencia. In the interim, the king gave him license to leave Trassierra for one of his towns, Cañete de las Torres (about 40 miles from Cordoba), to recover from an unspecified illness (Rodríguez "*Cedulario*," 205, 220-221).<sup>80</sup> He resided in Cañete from November 10 to December 18, 1508, when he departed to begin his exile.

That would be the end of the story, except that we are fortunate to have a letter of protest written and notarized by Aguilar himself that describes the event from his own perspective. The document was notarized in Bailén on January 23, 1509, because it was a friendly city nearer to the border of Castile, and was intended for the eyes of Juana I and other nobles.<sup>81</sup> It describes the trial and allows us to better contrast the reality of his trial with *Pleyto*, and perhaps add some more circumstantial evidence to the time of its possible composition.

The document reveals that Aguilar had not actively participated in the legal proceedings "porq' yo ni los otros caballeros ni personas no fuimos oídos, ni se nos dió libertad. lugar e plazos para nos

<sup>79</sup> Aguilar argued that his rebellion was caused by Fernando de Aragón's defective title to rule ("ex defectu tituli"), which would make him a tyrant with no legal jurisdiction.

<sup>80</sup> Cañete, however, may have been the place where Astorga was waiting to be reunited with his lord.

<sup>81</sup> The document was transcribed by the Francisco Fernández de Córdoba, Abad de Rute (ca. 1565-1626) in chapter 14 of a manuscript history of the House of Córdoba written towards the end of his life and later published in installments by the *Boletín de la Real Academia de Córdoba* between 1954 and 1970. It appears in pages 164-170 of the 1956 issue and was intended for Juana I and the other Andalusian nobles. Copies survive, one of them named, "Protesta de su honra y lealtad que hizo Pedro Fernández de Córdoba, Marqués de Priego y Señor de la casa de Aguilar" in the archives of the Marquesado de Villena (*Frías*) sig. Villena, C.12, D.154. Bailén was a "señorío" belonging to the House of Arcos but it passed into the hands of Rodrigo and his father, Manuel Ponce de León (†1515), himself a brother of the Marquess of Cadiz (see Carriazo Rubio and López Arandia).

defender" (Rute 165). His uncomfortable silence perhaps was due in part to the counsel of his uncle, who recommended that his posture should be one of abject submission, but also to the fact that he had afterwards received assurances from the Crown that neither his person nor estates would be harmed in any way. When this had proven wrong, it was already too late:

yo fui condenado sin ser defendido e sin alegar e probar nis defensiones de inocencia porq' fui certificado de Grandes e personas aceptadas al dh.' Sr. Rey q' de Su Alteza estaba prometido e asegurado que mi persona e lo que tenia no recibiria daño, mengua, ni afrenta, e con la dha. seguridad yo no dixe ni probe todo lo q' me convenía. De q' resulta otro grande agravio la dha. sentencia e proceso, ques la acenstacion era tan criminal, aunq' yo no quisiese se abia de buscar e inquirir mi defensa i ecepciones e asi aunque por las palabras, cartas, e seguridad q' abia dixese q' no queria litfgar contra el Fiscal ni alegar de mi derecho, por eso se me abia de consentir ni recibir antes se abia de mandar que todavia alegase de mi derecho e provase mi disculpa. (Rute 166)

Aguilar also argues that this way of proceeding was contrary to the norm in trials "por que en causas criminales el que es acusado no puede renunciar, aunque quiera, sus defensas e excepciones, q' consiguiente. la sentencia" (168), and he complains that his silence contributed to the sentence:

que yo enla 1<sup>a</sup> estancia no abia sido defendido, ni abia alegado ni probado lo q' convenia ami provecho ... asi mismo es notorio q' despues de puesta la acusacion, estando yo en la prision adoleci de grave enfermedad, e estando así preso absente i enfermo no debieran los juezes acelerar el proceso, e dar la sentencia tan grave e tan criminal. ni aber de fazer acto alguno estando yo enfermo: porq' muí sano e presente abia de estar donde los juezes estaban para hacer los actos q' me convinieran. (Rute 169)

In other words, like Carajo (stanzas 24 and 25), Aguilar had not only remained silent in the early part of the trial, but missed the second part entirely because of his illness. *Pleyto* gives back to Aguilar and those who supported him their voices, otherwise, both stories, as I said, are remarkably similar: Carajo and Aguilar dispute the rights of "dominium," both are involved in a "pleyto criminal" (stanza 24; Rute 168), both are punished with the loss of their inheritance, and both desire a future recovery of that inheritance by becoming suppliants:

y pues este allí estendio  
pleyto en que fe condeno  
quiça fe remediara  
y llorando ganara  
lo que llorando perdio.  
(stanza 53)

And, because he started  
the suit that condemned him,  
perhaps he will find pity  
and weeping gain  
what weeping he lost."

yo había e debo ser tenido por leal vasallo e Alcalde mayor de su Alteza, e se me debían e deben mercedes e gratificaciones, e no fize delito ni cosa de menos valer, ni deservicio ni desacatamto, ni rebelion ala Corona real, porque mereciese perder las mercedes que della tenia, ni las otras penas q' se me inpusieron. Antes hize servicio e guarda de lealtad q' espero mercedes de la Reyna nra. Sra. e de quien despues de sus luengos días sucediere



en estos sus reynos. Las quales espero q, haran ami e alos q' en mi casa sucedieren. (Rute 168)

On the contrary, most of his properties were confiscated or entailed to pay for the services of their new administrators. He would be forced to survive by selling or hocking some of his remaining properties.

In my opinion, *Pleyto* was written in pieces shortly before or after Aguilar's exile to Valencia,<sup>82</sup> but prior to receiving a full pardon and restoration of his properties on April 2, 1510, from Queen Juana I in a display of royal mercy (Quintanilla Raso 1979, 151).<sup>83</sup> It is possible that some of the authors of the original *Pleyto del manto* were among the nine "veinticuatro" and six jurists pardoned at the same time as Aguilar.

The dating of the poem, however, does not tell us whether it was performed. In fact, we know almost nothing about the "sustento espacial y físico de la poesía de cancionero, de cómo se desarrollaban las veladas" (Óscar Perea Rodríguez 2007, 293).<sup>84</sup> What little has been written about these occasions mostly has to do with the royal court; however, while plays like those created by Basoche authors would have been impossible to produce and stage in Spain, because its traditions were different, and there was no urban center with the same cultural role as Paris, "veladas" were also held in the households of prominent nobles like Aguilar.

According to de la Granja and others, any debate that appears in the "cancioneros" could have been performed as an "entremés" before friends.<sup>85</sup> This was the probable destiny of *Pleyto*: It was produced by poets conversant with court procedures and accustomed to employing allegory when treating sensitive matters. *Pleyto's* personification allegory alludes to the trial of Aguilar and contests the results of the actual trial. The judge's definitive sentence in favor of Coño and Astorga's "Del mismo en fauor dela sentencia dada contra el agraiado carajo" both show a preference for Carajo. We

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<sup>82</sup> Aguilar's people could have taken with them a manuscript of the original *Pleyto* or written it shortly after their arrival in Valencia. There is also nothing to prevent Valencian poets associated with the Count of Oliva participate in its creation. Some of them might also have been responsible for the creation of *Carajicomedia* about six or seven years later. In any case, the animosity of Pedro de Aguilar towards the king survived his exile. He died on February 24, 1517, a year and a day after Fernando de Aragón, who died on January 23, 1516. His financial difficulties are summarized by Quintanilla Raso (1979, 154-156). Some obscure verses in the original poem may refer to the trial and its possible outcome: "Ved quien esto dize en julio" (when the trial began) / en Enero que diria" (stanza 22). He reached Valencia that month.

<sup>83</sup> On October 6, 1510, Aguilar was present at the belated swearing of Fernando in Madrid as Governor of the Kingdom of Castile [AHN Nobleza, *Frías*, 17/63, in Quintanilla Raso 2006, 325-332: "Juramento de los grandes en las cortes de 1510"].

<sup>84</sup> The contract for the *Cancionero general* was signed on December 22, 1509 (Perea Rodríguez (2009, 71), about eleven and a half months after Aguilar reached the kingdom. Perea has also speculated that *Pleyto* may not have been among the poems gathered for the 1511 edition of the *Cancionero general* (2012, 332). But if *Pleyto* was composed between 1509 and 1510, it was probably known to Castillo, but Aguilar's fear of angering the Court just when he was seeking a reconciliation may have had something to do with the fact that it does not appear in the first edition of the anthology. We have indication of works dedicated to Pedro de Aguilar during these years, among them Narcís Vinyoles' *Suma de todas las crónicas del mundo* published in 1510 (Perea Rodríguez 2003, 245).

<sup>85</sup> "Cierto es que durante mucho tiempo el famoso pleito no volvería a circular en letra impresa, pero sí de viva voz y gesto, en el teatro, donde no era tan fácil ejercer la censura" (de la Granja 277). De la Granja adduces the testimony of Ciceri, who when talking of Calderón's *El Pleito matrimonial del cuerpo y el alma*, says that one cannot avoid thinking of *El Pleyto del manto* as a predecessor (277). For a recent consideration of the performative approach of medieval Spanish literature, see Bruce Burningham, Ángel Gómez Moreno, and for a more specific review of the theatricality of the "cancionero" dialogue, see Miguel Ángel Pérez Priego. Scholars have made similar claims about many of the works of Rodrigo de Reinosa and the "poesía dialogada" of the cancionero. Among them see Joseph E. Gillet 24 and 27, José María Cossío 57, M. Cabrales 273 and 281f, Elena Santos Deulofeu, Josep Luis Sirera, Laura Puerto Moro, etc. Santos Deulofeu, for example, considers that Reinosa's theatrical expression (256-259) in the *Coplas de las comadres* and the *Gracioso razonamiento* can be characterized as "toscos entremeses" (273).

can grasp this best in Astorga's letter to Aguilar, which initially agrees with Carajo's conviction but finally comes out against Coño in no uncertain terms:

acorde de hazer cinco coplas, *que* alli vera, en fauor delo fentenciado *contra* el martyr bien auenturado carajo, por no fer en discordia *con* tan honrrados juezes aun que bien se hallaran caufas licitas y honestas para que el dicho Coño no fuera oydo en juyzio antes anichilado y echado del segun ley *de* derecho establecida por los reyes antepaffados de gloriofa memoria. (after stanza 66)

The stanzas that conclude the poem also seem to conclude that this is an unnatural exercise of power by Coño, and attributes her success to the fact that she/it controls all ranks of society, among which is the nobility, which does obeissance to it by doffing their hats:

Muchas razones parecen  
por donde es merecedor  
fer el siempre vencedor  
ytem mas *que* le obedecen  
dendel mayor al menor  
porque los mas efforçados  
en fu vigor y potencia  
los capirotes echados  
le van a dar obediencia  
llorandole fus pecados  
(stanza 71)

There are plenty of reasons  
why it [el Coño] is always worthy,  
be always the victor,  
another is that it is obeyed  
from biggest to smallest,  
because, even the most potent  
in their vigor and strength,  
doff their caps  
and pledge their fealty,  
confessing their sins.

