

FEAR OF “UNNATURAL ACTS”:

LAW AND SEXUALITY

IN LONDON,

1500-1800

by

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Abstract

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Eighteenth-century London experienced a prosecution wave attempting to eradicate sodomy from the city. Discovered and exposed to the public by journalists, the “public outing” of molly houses and their patrons made them a target for the newly formed Societies for the Reformation of Manners. Through the analysis of Society-produced pamphlets, newspaper articles, and trial records, this thesis will show that a rise in Protestantism in England after the Glorious Revolution, along with the changes to masculinity in Europe, led to the prosecution wave against London’s sodomites. While the organizations would eventually dissolve, the fear and hatred they helped to promote would continue for centuries, laying the foundation for what would be consider homophobia in the mid-twentieth century.

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## Chapter 1

### Introduction

Evidence of sexual relationships between men can be found throughout history. The public reactions toward these men, and even the reaction toward themselves, have differed over time and place. In Medieval and Renaissance England, attitudes were first shaped by the teachings and influence of the Catholic Church, then later regulated and punished by secular law. During this time, sodomy was rejected as unnatural and against God's will, but it was not heavily prosecuted. By the eighteenth century, however, changes to masculinity and a surge of Puritanism after the Glorious Revolution, led to a persecution *and* prosecution wave of sodomites in London.

In London and throughout Europe, "subcultures of men who had sex with each other began to emerge in the burgeoning cities of Europe, and these subcultures were more developed and more visible."<sup>1</sup> Journalists in London discovered a network of meeting places referred to as "molly houses" where men participated in same-sex activities and rituals. Reform groups, collectively known as the Societies for the Reformation of Manners (also referred to in this thesis as "the Society"), were formed in order to correct what they perceived to be the sins of society, including prostitution, gin, and sodomy. To eradicate these sins from

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1. Anna Clark, *Desire: A History of European Sexuality*, (New York and London: Routledge, 2008), 134.

London's streets, the Society waged a campaign by using a network of spies and informants in order to infiltrate the molly meeting houses. The court systems in England during the eighteenth century generally depended on victims to prosecute the offenders in order to get justice. Like prostitution, sodomy is a victimless crime, and it had to be prosecuted by persons other than those involved in these sexual acts. Thief-takers and blackmailers took advantage of this fear of sodomites in society by trying to extort money from men by threatening to accuse them of sodomy. The popularity and activities of the Society would eventually dwindle until their organizations dissolved, but the fear and hatred they helped to promote would continue into the succeeding centuries.

This thesis will add to the historiography of European sodomy persecution, which eventually would be what we would recognize as homophobia in the twentieth century. Moreover, it will add to the collection of other works on the history of London's sexuality, the legal history of sodomy, and to gay history. Agreeing with scholars who say that the mollies were a subculture and thus the beginnings of the creation of an identity, this work will also align with those who believe it would not fit under the modern terms. This thesis recognizes religious and social changes occurring in both England and Europe, resulting in the fear and hatred of sodomites in London society, and the remaining cause for public fear that set the foundation for homophobia.



## Terminology and Historiography

The terms that will be used in this thesis to describe male-male sexual interactions, subculture, and behavior are the same words used in the respective centuries. The main term used in a majority of sources to describe sexual intercourse between men is *sodomy*, a term that dates to the thirteenth century; *sodomite* will be used more often than other labels to describe the men partaking in same-sex experiences.<sup>2</sup> *Buggery*, a word which dates to the fourteenth century is another term used to portray sex between men. This word is used in the legislation against sodomy and trial records and will only be used when quoting those sources.<sup>3</sup> The sodomy and buggery trials and legislation went beyond sex between men and included “anal penetration of either a man or a woman, bestiality, child molestation and possibly even fellatio.”<sup>4</sup>

The beginning of the eighteenth century brought a new term into the discussion of male-male sexual relationships: *molly*. *Molly* is a term used to describe a man who partakes in same-sex acts and is also used to label the subculture and establishments (i.e., molly subculture and molly houses.)<sup>5</sup> This term is different from the prior terms because it describes the effeminate behavior

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2. *Oxford English Dictionary*, s.v. “Sodomy,” accessed October 31, 2012, <http://www.oed.com/view/Entry/183887?redirectedFrom=sodomy#eid>.

3. *Oxford English Dictionary*, s.v. “Buggery,” accessed October 31, 2012, <http://www.oed.com/view/Entry/24372?redirectedFrom=buggery#eid>.

4. Tim Hitchcock, *English Sexualities, 1700-1800* (New York: St. Martin’s Press, Inc., 1997), 61.

5. *Oxford English Dictionary*, s.v. “Molly,” accessed October 31, 2012, <http://www.oed.com/view/Entry/120945?rskey=sKCHOU&result=5&isAdvanced=false#eid>.

that was being displayed by some men in society, not just the sexual interactions between them. *Molly* will be used in this thesis to describe men who participated in the molly subculture during the eighteenth century.