This is followed by another quote, that also refers to a hopeful conclusion:

Otra peremptoria do  
a qualquier fabio galan  
por dondel precio gano,  
y es lo que dize el refran  
aquel que sufrio vencio  
(stanza 72)

I state another peremptory law  
to any knowing gallant  
who would attain his goal,  
and it is what the refrain reveals:  
"No gain without pain."

The stanza uses a refrain that alludes to the suffering of Christ at the Passion, who nevertheless succeeded in redeeming man. Carajo, as a martyr, is one who has suffered, but like him will ultimately prevail.

Aguilar insisted repeatedly that his suffering was due to Fernando de Aragón's illegal exercise of power and insisted that he was never formally informed of the king's Governorship or of Queen Juana's incapacity to rule. Several passages in his letter to her also argued that his incarceration and trial contravened the laws of the kingdom, and that his silence was due to intimidation:

todo ello fue fecho contra orden de juicio e derecho, no guardada la orden e solemnidad q' en tales casos e de tanta inportancia se suelen e deben guardar. (165)

a la Reyna Nra. Sra. como a sucesora e heredera destos sus reynos perteneze la governacion dellos. E despues q'el dh<sup>o</sup>. Sr. Rey vino a ellos a mi ni a otros Caballeros e Grandes de Castilla e Andalucía e ciudades no se a hecho saber por carta, ni por mensajero, ni portero, ni por otra manera alguna porque causa de razon su Alteza quería tener e usar i exercer la dh<sup>a</sup>. governacion, ni a mostrado, ni hecho, ni mandado mostrar, ni yo lo e sabido que tenga poder de la Reyna nr<sup>a</sup>. Sra. ni creo, ni a venido a mi noticia q'tal poder se aya dado. E asi mismo el dh<sup>o</sup>. Sr. Rey no a llamado ni juntado cortes, ni lo a hecho saber a los Grandes e ciudades para que yo tuvise causa de nrear i saber q'el dh<sup>o</sup>. Sr. Rey pudiese tener la dh<sup>a</sup>. administracion: porque si la Reyna Nr<sup>a</sup>. Sra. no quiere administrar puede i a podido dar poder si quisiera." (166-167)

Esi por las leyes del reyno pertenecía, o se podia dar al dho. Sr. Rey, yo lo consintiera, e obiera por muy bueno (167)

q' el dh<sup>o</sup>. Sr Rey al tiempo q' quiso venir a Cordova mando enbiar cartas selladas con el sello real a todas las ciudades del Andaluzia y reyno de Granada por las quales mandó q' estuvieran aparexadas e apercibidas para el castigo, q' publicó por las dbas. cartas q' me quería hazer ... qd<sup>o</sup>. me fue puesta la acusacion yo no pude alegar lo q' digo en esta reclamacion, por justo temor e causa q' tenia de indignar mas a su Alteza contra mi, e por la dh<sup>a</sup>. seguridad q' me abia dado (169)

Even if *Pleyto's* misogynistic discourse does not target Fernando de Aragón, it is not just the premier expression of Castilian medieval misogyny but, like *Carajicomedia*, the work is an example of the general disquiet of a segment of the nobility that did not want to lose its privileges to an increasingly absolutist state.

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## Appendix

*Pleyto del manto* is a burlesque anonymous composition that first appeared in the 1514 edition of the *Cancionero general* of Hernando del Castillo and was reprinted in its 1517, 1520, and 1527 printings, as well as in the *Cancionero de obras de burlas* of 1519. This last "cancionero" provides the text on which this edition is based.

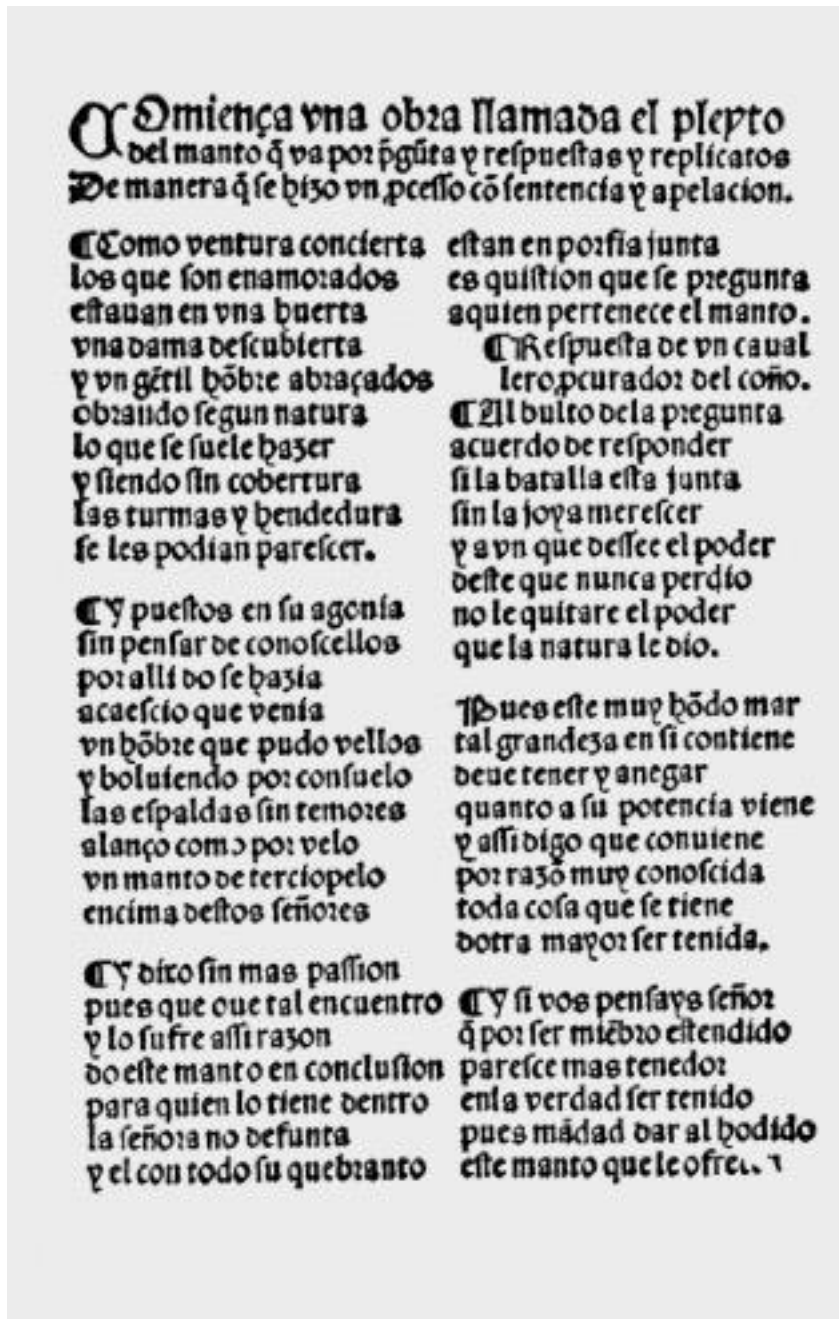


Figure 1: *Cancionero de obras prouocantes a risa*. Valencia: Viñao, 1519.

**Comiença vna obra llamada el pleyto del manto que va por pregunta y respuestas y replicatos De manera que se hizo vn processlo con sentencia y apelacion.**

**[Here Begins a Work Called *The Pleyto del Manto*, Structured as a Question Followed By Answers and Replies in Such a Way That a Legal Case Was Fashioned with Its Judgment and Appeal.]**

1 [10]

Como ventura concierto	a	As fate would have it,
los que son enamorados	b	two lovers,
estauan en vna huerta	a	were in a garden
vna dama descubierta	b	—a naked lady
y vn gentil hombre abraçados	b	and gentleman embracing—
obrando segun natura	c	toiling, according to nature,
lo que se fuele hazer	d	at what is normally done.
y fiendo sin cobertura	c	And, because their testicles and gash
las turmas y hendedura	c	were uncovered,
se les podian parecer. <sup>86</sup>	d	one could be able to see them.

2 [10]

Y puestas en su agonía,	a	In the midst of their agony,
sin pensar de conofcellos,	b	without any desire to know more about them,
Por allí do se hazia	a	by the place where this was happening
acaescio que venia	b	there happened to come
vn hombre que pudo vellos	b	a man who was able to notice them,
y boluiendo por consuelo	c	and turning for pity's sake
las espaldas sin temores	d	his back [on them], without hesitation,
alanço como por velo	c	he threw as a veil
vn manto de terciopelo	c	a velvet cloak
encima destes señores. <sup>87</sup>	d	on top of these persons.

3 [10]

Y dixo sin mas paffion	a	And he said without any sentimentality:
pues que oue tal encuentro	b	"Because I had such an encounter,

<sup>86</sup> This paleographic text is based on the 1519 *Cancionero de burlas provocantes a risa*, which was printed in facsimile in 1951. The best modern text is in Joaquín González Cuenca's fourth volume of his edition of Hernando del Castillo's 1511 *Cancionero general* (5 vols., Nueva Biblioteca de Erudición y Crítica, 26, Madrid: Castalia, 2004). My palaeographic rendering of the *Pleyto* appears on the left of the page with an English translation on the right. Each of the stanzas of *Pleyto* and its additions is numbered sequentially and followed by numbers in brackets that indicate the number of verses in each stanza (for example: the first stanza is "1 [10]"). The rhyme scheme appears to the right of the paleographic edition and reveals the variations in rhyme structure at a glance.

<sup>87</sup> The woman is a prostitute and the man is little better, so the respectful tone of the address is ironic.

y lo fufre allí razon  
do este manto en conclusion  
para quien lo tiene dentro  
la señora no defunta  
y el con todo fu quebranto  
estan en porfia junta<sup>88</sup>  
es quifition que se pregunta  
a quien pertenece el manto.

a and good sense demands it,  
b I propose to give this cloak  
b to the person who has it inside."  
c The lively lady  
d and the man, with great complaint,  
c have quarreled over it.  
c This is the question at issue:  
d To whom does the cloak belong?

**Respuesta de un cauallero  
procurador del coño.<sup>89</sup>**

**Answer of a Gentleman  
Representing the Cunt.**

4 [8]

Al bulto dela pregunta  
acuerdo de responder  
fi la batalla esta junta  
fin la joya merecer<sup>90</sup>  
y aunque dessee el poder  
deste que nunca perdio  
no le quitare el poder  
que la natura le dio.

a "I propose to respond  
b to the main point of the question:  
a Whether one can start a battle  
b without meriting the prize?  
b Even if he [Prick] hankers for the power  
c of someone who never lost,  
b he could not rob [Coño] the authority  
c that nature gave it."

5 [8]

Pues este muy hondo mar  
tal grandeza en fi contiene  
deue tener y anegar  
quanto a fu potencia viene  
y allí digo que conuiene  
por razon muy conofcida<sup>91</sup>  
toda cosa que se tiene  
dotra mayor ser tenida.

a "For this bottomless ocean  
b such vastness in itself contains,  
a that it must engulf and drown  
b whatever comes within its grasp;  
b and, therefore, I say that it agrees  
c with common knowledge,  
b [that] everything that is contained  
c must be held by what is greater.

6 [8]

Y fi vos pensays señor

a And if you, My Lord, believe

<sup>88</sup> *Aliquem contra (in) aliquem*: "A alguien contra alguno."

<sup>89</sup> "Procurador. Se llama tambien el que por oficio, en los Tribunales y Audiencias, en virtud de poder de alguna de las partes, la defiende en algun pleito ò causa, haciendo las peticiones y demás diligencias necessarias al logro de su pretension" (*DRAE* 1737, 392). The procurator is in charge of a trial and has been granted the right of filing documents and receiving notifications from the court for his client. He does not, however, argue the case before the judge. That is reserved for the "abogado" or lawyer. The "carajo" and "coño" are assigned masculine gender in Spanish, although the distinction is always between a male and female. The English translation frequently employs the pronoun "it" for both.

<sup>90</sup> The poem uses metaphors that allude to the language of the joust or war: "batalla/joya" (stanza 4), "tenedor" (stanza 6), "combate," "encuentro" (stanza 10, 72), "justador" (stanza 49), "sustentador" (stanza 11), "vencedor" (stanza 71).

<sup>91</sup> The argument is based on the "fama" (i.e. infamy) of the "coño."

que por ser miembro estendido <sup>92</sup>	b	that because you are a longer member,
parece mas tenedor	a	being held seems worthier
en la verdad ser tenido	b	than holding,
pues mandad dar al hodido <sup>93</sup>	b	you should command the screwer be given
este manto que le ofrecen	c	the cloak that has been offered to him,
que otros han merecido	b	for others have merited
tres clauos <sup>94</sup> que le fallecen.	c	three nails he is lacking."

**Replica el que pregunta.<sup>95</sup>**

7 [10]

Quando quiera que ay razon	a	"Whenever there is a question
para auer de replicar,	b	that compells an answer,
no se sufre el coraçon <sup>96</sup>	a	the heart can't avoid
sin que fuelte de rendon	a	suddenly loosening
la lengua para hablar,	a	its tongue to speak.
y por esto me parece,	c	This is why it seems to me
replicando alo del manto,	d	(in the matter of the cloak),
pues se da a quien no merece,	c	that, since it has been given to an unworthy party,
que se buelua y endereçe	c	it should be returned and restored
a quien lo mereçe tanto	d	to the worthier part.

8 [10]

Toda cosa que ha dentrar	a	Everything that must enter
y tenerse en otra dentro	b	and be contained in another
ha de ser que pueda estar	a	must be at the ready
para meter y facar	a	to thrust in and pull out.
y que de gentil encuentro	b	And from this pleasurable encounter
y daqueste tal poder	c	and from said ability
no goza quien no se alça	d	is kept he who can't grow upright,
pues consiste en el meter	c	for breaking in gives one
el poder para tener <sup>97</sup>	c	the power to hold,

<sup>92</sup> Stanza 6 talks about a "miembro estendido," which refers to the lance with which the knight wins the prize at a joust. Many of the metaphors of the "procuradores" are based on the joust.

<sup>93</sup> As stanza 70 later indicates, the *hodido* is the man or Carajo, literally the "fucked one."

<sup>94</sup> The three nails that held Christ to the Cross in Calvary were the preferred iconographic mode of representation of the Crucifixion. Fr. Joseph Moreno, for example, in describing the martyrdom of Saint Mamés, speaks of the Crucifixion and the three wounds caused by "los tres mas penosos clavos de *no vencer, no padecer, y no temer* ... Estos tres clavos que no sintio en el cuerpo, mortificaron vivamente su alma, pues no vencer con tanta sabiduria al Tirano, lastimò su entendimiento, no padeciendo por Christo, quando mas lo deseava, crucificò su voluntad, y llegando a temer el no temer, martyrizò su valor" (275). The iconography of the three nails goes back to the thirteenth century. Before that time four nails were used in depictions of the Crucifixion.

<sup>95</sup> The rubric takes us back to the narrator at the end of stanza 3, who appears to support Carajo. Stanza variation supports this change. Stanzas 1-3 (narrator) are "arte mayor" (10-verse stanzas), stanzas 4-6 ("procurador del Coño") are "arte menor" (8-verse stanzas), and stanzas 7-10 (narrator) are "arte mayor" again.

<sup>96</sup> Reinforcing argument by the narrator that upholds what has been claimed (177).



como la pierna en la calça. d like a leg [that slips] into a hose.

9 [10]

Y digo que no conuiene	a	And I say that it cannot
fer razon muy conofcida <sup>98</sup>	b	be a commonly known thing
por do el hombre se condene	a	for which men can be damned
toda cosa que se tiene	a	that everything that is held
dotra mayor se tenida	b	is bound by something greater;
pues que puede lo menor	c	since the lesser can
en materia de hornicio	d	—in matters of fornication—
estar dentro en lo mayor	c	be inside the greater,
y el mayor seria error	c	it would therefore be an error
que tomasse ageno oficio	d	for the greater to take over an unexpected role."

10 [10]

Y con otra razon famosa	a	"And another well-known argument
con que la verdad se fella	b	by which this truth is affirmed,
necesaria, no embidia	a	necessary, not resentful:
aquel es dentro en la cosa	a	he who is inside a thing
que entra con fuerza en ella	b	enters forcefully in it.
de donde señor se va	c	From which, My Lord, one can
concluyendo en el debate	d	conclude this debate
que aquel manto como esta	c	by saying that said cloak
que se lieue y se leda	c	should be taken and be given
al cuytado que combate	d	to the wretched litigant."

### Responde el procurador del coño.

### The Cunt's Lawyer Answers.

11 [8]

Sustentador muy sabido <sup>99</sup>	a	"O shrewd defender
de nuestra flaca natura	b	of our weak nature!
mal aveys comprehendido	a	You have ill-plumbed
el centro de tal hondura	b	the depths of its meaning:
gran camino y espesura	b	An approachable and inapproachable way
se encierra en su poderio	c	are hidden in its might;
tanto que se espanta el mio	c	so much so, that I am taken aback
de vuestra mucha cordura <sup>100</sup>	b	by your great show of wisdom!"

<sup>97</sup> The metaphor developed in stanzas 8-11 derives from the joust or the siege. The person who takes a fortress is more powerful although he is technically "in" it. During a joust, a make-believe castle (the "joya" or prize) was frequently built, and knights would be divided into defenders ("sustentadores" or "mantenedores") and attackers ("vencedores"). This is the same metaphor that shapes Hernando de Herrera's *Disputatio adversus Aristotelicos sequaces* (1517; see my forthcoming article on *Disputatio*).

<sup>98</sup> It is not proper for relative size to be a criterion for the awarding of the cloak.

<sup>99</sup> It is clear that the "procurador del Coño" is speaking to the narrator using the language of the joust.

## 12 [8]

Ved <i>quan</i> falsa consecuencia	a	"See how false a consequence
contra razon y fu ley	b	—against reason and its law—
ferie dezir que enel rey	b	would be to say that, because in the king
el reyno esta por prefencia	a	the kingdom is present,
pues no menos por potencia	a	it is no less possible to say
esta el coño enel carajo	c	that a cunt is in a prick,
la campana enel badajo	c	[or] a bell in a clapper,
puesto <i>que</i> muestra paciencia <sup>101</sup>	a	because they are within."

## 13 [8]

Pues confidera el honfario	a	"Consider the boneyard
do fenecen los mortales	b	where mortals end their days.
que buenos y comunales	b	For the good and the common
fon enel como en caluario	a	are both interred in it as in a cemetery,
mancebo frayle o vicario	a	youths, friars or vicars,
o qualquier otro que fea	c	or whoever he might be.
tenga pues puede possea	c	Let her have it—since she can—[let her] possess it
avn que pefe a fantilario <sup>102</sup>	a	even if it were to dismay Saint Hillary."

**Rebeldia<sup>103</sup> por parte del coño.****Rebelliousness of the Cunt.**

## 14 [9]

Por guarda de mi derecho	a	"In the upholding of my rights,
llevando la cierta via	b	according to the letter of the law,
y fustanciando mi hecho	a	and recapitulating my case,
no deueys auer despecho	a	you should not take umbrage:
a cufo la rebeldia	b	I declare myself <i>in absentia</i> .
y antes señor <i>que</i> hableys	c	And before, my lord, you speak,
puef es derecho y no es arte	d	because it is my right and not trickery,
vos las coftas <sup>104</sup> purgareys	c	[I say] you will pay the cost of the trial

<sup>100</sup> The statements of these stanzas are highly ironic, because the greatness of Coño is compared to a great graveyard.

<sup>101</sup> In the *Disputatio adversus Aristotelicos sequaces*, Aristotle accuses Herrera of not knowing the difference between "medir y ser medido, que lo uno es hazer y lo otro padescer" (175).

<sup>102</sup> The sexuality recalled by the mention of St. Hillary is always suspect. The saint is associated with sodomy (see Domínguez 174-189). He appears most prominently here and in *Carajicomedia*.

<sup>103</sup> "Rebeldía" is a legal term applied when one of the parties disagreed with a suit or did not appear in court. Pérez Ragone writes "Por su lado la rebeldía del demandante otorgaba al demandado el derecho a optar entre dos alternativas: una el rechazo de la demanda, otra la continuación del proceso con la posibilidad del dictado de una sentencia definitiva de mérito. En el caso de una rebeldía posterior a la *litiscontestatio* siendo que el juez no haya tenido suficientes elementos para decidir, éste podía ordenar que la custodia del objeto del proceso se transforme en posesión definitiva en forma inmediata. La discusión en torno a las consecuencias penales de la rebeldía en su caso acumuladas a la posibilidad de decidir sobre el mérito de la causa, terminaron por justificarse en tanto el monto de la multa era imputado para compensar los cotos que implicaba la falta de comparecencia de la parte" (298).

enlo hondo de mi parte d in the depths of my being [i.e. cunt]."

**Buelue a replicar el primero procurador**

**The First Lawyer Replies Again.**

15 [10]

Ha fido <i>tan</i> bien reñida	a	"So well-argued has been
la quiston de vuestra parte	b	the question by your side,
tan fundada y defendida	a	so well-founded and defended
que nunca la vi en mi vida	a	that I never saw in my lifetime
por mejor manera y arte	b	another better or more cogently supported.
pero ay contrariedad	c	However, it conflicts
de diuerfas opiniones	d	with other opinions:
ay <i>razon</i> y autoridad	c	There are arguments, authorities,
y vso de antigüedad	c	and ancient precedents
que haze por los varones	d	that favor males."

16 [10]

En contrario ya fe alega	a	"The opposition has alledged,
como va enlo procellado	b	as set down down in this trial
do la opinion no niega	a	and substantiated by common opinion,
quel <i>que</i> mete y el que llega	a	that he who inserts and arrives
queda dentro colocado	b	is placed within.
pues autoridad bastante	c	For this, we have sufficient authority
es la que nos da esperiencia	d	given to us by experience:
quel miembro questa costante	c	That a part that is steady
y puede passar delante	c	and can pierce through
tiene toda preminencia	d	has all the preeminence."

17 [10]

Mas, por fer allí fundadas	a	"However, because the roots of
las caufas desta pendencia	b	this struggle are thus grounded,
deuen fer determinadas	a	they must be decided,
que en cosas diferenciadas	a	for contradictory arguments
fe requiere la sentencia	b	demand a ruling.
por esto fe deue dar	c	For this reason, the trial must be remanded
el procello atal letrado <sup>105</sup>	d	to such a magistrate
que sepa determinar	c	as can determine

<sup>104</sup> The sense is that Coño threatens to disappear before the judge rules, but she turns to Carajo and threatens him with losing. A losing litigant could be saddled with all the expenses of the trial. The reference is to the "addictio bonorum," or the sequestration of goods made by the judge to cover the expenditures of the trial. The "costas expensis, dampnis et interesse" include the expenditures incurred by the court, the fines fixed by the law, the honoraria of the lawyers and, at times, those incurred by other court and jail personnel (Pérez Ragon 301).

<sup>105</sup> Parties to a trial often remanded questions to an expert, who gave his opinion in "consilia" or memoranda, but here the "letrado" appears to be another judge.

el que deua de quedar	c	who should continue to be
justamente condenado	d	justly condemned."

18 [10]

Y juzgue por ygualdad <sup>106</sup>	a	"And let [this person] judge without bias,
por derecho sin error	b	according to the law, unerringly,
quien goza la libertad	a	who will enjoy the freedom [to have the <i>manto</i> ]
conforme ala voluntad	a	in accord with the intent
del primero testador	b	of the person who first gave it;
el qual como cauallero	c	who, as a gentleman,
no mando que se partieffe	d	did not order it be split
mas fe dieffe todo entero	c	but given as a whole,
por titulo verdadero	c	with bonafide title,
a quien dentro lo tuvieffe.	d	to whoever had it in him."

19 [10]

Alfi concluyo, negando	a	"Therefore, I conclude, denying
todo lo perjudicial	b	all that is prejudicial
encontrario <sup>107</sup> protestando	a	in the opposing argument, threatening
de <i>quexarme</i> cada y quando	a	to protest whenever
quel juez juzgare mal	b	the judge were to misjudge,
y protefio denunciar	c	and proclaim that I will raise
agrauio, si fuere auido	d	a grievance, if it were necessary,
y demando reprobuar	c	and I demand a rebuke
ala parte y condenar	c	of the [opposing] part and its conviction
en costas las quales pido	d	to the payment of court costs, which I request."

**Parecer y sentencia del primer juez.<sup>108</sup>****Opinion and Ruling of the First Judge.**

20 [10 with 2 quebrados]

Los <i>que</i> tal pleyto traey <sup>109</sup>	a	"You who bring this suit before me
no sabeys	a	do not know
los secretos de su centro	b	the mysteries at its heart.
que lo <i>que</i> pensays ques dentro	b	What you believe is inside
el recibimiento es <sup>110</sup>	c	is actually a form of receiving,
y por esto no arguyo	d	and for this reason, I do not argue

<sup>106</sup> The principle allude to is that of "aequitas" (Carpintero 636-645).

<sup>107</sup> The solicitor of Coño denies all that has been argued by the other part and threatens an appeal if the judgement goes against her, saying that he will claim damages and costs if Carajo is not condemned.

<sup>108</sup> Normally, judicial decisions were given in writing and consisted of a brief summary of the points raised by both parts followed by a verdict that could or could not specify the reasons for it. However, when a party appealed the decision, they were constrained to explain the decision (Brundage 378).

<sup>109</sup> This stanza is a "copla real de pie quebrado" rhyming AaBBCDdEED.

<sup>110</sup> This is probably an imperfect rhyme for "-eys."

mas concluyo	d	but conclude
en que fi dentro estuuiera	e	that if it [the Prick] were to be inside,
el mismo coño lo diera	e	the very Cunt would give it up,
avn <i>que</i> fuera el manto fuyo	d	even if the cloak were rightly hers."

21 [10]

Bien justas causas auria	a	"I would have very just reasons
para no ser ni lo fo	b	for not being considered (nor am I)
juez de tanta porfia	a	a very harsh judge,
pues la vna parte es mia <sup>111</sup>	a	for I share one part [with the Prick],
y la otra yo la fo	b	and I know the other well.
pero por yr escufando	c	But, in order to avoid
difcordias enellas entro	d	discord, I approach these matters
folamente amonestando	c	by simply stating,
que quien no se perdio dentro	d	that he who did not lose his way inside
no se pierda pleyteando.	c	should not lose his way in this suit."

22 [10]

Y fi yo sentencia dieffe	a	"And if I were to rule
conforme a ley de verdad	b	according to valid tenets,
serie quel manto estouieffe	a	it would be that the cloak reside
donde tal necesidad	b	where such necessity
amenudo se ofrecieffe	a	is needed most.
yo deste voto seria	c	This would be my opinion,
y por <i>razon</i> marco tulio <sup>112</sup>	d	and Mark Tully
affi lo sentenciaria	c	would also rule this way.
ved quien esto dize en julio	d	See! Who says this in July,
en Enero que diria <sup>113</sup>	c	what would he say in January?"

**Apelacion fecha por parte del coño****The Appeal on Behalf of the Cunt.**

23 [8]

Juez, ya determinado	a	"Judge, already biased
en las humanas porfias	b	in human struggles,
no creo <i>que</i> en <i>vuestros</i> dias	b	I do not believe that in your days
fera el coño agraiado	a	the Cunt will be wronged.
sabe cos traygo apelado	a	Know that I have appealed
vn claro pleyto en su nombre	c	the matter in her name

<sup>111</sup> The argument is used again in stanza 37.

<sup>112</sup> Mark Tully Cicero, the great Roman orator and lawyer.

<sup>113</sup> This has all the marks of a proverb, but I have not been able to find it. In any case, its meaning is that one opinion can be given in July when it is hot and a cloak is not needed, and a different one in January when it cold. Behind it, however, may be the fact that Aguilar's difficulties began in July and improved when he reached Valencia in January.

contra lo flaco del hombre	c	against man's weakness
por letrados efforçado <sup>114</sup>	a	backed by learned men."

*[Apelacion fecha por parte del carajo.]*<sup>115</sup>

*[The Appeal on Behalf of the Prick.]*

24 [10]

Discreto juez sabido	a	"O most discreet wise judge,
de quien huye la clemencia	b	from whom mercy has fled,
ami noticia es venido	a	it has come to my attention
que fe ha dado y discernido	b	that a certain form of judgment
cierta forma de sentencia	b	has been given and noted,
enel pleyto criminal	c	in the criminal suit
que he traydo con trabajo	d	that I have brought, with difficulty,
contra el coño natural <sup>116</sup>	c	against the natural Cunt;
y por fer mi prueua tal	c	and because my proof is so unassailable,
fea dado por el carajo.	d	you should rule for the Prick."

25 [10]

Que siendo pronunciado	a	"That upon pronouncing
tal auto por fu tenor	b	on that case, because of its ruling,
por la parte fue apelado	a	it was appealed by the opposing
adverfa, fin fer llamado	a	side, without the presence
yo ni mi procurador	b	of me or my proctor,
y agora que nueuamente	c	and now that word
es venido ami noticia,	d	of it has recently reached me
como quier que fue ausente	c	—even though delivered in my absence—,
la confiento enteramente	c	I wholeheartedly agree with
lo que haze en mi justicia	d	what justice does to me."

26 [10]

La qual dicha apelacion	a	"That said appeal,
pues que no le fue otorgada	b	because it was not granted to her,
no ha lugar remission	a	should not be remanded
por derecha suceffion <sup>117</sup>	a	or be referred to you
para feros traspaffada	b	by rights of succession.
y fi tiene algun lugar	c	Even if there were to be some reason

<sup>114</sup> These are the "iuris periti" who will back the plea.

<sup>115</sup> What follows, however, is an argument for Carajo and not on behalf of Coño, so a rubric and perhaps several stanzas are missing (also noted by Rubio Árquez 242). I have added a rubric in brackets and italics to indicate it is not present in the original). The gist of the argument is that the advocate or the "procurador" of Carajo has learned of the sentence of a ruling on the case in his absence, and he objects.

<sup>116</sup> A play on words for "señor natural."

<sup>117</sup> The documentation involving a case can not be transmitted (*remittitur*) to a higher judge if the appeal has been denied. Rather, it should be remanded (*remisión*) to the original judge for further consideration. See stanza 36.

lo <i>que</i> niego y he negado	d	—which I deny now and have denied before—,
primero deueys mandar	c	you must first compel
quel coño deue purgar	c	the Cunt to purge
las coftas enel letrado <sup>118</sup>	d	the expenses in the <i>iuris peritus</i> ."

27 [10]

Y despues feñor deueys	a	"And afterwards, My Lord, you should
informaros como no	b	inform yourself on how you can not
folo un punto discrepeys	a	disagree at all
dela sentencia <i>que</i> veys	a	with the judgment before you
del dicho juez <i>aquo</i> <sup>119</sup>	b	given by the former judge.
que fue justa, bien mirada	c	It was just, well-thought out,
como quieren los dotores	d	like the experts want,
no torcida aficionada	c	not twisted or tendentious
antes toda <i>conformada</i>	c	but in accord
<i>con</i> los canones mayores <sup>120</sup>	d	with the principal canons."

28 [10]

Alfi mismo muy notorio	a	"I have also astonishingly
he sabido por memoria,	b	learned through a writ
<i>que</i> distes en confistorio <sup>121</sup>	a	that you issued in consistory
<i>con</i> cierto interrogatorio <sup>122</sup>	a	jointly with a certain questioning,
sentencia interlocutoria <sup>123</sup>	b	a preliminary sentence
por do tiene presentados	c	that outlines
la parte sin requerir	d	the case [of the Prick] without requiring
testigos repreguntados	c	a cross-examination of witnesses
y sus dichos declarados	c	that reviews their statements,
para aver de <i>concluyr</i>	d	in order to bring the case to a close."

29 [10]

Y pues tengo yo lugar,	a	"And because I have grounds
------------------------	---	-----------------------------

<sup>118</sup> Having lost, Coño is condemned to paying all of the expenses of the "letrado." The allusion concerns the expenses of the *iuris peritus*. "Purgatio" or "compurgatio" have an ambiguous meaning. In forensic language, it is the act of disproving an accusation (DRAE 1737, 439: "defvanecer los indicios ó nota que resulta contra alguna persona de delincente."). It can take two forms according to the type of trial: "purgación canónica" (which takes the form of a solemn oath verified by co-swearers) and "purgación vulgar" (a trial proof by an ordeal of fire or water). The term, however, is also used in medicine to refer to a purge of humours or to the expelling of menstrual blood.

<sup>119</sup> The former judge against whom the appeal is brought is called the "juez *a quo*."

<sup>120</sup> The reference may to canon law. "Cánones mayores" was also an area of examination to obtain a degree in canon law. Law degrees could be either in "Leyes" or in "Cánones." The poem also mentions that the case is criminal, which would make it more likely to be heard in a civil court.

<sup>121</sup> "Consistorio . . . El Consejo, Tribunal ò Juzgado, donde se ven y deciden las causas y litigios en común, assi Sacras, como civiles, criminales y económicas." (DRAE 1729, 531.1).

<sup>122</sup> The "interrogatorio" is the written or verbal questioning of the plaintiff and witnesses in order to establish the truth.

<sup>123</sup> The "sentencia interlocutoria" is the temporary judgment given against one of the plaintiffs.

por derecho y por razon,  
 quiero dar y presentar  
 testigos para prouar  
 en contrario mintencion;  
 los quales con su saber,  
 quando fueron en el mundo,  
 pudieron comprehender,  
 alcanzar y trascender  
 el cielo con el profundo.

b by law and by right,  
 a I wish to produce and present  
 a witnesses to support  
 b my opposing argument,  
 c who, through their experiences  
 d when alive,  
 c were able to understand,  
 c reach, and transcend  
 d the sky and the abyss."

### Un testigo.

### A Witness.

30 [10]

Y aquellos, por sabieza,  
 el primero es Tolomeo<sup>124</sup>  
 que toda la redondeza  
 del cielo por foteleza  
 alcanço con gran desseo;  
 este dize en sus sentencias,  
 bien escritas de su nombre,  
 que todas las influencias  
 de los cielos dan potencias  
 con mayor poder al hombre.

a "And of these, in order of wisdom,  
 b the first is Ptolemy,  
 a whose subtle understanding  
 a reached the roundness of the sky  
 b with his great desire.  
 c This one declares in his proverbs,  
 d well-written with his name,  
 c that all the influences  
 c of the skies give faculties  
 d of greater potency to men."

31 [10]

Tal, que puede someter  
 a los brutos animales  
 a este han de obedecer  
 por su fuerza y su placer  
 y por dudas naturales  
 pues si puede sojuzgar  
 como dize este testigo  
 lo que Dios pudo criar  
 bien puede mandar estar  
 en un cono sin abrigo

a "Such that he can subdue  
 b the brutish beasts;  
 a who must obey him  
 a for his strength and at his whim,  
 b and because of natural hesitation;  
 c therefore, if he can subjugate,  
 d as this witness claims,  
 c what God could create,  
 c he can well be  
 d within a cunt without shelter."

### Otro testigo

### Another Witness.

<sup>124</sup> Ptolemy is the first of three witnesses in support of Carajo. His dabbling into astrology proves that "todas las influencias / de los cielos dan potencias / con mayor poder al hombre" (30); Dante, who witnesses the burning of those consumed by the sin of lust in the *Inferno*, forays into Hell "donde el hombre vio quemar, / en su miembro vido dar / mayor fuego por mas fuerte" (32); and Macías, the martyr of love who is killed by a jealous husband while in jail for his devotion to his wife, is also a man who even in darkness saw his member increase in size. All examples are misinterpreted. Ptolemy saw the actions of men dependent on the stars, Dante saw fire as punishment for sin, and Macías died in the darkness of his cell. The reference to the reputation of Ptolemy is based on the *Almagest*, the *Tetrabiblos* or *Apotelesmatiká*, and the *Geographica*. Of particular importance was the belief, expressed in the *Almagest*, that the planets affect human beings.



## 32 [10]

Pues el dante *que* presento  
 por testigo aquefo mismo  
 por actor sabido atento  
 que fin ver no fue *contento*  
 las entradas del abifmo  
 dize quen aquel pinar  
 del huego peor que muerte  
 donde el hombre vio quemar  
 en su miembro vido dar  
 mayor fuego por mas fuerte

a "Afterwards Dante, who I present  
 b likewise as a witness,  
 a for he is considered a wise and thoughtful author,  
 a who was not content until he saw  
 b the doorways to the abyss.  
 c He says that in that grove  
 d of fire worse than death,  
 c where he saw a man burn,  
 c he saw his member set  
 d more ablaze because it was stronger."

## 33 [10]

Y *que* los tormentadores,  
 daquel centro mas de mil,  
 por los miembros vertedores  
 encendian los ardores  
 al linaje femenil,  
 por causa dela flaqueza  
 de sus miembros dexatiuos,  
 alli, quen esta crueza,  
 las pixas tienen firmeza  
 delos marcos coñolivos

a "And the tormentors,  
 b more than a thousand in that place,  
 a used the irrigating members  
 a to fire up  
 b womankind's desires,  
 c on account of the feebleness  
 d of their weak members;  
 c therefore, in this cruel fight,  
 c the pricks by their stiffness  
 d overcome the framing cunts."

**Otro testigo.****Another Witness.**

## 34 [10]

Y viene *tan* bien macias  
 queriendo sellar lo cierto  
*que* sus tiernos, frescos dias  
 acabo fin alegrias  
 siendo por amores muerto  
 con cuydado no senzillo  
 determina lo prouado  
*que* dentro de aquel luzillo<sup>125</sup>  
 su miembro tuuo senzillo  
 hasta *que* salio doblado<sup>126</sup>

a "And Macias also comes forth,  
 b wishing to put his seal on a certainty,  
 a for his tender young days  
 a ended up in sorrows,  
 b because he was slain by love.  
 c With uncommon detail,  
 d he verifies what has already been proven:  
 c that within that enclosure,  
 c his member was small  
 d until it doubled in size."

## 35 [10]

<sup>125</sup> "Lucillo" is a stone coffin. Macías was murdered by being lanced through a window while in a stone jail.

<sup>126</sup> "Doblado," doubled in size, but its secondary meaning is "fingido, disimulado" [DRAE 1732, 322.2].

Dize mas *que* quien esta  
 en potencia de varon  
 de tenello do querra  
 dentro o fuera *que* sera  
 bien afuelta la question  
 y con este prefupuesto  
 quel hombre puede sacallo  
 cada y cuando fuere onefto  
 determinan todos esto  
*que* merece bien llevarlo

a  
 b  
 a  
 a  
 b  
 c  
 d  
 c  
 c  
 d

"He adds that, whomsoever has  
 the potency a man,  
 places it wherever he wishes,  
 inside or outside, in this manner  
 the question would be well answered.  
 And with this given:  
 That a man can take it out  
 whenever it is fitting.  
 These all conclude:  
 that [man] merits the wearing [of the cloak]."

### El juez

36 [9]

Pues estos testigos son<sup>127</sup>  
 hombres de tanta verdad  
 tomemos ala razon  
 que guia fin aficion  
 dexemos la autoridad  
 la qual de su condicion  
 tiene en si tal poderio  
*que* muestra quel manto es mio  
 por derecha subcession<sup>128</sup>

a  
 b  
 a  
 a  
 b  
 a  
 c  
 c  
 a

"Since these witnesses are  
 men of great truthfulness,  
 we should let reason  
 guide us without guile;  
 let us dispense with authority,  
 which, according to its condition,  
 has such power in and of itself  
 that proves that the cloak is mine  
 by right of inheritance."

### Sentencia difinitiva<sup>129</sup> dada por el juez

37 [9]

Sentenciar en tal juzgado  
 me escusa formas y artes  
 fiendo a entramos adebdado  
 a no ser aficionado  
 pues soy parte destas partes<sup>130</sup>  
 y a si libres de aficiones  
 y de amor y de passion  
 propongo enxemplo y razones  
 muy conformes a razon

a  
 b  
 a  
 a  
 b  
 c  
 d  
 c  
 db

### The Judges' Final Sentence.

"Ruling in such a suit,  
 is allowed by tradition and practice,  
 since I am indebted to both  
 not to be prejudiced,  
 because I am a part of both parts.  
 Therefore, free from desire,  
 and from love and from passion,  
 I propose example and arguments  
 much in accord with reason."

38 [9]

<sup>127</sup> The words of the judge are in "novenas octosilábicas" except for stanza 49 which is a "copla real."

<sup>128</sup> An allusion is at once to the *sequestratio possessionis*, a practice that was well-regulated by the law, and from which judges and the court were excluded (Obarrio Moreno), and to own inheritance rights as a man, which should give him rights to the "manto." It picks up on an argument made in stanza 26.

<sup>129</sup> Final judgment.

<sup>130</sup> The reasoning uses the same words as stanza 21.

Visto el proceſſo presente <sup>131</sup>	a	"Having heard the present case
del coño conel carajo	b	of the Cunt against the Prick,
y prouança diligente <sup>132</sup>	a	and the diligent testimony,
ſentenciare ſabiamente	a	I will give wise judgment
a muy liuiano trabajo	b	to a very inconsequential event;
no penſeys <i>que yo lo digo</i>	c	and don't think that I rule
ni lo ſentencio por mi	d	because of my partisan gain,
mas por el feſo <i>que ſigo</i>	c	but in accordance to the precedents I follow
de quantos ſabios ley.	d	of all the wise men I have read."

39 [9]

Por enojoſo no ſer	a	"In order not to be wearying
a todos aquien me allego	b	to all who hear me
ſolos quatro he de creer	a	I will believe only four
para mas razon tener	a	in order to give greater weight
en prueua delo <i>que alego</i>	b	to the proof of what I alledge:
vno ſanto ques adam	c	one ſaintly, who is Adam,
ercoles y ſalomon	d	Hercules and Solomon,
otro fuerte, qu'es ſanſon	d	another burly, who is Samson,
que lo que digo diran	c	who will confirm what I say."

40 [9]

De <i>adan</i> <sup>133</sup> dize el eſcritura	a	"Of Adam, the Scripture says
<i>que</i> ſiendo hombre tan ſanto	b	that, in spite of being such a holy man
por afición de natura	a	by natural inclination,
por cubrir el abertura	a	in order to cover the gash
luego proueyo de manto	b	he then provided a cloak for it.
quenel primero retoño	c	For the first shoot
dela primera nacion	d	of the first nation
fuera verguença enel coño	c	would be ashamed in the cunt
parecer la criacion	d	to have appeared."

41 [9]

Salamon <sup>134</sup> fabio acabado	a	"Solomon, renowned wise man,
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<sup>131</sup> This is the formulaic language that concludes the trial and announces the sentence (see *Cancionero de Sebastián de Horozco* 259)

<sup>132</sup> The reference is to the "averiguación ò prueba que juridicamente se hace de una coſa" (*DRAE* 1737, 387-388). The case has been actually been proved based on authorities. Of course, "probar" also means "to try" or "to taste." The topic is raised again in stanza 45.

<sup>133</sup> Four cases are adduced in support of the argument, 3 biblical and 1 pagan. Their stories are briefly recapped and interpreted in favor of Coño. Adam provided a *manto* to cover Eve's "verguenzas;" Solomon, a friend of reason, "obedecio su mandato;" Hercules "no pudo defenderse [...] del fuego do fue ameterse;" and Sansón "no pudo resistir [...] la voluntad de natura." These characters function as the *probatio* (enthymeme), cases which support the judgment.

en sentencias juſto reto  
 eneſto fue conformado  
 y obedecio ſu mandado  
 con ſu faber tan discreto  
 pues eſte claro varon  
 tan amigo de clemencia  
 da fuerças ami razon  
 para fundar mi ſentencia.

b in his sayings just, upright,  
 a in this he assented  
 a and obeyed its mandate  
 b with his excellent judgement.  
 c This prominent man,  
 d so given to clemency,  
 c backs up my argument  
 d and supports my judgment."

## 42 [9]

Ercoles tan efforçado  
*que* fundo parte deſpaña<sup>135</sup>  
 deſte ſolo ſojuzgado  
 murio mal atormentado  
 por vna cruel hazaña  
*que* no pudo defenderſe  
 por fuerça ni poderio  
 ni le eſcuſo el ſeñorio  
 del fuego do fue ameterſe.

a "Hercules, so bold,  
 b who founded part of Spain  
 a was only subjugated by this one [the Cunt].  
 a He died most tormented  
 b by a cruel deed  
 c from which he could not defend himself  
 d neither by strength or power,  
 d nor was he excused from the lordship  
 c of the fire where he sought refuge."

## 43 [9]

Pues ſanſon,<sup>136</sup> rezió, valiente  
 el qual traygo por exemplo  
*que* por coño ciertamente  
 destruyo infinita gente  
 enla cayda del templo  
 que no pudo reſiſtir  
 con ſu fuerça y ſu reziura  
 la voluntad de natura  
*que* al fin lo hizo morir

a "Afterwards Samson, stalwart, valiant,  
 b whom I cite as an example,  
 a who, without doubt, for a Cunt  
 a destroyed infinite people  
 b in the destruction of the temple.  
 c Even he was not able to resist  
 d with his strength and with his might  
 d the will of nature,  
 c who at the end wanted him dead."

## 44 [9]

Pues con eſtos bien podre  
 que touieron razon biua  
 a ellos me allegare  
 conellos pronuciare  
 ſentencia difinitiva<sup>137</sup>

a "Well, with these [precedents]  
 b that experienced in their flesh, I should be able.  
 a I will use them,  
 a with them, I will deliver  
 b a definitive sentence.

<sup>134</sup> The fame of Solomon was founded on Proverbs, which gave rise to the *Book of Wisdom* tradition.

<sup>135</sup> According to medieval history, Hercules was one of the founders and first rulers of Spain.

<sup>136</sup> The story of Sampson and Delilah, and the destruction of the temple first appears in the Book of Judges.

<sup>137</sup> The "sentencia definitiva" bring the trial to a close. However, the phrase can be misleading, because it can refer to the final judgement on a particular stage of a case (summarized in the next five stanzas with an appeal for leniency); or to a formal appeal of the ruling before another judge, as is the case later.

pues estos no se escufaron  
y a coños obedecieron  
tomare lo que tomaron  
y hare lo *que* hizieron.

c  
d  
c  
d

Since these individuals did shirk their fate  
and obeyed the commands of cunts,  
I will take my cue from them  
and will do what they did."

### Sustentacion dela sentencia

45 [9]

Hallo quel coño ha *prouado*  
por justicia no de hecho  
fultanciado y alegado  
y al carajo ha reproouado  
por flaqueza de derecho  
y por las leys quentiendo  
*conformes* ala potencia  
entiendo de dar sentencia  
pro tribunal y *fedendo*<sup>138</sup>

a  
b  
a  
a  
b  
c  
d  
d  
c

"I find that the Cunt has proven  
—in justice, not in fact—,  
argued and alledged,  
and the Prick has reprooved  
for the weakness of his right;  
and, according to the laws I know,  
in agreement with their might,  
I agree to give judgment  
*pro tribunal* and *sedendo*."

46 [9]

Enla qual deuo mandar  
y por derecho fundado  
el carajo condenar  
y al coño dar y donar  
lo pedido y alegado  
y pues justicia lo guia  
daquesto nadie no huya  
digo quen tercero dia  
el manto le restituya.

a  
b  
a  
a  
b  
c  
d  
c  
d

In which, I am compelled to order,  
and according to the law,  
that the Prick be condemned  
and give and grant to the Cunt  
what has been asked and alledged.  
And because justice has ruled  
let no one circumvent it.  
I rule that on the third day  
it is to return the cloak to her [the Cunt]."

47 [9]

Y pues mal ha proceffado  
por esta sentencia ordeno  
queste preso, encarcelado  
enel coro<sup>139</sup> *confiscado*  
por*que* en costas le condeno  
y enel coño se *confuma*  
pleyto costas y trabajo  
hasta *que* falte el espuma

a  
b  
a  
a  
b  
c  
d  
c

"And because his case failed,  
by this sentence I order  
that he be imprisoned, jailed,  
confined to the choir,  
because I condemn him to pay costs  
and in the Cunt be consumed  
lawsuit, expenses and work  
until semen spurts

<sup>138</sup> *Pro tribunal* y *sedendo* is a judicial formula that indicates the formal issuance of a ruling from the bench of a presiding judge. Covarrubias gives the following definition for "TRIBVNAL, los estrados y filla alta en que se fienta el juez a juzgar, y dar la sentencia, segun la formula comun, pro tribunal i fedendo" (54r).

<sup>139</sup> A metaphoric use of the word. It means that he is that he is remanded to the public jail along with others. But, as we soon learn in stanzas 50 and 51, the dark jail is actually the inside of Coño.

por la punta del carajo

d

from the Prick's tip."

48 [9]

Por no *quedar* enconado<sup>140</sup>  
 acuerdo de me lauar<sup>141</sup>  
 delo fuzio proçessado  
 no para no sentenciar  
 mas por auer sentenciado  
 y fi algunos juzgaran  
 mal de aqueſto que leyeren  
 reſpondo que leyes van  
 alli donde coños quieren<sup>142</sup>

a  
 b  
 a  
 b  
 a  
 c  
 d  
 c  
 d

"In order not to be aroused,  
 I will wash myself of  
 the filth of the process,  
 not to avoid sentencing,  
 but because of having sentenced.  
 And if some were to disagree  
 with this that they read,  
 I reply that laws go  
 wherever cunts desire."

49 [10]

Al dar *daqueſta* ſentencia<sup>143</sup>  
 teſtigos preſentes fueron  
 eſtos *que* alli parecieron  
 mas antiguos en potencia  
 quen orden enuegocieron  
 el anciano juſtador  
 conel ynes de maqueda  
 juan aluares tañedor<sup>144</sup>  
 y la tarifa no leda  
 por falta de hodedor.

a  
 b  
 b  
 a  
 b  
 c  
 d  
 c  
 d  
 c

In making this ruling,  
 the witnesses present were  
 those who were there in person,  
 more ancient in potency  
 because they aged in the Order [of Love]:  
 the elderly jouster,  
 and with him Ines de Maqueda,  
 Juan Alvarez, the instrument player,  
 and the Tarifa, unhappy  
 because of lack of someone to fuck her.

**Declaracion de vn cauallero en  
 nombre del carajo condenado.**

**Deposition of a Gentleman in the Name of  
 the Condemned Prick**

50 [11]

Del carajo ſo informado  
 y es coſa para creerſe  
 quenel pleyto ca tratado  
 aueys ſeñor pronunciado  
 ſentencia ſin mas torcerſe  
 y enlas coſtas condenado

a  
 b  
 a  
 a  
 b  
 a

"I have been told by the Prick,  
 and it is to be believed,  
 that in the case concluded  
 you have, My Lord, issued  
 a straightforward ruling,  
 and condemned to pay expenses

<sup>140</sup> *Enconado*, i.e. aroused.

<sup>141</sup> The action immediately brings to mind the behavior of Pontius Pilate, when sentencing Christ (Matthew 27: 24), and agrees with Astorga's later characterization of Carajo as a martyr.

<sup>142</sup> "Leyes van donde coños quieren" is an adaptation of the proverb "allá van leyes do reyes quieren," which is a further adaptation of maxims like "qui potest jus condere, potest illud tollere" (Godolphin 7).

<sup>143</sup> This stanza may be in the voice of the narrator/questioner, who uses "coplas reales."

<sup>144</sup> A "tañedor" is a musician (but by extension a fool). *Tañer* (Lat. tangere) means playing a percussion or string instrument, or a bell. This last is what is likely meant here. The four of them may have among those taking part in a reading or performance of *Pleyto*.

al triste *que* ha pleyteado  
 qu'es *para* darle al demonio  
 pues mandays *que*ste encerrado  
 hasta auer costas pagado  
 enlas tinieblas del coño.

a the poor wretch who brought the suit,  
 c which is tantamount to being sent to the Devil,  
 a for you have ordered him jailed  
 a until he has payed legal costs  
 c in the dark recesses of the Cunt."

51 [10]

Ques do nunca falto lloro,  
 folloçar y defatina,  
 en aquel profundo coro,  
 y este lloro es el tesoro  
 del triste que pelegrina;  
 y por esto esta *confuso*,  
 mas derecho que vn hufo,<sup>145</sup>  
 encerrado enel vistuario  
 del templo de santilario  
 do por se falvar se pufo

a "Where there was never a lack of weeping,  
 b sobbing and senseless cries,  
 a in that bottomless choir.  
 a And this dirge is the treasure  
 b [that accompanies] this sorrowful pilgrim,  
 c and, for this reason, he is confused,  
 c straighter than a spindle,  
 d shut away in the dressing room  
 d of Saint Hilary's temple  
 c where he sought refuge."<sup>146</sup>

52 [9]

Demanda justas razones  
 que para *que* pagar pueda  
 se rematen sus cojones  
 por pregon en almoneda  
 fera derecho del mundo  
 y no boluer al profundo  
 donde falio condenado  
 cabiztuerto, auergonçado  
 siendo dantes rubicundo.

a "He demands, justly,  
 b that, in order to be able to pay [court costs],  
 a his testicles be sold,  
 b by the town crier at a public auction  
 c —as is anyone's right—,  
 c and not be returned to the pit  
 d from where he left condemned,  
 d crestfallen, humiliated,  
 c being rosy-cheeked before."

53 [10]

Ufad juezes de clemencia  
 pues este se me quexo  
 de *vuestra* cruda sentencia  
 hasta que venda ellerencia  
 que fu padre le dexo  
 y pues este allí estendio  
 pleyto en que se condeno  
 quiça se remediara  
 y llorando ganara  
 lo que llorando perdio.<sup>147</sup>

a "Oh, judges be merciful,  
 b since this person complained to me  
 a of the cruelty of your sentence,  
 a until he can sell the inheritance  
 b left to him by his father.  
 b And, because he started  
 b the suit that condemned him,  
 c perhaps he will find pity  
 c and weeping gain  
 b what weeping he lost."

<sup>145</sup> Saying: "Mas derecho que un huso."

<sup>146</sup> A criminal could seek refuge from the law in a church. The practice was extensively regulated (see Jordan). However, "the templo de santilario" intimates burlesquely that he has switched the "coño" for the ass.

**Apelacion del carajo puefta  
al juez *que* lo condeno.**

54 [9]

Aueys por el coño dado  
vna fentencia cruel  
protribunal affentado  
fiendo pechado y rogado<sup>148</sup>  
por los apetitos del  
Porque tuuiftes conel  
aficion tan fin medida  
pues carajo delta vida  
nunca entro jufto por el

a  
b  
a  
a  
b  
b  
c  
c  
b

**The Appeal of the Prick Before  
the Judge who Condemned Him.**

"You have on behalf of the Cunt  
issued a cruel sentence  
from the bench sitting,  
being taxed and distressed  
by your desires of it.  
Why did you have  
such boundless desires for it  
when no living prick ever  
found it narrow?"

55 [9]

El remedio *que* tomar fuelen  
los agraiados, es *que* pueden  
apelar por poderse libertar  
para no fer condenados  
espresando los mayores  
agrauios quels hizieren  
dende los inferiores  
alos mas superiores  
juezes *que* se pudieren

a  
b  
c  
d  
e  
f  
e  
e  
f

"The route that most  
of the aggrieved usually take  
is that they can appeal for their freedom  
in order not to be condemned  
by arguing the greater  
injuries they received  
from the lower  
to the highest  
judges possible."

56 [10]

E por fer allí torcido  
mi derecho claramente  
yo el carajo endurecido  
*con* despechos estendido  
parezco por fer presente  
y apelo de vos señor  
por juez aficionado  
enla via mas mejor  
que puedo por el tenor  
delas leyes ordenado

a  
b  
a  
a  
b  
c  
d  
c  
c  
d

"And, because my rights  
have been clearly violated,  
I, the Prick, hardened  
by my woes, extended,  
I appear before you  
and appeal your judgement  
because of your partisanship,  
in the best way that  
I can, according to  
the tenor of the Law."

57 [10]

Ante torrellas<sup>149</sup> apelo,

a

"I appeal before Torrellas,

<sup>147</sup> The meaning is that the pain of castration will win his freedom.

<sup>148</sup> Carajo has been unjustly fined and ordered to pay, because many others also have had sex with Coño.



que merece mil renombres	b	who merits great fame,
porque softuuo sin velo, <sup>150</sup>	a	because he clearly maintained
mientras estuuo en este fuelo,	a	while on this earth
el partido de los hombres;	b	the superiority of men;
y fi dixeren ques muerto	c	and, if they were to claim he is dead,
por fer del figlo partido,	d	because he lived in the past century,
en salamanca, <sup>151</sup> por cierto,	c	in Salamanca, I believe,
vn hño fuyo encubierto,	c	a bastard of his
tiene fu poder complido.	d	has inherited his absolute powers."

58 [9]

El qual es aquel varon	a	"That person is the man
que muy jufto determina	b	who justly rules
fabido con discrecion	a	—wise and thoughtful—
que dizen juan delenzina	b	known as Juan del Encina.
et pido que me mandeys	c	And I request that you have sent to me
dar todo lo procellado	d	all of the records related to the suit
conlos autos <sup>152</sup> que teneys	c	with the documents in your possession.
ytem mas, que me otorgueys	c	One further thing, that you grant me
estos que tengo apelado.	d	those [rulings] that I have appealed."

59 [10]

Otra vez os lo requiero,	a	"I again request it of you,
como reza este papel, <sup>153</sup>	b	as this written document states
pues no fuerdes justiciero,	a	(because you were unfair)
me otorgueys esto que quiero,	a	that you grant my demands
con los apoftolos <sup>154</sup> del;	b	and the documents you sent.
por quitar inconuenientes	c	In order to avoid
damigos y de enemigos,	d	the partisanship of friends and enemies,
ante todas estas gentes,	c	before all this people,
ruego alos que son presentes	c	I ask that those who are present
que fean dello testigos.	d	to witness my request."

60 [9]

Avn que pefe a fantilario	a	"And, even if it were to vex Santilario
y al procurador del coño	b	and the Cunt's solicitor,

<sup>149</sup> Pero Torroella was the great anti-feminist author of the 15th century, who wrote the *Maldezir de mugeres*.

<sup>150</sup> Apocope of "desvelo."

<sup>151</sup> The reference to Torroella as belonging to the past century tells us that *El Pleyto* was written between 1500 and 1514, but I have argued that in fact it was written between 1508 and 1509. Some of its writers could have been students of the law in Salamanca, where Juan del Encina's name resonated.

<sup>152</sup> The reference is to provisional or definitive sentences.

<sup>153</sup> The formal appeal is in writing but orally delivered.

<sup>154</sup> Notices regarding the trial that were sent to a higher tribunal.

vos como fiel notario	a	you, as a trusted notary,
me lo dad por testimonio	b	set down my [statement] as testimony.
Y al juez que sin trabajo	c	And to the judge that so easily
pronuncio tales razones	d	uttered such views,
que le den por galardones	d	may he be rewarded
que se cague en el carajo	c	by allowing him to shit on the Prick
pues le quita los cojones.	d	since he is depriving him of his testicles."

**De como nego la apelacion el juez****How the Judge Denied the Appeal**

61 [9]

Por cierto mucha razon	a	"Indeed, I have many
tengo yo para negaros	b	reasons to deny
vuestra injusta apelacion	a	your unjust appeal.
pues vista tal peticion	a	After reviewing said petition,
quedaua por do miraros	b	left was how to deal with you,
Porque todas las querellas	c	because all of the complaints
que amor nos fuele caufar	d	with which love usually afflicts us
mas se deuen de adorar	d	are more to be adored
que apelar para torrellas	c	than appealed to Torrellas."

62 [10]

Y esta nuestra nacion <sup>155</sup>	a	"And [in] this our denial
fino bastan mis poderes	b	—even if my authority were to be insufficient—,
digo a vuestra inclinacion	a	I say that your inclination
que va errada el aficion	a	is misplaced
quando sale de mugeres	b	when it sidesteps women;
y la passion que os guia	c	and the passion that guides you
no ciega el camino llano	d	is no obstruction to the correct road.
deueys tener otra via	c	You should find another way
que no seguir heregia	c	rather than follow a heresy
muy peor que darriano <sup>156</sup>	d	much worse than Arrian's."

**Fin****The End.**

63 [6]

<sup>155</sup> The 1514 edition of the *Cancionero General* according to Dutton reads *nacion* (14CG-1052, and the 1519 edition of *Cancionero de obras de burlas* reads *naciō*. González Cuenca's edition of the 1514 *Cancionero general* expands the word as *negación* (4: 369). This last reading makes more sense for the judge is talking about his denial to accept the petition to rehear the case.

<sup>156</sup> It would have been known to jurists and students of the law that the Catholic Kings had issued a *Pragmática real* in 1497 against the sin of sodomy (Solórzano 294), because it could provoke the ire of God. This is a secondary allusion to St. Hilary, who was the person who defended the triune nature of the Godhead against Arrianism. The allusion is therefore to sodomy as an incorrect response.

Y dize el procurador	a	"And the proctor says
que de vos se marauilla	b	that he marvels at you,
si pensays hallar mejor	a	if you believe you can find a better
o menor	a	or lesser
a ningun coño en castilla	b	cunt in Castile
que se halla en nuestra villa.	b	than is now found in our town."

**Adición hecha por garcia dastorga****García de Astorga's Addition.**

64 [11]

Pues que las apelaciones	a	Since they have truly denied
os deniegan con verdad	b	your appeals,
tened forma cos yguale <sup>157</sup>	c	take care that they judge you fairly
y nos vendan los cojones	a	and do not sell your testicles
por menos dela meytad	b	for less than half
del jufto precio y valen <sup>158</sup>	c	their just price and value.
y quel coño se arrogasse <sup>159</sup>	d	And, even if the Cunt consented
quel plazo sobrefeyesse <sup>160</sup>	e	to do away with the [three-day] term,
ques duda si se hallasse	d	it is doubtful one be found
quien en precio lo pufiessè	e	who could sell it for that price,
quanto mas quien lo comprasse	d	what's more, someone to buy it.

65 [10]

Es la causa tan relaxa <sup>161</sup>	a	The case is too weak
en herir con tal virote	b	to strike with such a rod!
su justicia va tan baxa	a	Its lack of justice so clear:
porque hodieron a axa	a	because Axa was fucked,
açotaron a maçote <sup>162</sup>	b	Mazote was beaten!
Pero si quereys mirar	c	But, if you want to enquire
si en razon ay cosa cierta	d	if there is a modicum of truth,
el carajo entro a hurtar	c	know that the Carajo entered to steal
y por mas assegurar	c	and, to be better assured,
se quedaron ala puerta. <sup>163</sup>	d	they [the testicles] remained at the door.

<sup>157</sup> From "igualar," here meaning that you should be treated justly according to your rank, but meaning also that Carajo should receive what his "cojones" are worth.

<sup>158</sup> "Valen" for reasons of rhyme (i.e. "valor").

<sup>159</sup> "Arrogacion" from *arrogatio*, which the *DRAE* 1770, 332.2, defines as "El prohijamiento ó adopcion que se hace del que no tiene padre, o del que está fuera de la patria potestad, y no puede hacerse sin rescripto del Príncipe. *Arrogatio, adoptio*. Part. 4 tít 16.1.9. De sus en las leyes sobredichas mostramos la fuerza, que ha el porfijamiento que es fecho por arrogacion."

<sup>160</sup> "Sobreseer" means to agree or accede to something.

<sup>161</sup> "Relajar" is a juridic term used to indicate when a penalty is forgiven or commuted to something else less onerous.

<sup>162</sup> A saying present in Santillana's refrains: "Hácelo Axa, azotan a Mazote," meaning the injustice of someone committing a crime and someone else being punished for it.

<sup>163</sup> Stanza 66 makes clear that the last verse of stanza 65 refers to the testicles.

66 [9]

Pero trae razon hermosa	a	But his reasoning is good
si fu derecho le dan,	b	if he is granted his right
dexando metros y profa	a	—verses and prose set aside—
de traellos alaylan <sup>164</sup>	b	to sell them at auction.
Mas si con estas somostas <sup>165</sup>	c	But even if these crumbs
no figuieron su compas	d	are not enough,
por matar estas langostas <sup>166</sup>	c	to squash this plague
vendanse para las costas	c	let them be sold for the expenses
pues que no puede ser mas	d	for nothing else is left.

### Respuesta de los señores coño y carajo embiado por garcia dastorga al señor don pedro de aguilar<sup>167</sup>

Tanta soledad tengo con la ausencia de vuestra merced y de los magníficos señores que extraño me fallo en mi casa de las aventuras acaescidas acá quiero dar le cuenta pues tanta razón ay para ello, siendo vos mi señor y aun que os parezca que me halle tan mancebo la noche primera que ami posada llegue puesto que del camino assaz trabajoso no parezco en la obra ni la señora quedara quejosa avn que la condicion de todos es no dezir bien delo bueno ni quejarse delo malo con todo, dispuse mis fuerças y certifico os señor que era de hodella vna vez la segunda no me oyo esperar su merced en la cama. Y esto creo lo causase las muchas vueltas que el mismo día comi yo con todo deveys creer que aun que no ouo favanas no faltaron palominos; para vuestra señoría no son menester lifonjas que bien cierto so yo lo creera de mi vuestra señoría y allí entre trabajo y fatiga acorde de hazer cinco coplas, que allí vera, en fauor delo sentenciado contra el martyr bien auenturado carajo, por no ser en discordia con tan honrrados juezes aun que bien se hallaran causas licitas y honestas para que el dicho Coño no fuera oydo en juyzio antes anichilado y echado del segun ley de derecho establecida por los reyes antepassados de gloriosa memoria.

### Answer of Messers. Cunt and Prick Sent by García de Astorga to Lord don Pedro de Aguilar.

I am so lonely with the absence of Your Mercy and those magnificent lords [in your company] that I find myself a stranger in my own house. I wish to give you an account of the adventures that befell [me] here, for there is such good reason for it, since you are my lord. And even though it may seem to you that I behaved as an adolescent on the first night I reached my inn, for the trip was very arduous,

<sup>164</sup> The term "alaylan" or "a laylan" seems to be part of the cries of an auctioneer ("A la una, à las dos / Alaylan à quien da mas," see the *Cancionero de Morana*. in *Coleccion de poesias castellanas anteriores al siglo XV*, edited by Thomas Antonio Sánchez, Madrid: Librería Aduana Vieja, 1779, I: 214).

<sup>165</sup> "Somosta" or chaff. According to Nebrija, it is "la harina segunda que los labradores destinan para el pan de los criados" (see Marcella Ciceri and Julio Rodríguez Puértolas, *Cancionero: Antón de Montoro*, Salamanca: U de Salamanca, 1990, 324),

<sup>166</sup> Plague.

<sup>167</sup> Pedro Fernández de Córdoba, became Lord of Aguilar and 1st Marquess of Priego in 1501 (see Ponce Cárdenas). Later in life, he was one of the enemies of Fernando el Católico, with whom he had a famous disagreement that caused his exile from Córdoba in 1508. He is one of the possible auditors of *Carajicomedia*, which was written in stages and read during the alterations caused by the *pactos*.

this did not affect my deeds, nor was the lady [I had] dissatisfied, even though it behooves us all not to say anything righteous of the good, or complain of the evil; nevertheless, I arranged my forces accordingly, and I certify to you that after I had fucked her once, she did not dare to remain in bed. And I believe that this was because of the grapes that I ate that same day. Nevertheless, you must believe that, although there were no sheets, stains were not lacking. I have no need to flatter your lordship, for I am certain that you will give credence to my words, and thus, between work and fatigue, I decided to write the five stanzas I have attached in favor of the sentence against the Martyr Most Blessed Prick—in order not to disagree with such honorable judges—even though there are licit and honest reasons for why said Cunt should not have been heard in court, but annihilated and thrown out of it by right of law established by ancient kings of glorious memory.

## 67 [6]

Y es segun juyzio claro,	a	And it is, according to an undeniable judgement
no torcido ni vicioso	b	—not warped or defective—,
por quel coño es vn auaro	a	that declares that the Cunt is a miser,
codicioso y malicioso	b	covetous and malicious,
ynabil y condenado	c	inept and rebuked,
porque le hiede la boca	d	because of the reek of its mouth.

## 68 [10]

Y tambien se me figura	a	And I also surmise
despues de malo y cruel	b	afterwards that it is wicked and cruel,
ca destar segun natura	a	because, according to nature,
el cuerpo en la sepultura	a	a body should be in the grave
no la sepultura en el	b	and not the grave in it.
Porque la razon lo fella	c	As reason would have it
junto con buen aluedrio	d	with worthy free will,
pregunto, mas sin querella	c	I wonder, without further fuss:
la ropa va en el nauio,	d	Are sails in a ship
o quiza el nauio en ella <sup>168</sup>	c	or perhaps a ship in them?

Y pues esto no satisfaze mas de fola dezillo por lo *que* toca ami consciencia quiero callarlo que no tengo de ayunar y dar por bueno lo hecho como veys que mi obra lo manifiesta en lo al no ay mas que escreuir a vuestra señoria: nuevas de aca es que no ay ningunas lo *que* mas se fuen son narizes y avn tales ay que desto tienen poca necesidad no mas por el presente dela boda hecha a treynta la vara de breña blanca como la nieve y muy bonita gracia y gesto.

<sup>168</sup> A return to the container/contained syllogism: Does a body fit in a grave, or a grave in a body? Does a ship carry sails, or do sails carry a ship? "Ropa" had a much wider significance in the sixteenth century. It was applied to any cloth, item of clothing, adornment, or as here, to a metaphoric extension of "manto." The reference here is to the sails of a ship. "Ropa a fuera, quando de las galeras, quando de ha de remar con higado" ... Ropa a la mar, quando la tormenta obliga a descargar el nauio" (Covarrubias 1233.2). Interestingly, the *DRAE* (1731, 641.1) cites "Lat. *Vestem deponas, vel denudes*" and adds as an example of its metaphoric usage taken from Quevedo's *El Parnaso Español*, Musa V, Baile 3: "Y quando el amante espera/ que ha de estar el pito mudo, / porque esten de su manera, / siendo el cómitre desnudo, / dice à todos ropa fuera."

And because it is not enough only to say it—according to my conscience, I wish to be silent—I have had nothing to breakfast and consider good what I have done, as you can see from my work. About other things, I have nothing to say to your lordship; there are no news from here. The only sound I hear is the blowing of noses, and some do not even need that. No more for now about the wedding performed. The yard of brittany cloth, white as snow and very pretty in quality and look, costs thirty.

**Del mismo en fauor dela sentencia  
dada contra el agraiado carajo**

**Of the Same in Support of the Sentence  
Given Against the Aggrieved Carajo**

69 [10]

A veynte y nueue del mes  
del fanto bañil<sup>169</sup> passado  
ante mi llego vn tratado  
en estilo cordoues  
aplicado  
No admirable<sup>170</sup> ni corrupto  
sentenciado y concluydo  
el qual es vn pleyto astuto  
quentre partes han traydo  
vna puta y vn hodido.

a  
b  
b  
a  
b  
c  
d  
c  
d  
d

On the twenty-ninth of the month  
of the past Holy Mason  
there came before me a treatise  
in superb Cordoban  
style.  
Not shocking or corrupting,  
sentenced and concluded,  
about a clever suit  
brought by the genitals  
of a whore and a fucked one.

70 [9]

Y lo quel coño leuo  
digo ques muy bien leuado  
por preminencia y estado  
del mismo pues del fãlio<sup>171</sup>  
Y pues este fue el venero  
donde se crio primero,  
muy iusta causa lo quiere,  
fer el coño el heredero  
delo *que* permaneciere

a  
b  
b  
a  
c  
c  
d  
c  
d

And what the Cunt pocketed,  
I consider properly taken  
by the superiority and state  
of it, for it ["Carajo"] came from it.  
And because this was the source  
of its earliest upbringing,  
it is very justified  
that the Cunt inherit  
whatever might remain.

71 [10]

Muchas razones parecen  
por donde es merecedor  
fer el siempre vencedor<sup>172</sup>  
ytem mas *que* le obedecen

a  
b  
b  
a

There are plenty of reasons  
why it [el Coño] is always worthy,  
be always the victor,  
another is that it is obeyed

<sup>169</sup> "Bañil" may be an apocope of "albañil" for reasons of rhyme, therefore, "A veynte y nueue del mes / del fanto bañil passado" (stanza 69) may refer to two days after the feast of St. John the Evangelist, patron saint of "albañiles," on the 27th of December, and would mark it as the date that *Pleyto* reached Astorga.

<sup>170</sup> The word "admirable" has somewhat changed its meaning over time to its opposite.

<sup>171</sup> The reference is to stanza 40.

<sup>172</sup> In Spanish, the Cunt ("el Coño") is masculine. I have chosen not always to adhere to this gender.

dendel mayor al menor	b	from biggest to smallest,
porque los mas efforçados	c	because, even the most potent
en fu vigor y potencia	d	in their vigor and strength,
los capirotos echados <sup>173</sup>	c	doff their caps
le van a dar obediencia	d	and pledge their fealty,
llorandole fus pecados	c	confessing their sins.

72 [10]

Otra peremptoria do	a	I state another peremptory law
a qualquier fabio galan	b	to any knowing gallant
por dondel precio gano,	a	who would attain his goal,
y es lo que dize el refran	b	and it is what the refrain reveals:
aquel que sufrio vencio <sup>174</sup>	a	" No gain without pain."
Y avn despues de fer sufrido	c	And even after its misery,
el buen coño y combatido,	c	the good embattled Cunt
que ninguno no le mate,	d	no one should kill.
quien se allega a fu combate	d	Whoever confronts it in a battle,
que no vaya cabizcaydo.	c	should not advance shyly.

**Fin****The End.**

73 [10]

Afí que por la sentencia	a	Therefore, on the matter of the ruling
deste manto que se dio	b	given concerning this cloak,
vos carajo aued paciencia	a	you, Prick, should be patient
quel coño lo merecio	b	for the Cunt deserved it
quanto a razon y conciencia	a	according to reason and conscience.
pues los cojones cuytados	c	And those forlorn testicles,
cuya parte difimulo	d	whose participation I have hushed,
no aleguen por efforçados	c	should not hereafter claim bravery,
porque la marea del culo	d	because the tide of the ass
los tiene desbaratados	c	wrecked them.

<sup>173</sup> "Capirote" in burlesque poetry is always a reference to the prepuce and the act of crying masks their ejaculation. In burlesque fashion, the stanzas criticize the ease with which the titled nobility pays homage to the Crown and seeks pardon for its transgressions.

<sup>174</sup> The refrain follows a structure common to many proverbs that oppose two verbs: "Quién sufrió, venció" in *Refranes, o prouerbios en romance* of Hernán Núñez (Salamanca, 1555). It is attested in the *Comedia Serafina* (1521) as " qu'el que sufrió venció." An English variant is "No cross, no crown."