*Twentieth-Century Terminology: Homosexual, Gay, and Homophobia*

Scholars have disagreed about whether or not terms that did not exist in the past, should be used to describe the activities of sodomites prior to their invention in the nineteenth and twentieth centuries. Michael B. Young makes the argument in his book on King James I that modern labels should not be used on the past: “Strictly speaking, in early modern Britain, no one was *a* homosexual because the word, and arguably the connotations that went with it, did not exist either...we must not put these words into the mouths of people...who spoke in different terms.”<sup>6</sup> Alan Bray also cautions that if historians use words from the past that are meant to describe same-sex behavior, “there is no guarantee that they will be used appropriately” because “the terms in which we now speak of homosexuality cannot readily be translated into those of the sixteen and seventeenth centuries”.<sup>7</sup> Thus modern audiences may not fully understand the differences in thought between the past and the present. Those of the past would not recognize modern divisions either, for “what they understood [to be] sodomy

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6. Michael B. Young, *King James and the History of Homosexuality* (New York: New York University Press, 2000), 3.

7. Alan Bray, *Homosexuality in Renaissance England* (New York: Columbia University, 1995), 17.

did not map onto our present-day division between heterosexual and homosexual.”<sup>8</sup> Crawford makes the important observation that

sexual identity worked rather differently...when sexual identity was an issue, it was usually defined as a factor in one’s relationship to marriage. Whether one was actually married, eligible to be married, or committed to stay unmarried by virtue of a vow of chastity, marriage and the presumption of marital sexuality determined key aspects of a person’s social status, legal position, and economic prospects. But is this not a psychological or interior understanding of subjectivity; it is instead contextual, material, and circumstantial.<sup>9</sup>

Merry E. Wiesner-Hanks seems to bridge the two arguments: “Using a modern category...to explore the past is not an unacceptable practice, however, because investigations of the past are always informed by present understandings and concerns.”<sup>10</sup>

With these arguments in mind, the terms *homosexual* and *gay* will not be used in this paper to describe same-sex behavior or anti-sodomitical behavior prior to their use in the late nineteenth century, unless used in quotes by scholars. Going along with the arguments of Bray and Young, the use of the modern terms should not be used to describe past behavior because there is the danger of impressing modern viewpoints on the past.

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8. Clark, *Desire*, 73.

9. Katherine Crawford, *European Sexualities, 1400-1800*, (New York and Cambridge: Cambridge University Press, 2007), 4.

10. Merry E. Wiesner-Hanks, *Christianity and Sexuality in the Modern World: Regulating Desire, Reforming Practice*, (London and New York: Routledge, 2000), 3.

*Homophobia*, which is “the fear or hatred of homosexuals and homosexuality,” was not used until the last half of the twentieth century.<sup>11</sup> The Anti-Defamation League takes this definition further and adds that homophobia “sometimes lead[s] to acts of violence and expressions of hostility.”<sup>12</sup> Modern scholars have employed the term *homophobia* to describe the actions and philosophy of groups such as the Society for the Reformation of Manners, thieftakers, and blackmailers. Bryne Fone presents one probable explanation of the fear stemming from

the perception that homosexuality and homosexuals disrupt the sexual and gender order supposedly established by what is often called natural law. Adverse reactions to homosexuals and to homosexuality, therefore, are founded upon fear and dislike of the sexual *difference* that homosexual individuals allegedly embody—stereotypically, effeminacy in homosexual men, mannishness in homosexual women. Another source of homophobia is the fear that the social conduct of homosexuals—rather than homosexual behavior alone—disrupts the social, legal, political, ethical, and moral order of society, a contention supposedly supported by history and affirmed by religious doctrine.<sup>13</sup>

This quote could describe the events that were occurring in eighteenth-century London, but the term *homophobia* would have been unknown during that time. In keeping with the argument for the use of *homosexuality* and *gay*, neither term will

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11. *Oxford English Dictionary*, s.v. “Homophobia, n.2,” accessed October 31, 2012, <http://www.oed.com/view/Entry/243440?isAdvanced=false&result=2&rskey=V6Onb9&>.

12. “Homophobia,” Anti-Defamation League, accessed October 30, 2012, <http://www.adl.org/hatepatrol/homophobia.asp>.

13. Bryne Fone, *Homophobia: A History* (New York: Picador USA, 2000), 5.

be used in this thesis to describe events or people prior to the nineteenth and twentieth centuries. Even though the term will not be used to describe the activities of the Society and others, this thesis will acknowledge that those activities set up the foundation for the category of *homosexuality*, and later the term *homophobia*, to be created.

Another term which should be discussed is *subculture*. Part of the creation of a gay identity was tied into being separate from mainstream society, and the creation of a sodomitical subculture helped. Again, we see arguments between scholars as to whether or not subcultures existed during the eighteenth century or before. *Oxford English Dictionary* defines *subculture* as “an identifiable subgroup within a society or group of people, esp. [*sic*] one characterized by beliefs or interests at variance with those of the larger group.”<sup>14</sup> An anthropological term first used in 1914, most scholars do not seem to have any issues with using the word in historical work, but they do debate whether or not a group should be defined as one. Wiesner-Hanks writes that in the seventeenth century discoveries of subcultures were being made not just in England but throughout Europe. She argues that as there are changes in patterns in behavior regarding same-sex acts and men who wanted to seek out other men like themselves. Thus, it is “the late seventeenth century, when homosexual subcultures started to develop in many European cities with special styles of

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14. *Oxford English Dictionary*, s.v. “Subculture, n.,” accessed February 5, 2014, <http://www.oed.com/view/Entry/192545?rskey=NSp9IQ&result=1#footerWrapper>.

dress, behavior, slang terms, and meeting places; these networks brought together men of different social classes and backgrounds, and did not necessarily involved a dominant and a subordinate partner.”<sup>15</sup> In Rictor Norton’s *Mother Clap’s Molly House: The Gay Subculture in England 1700-1830*, he states that the journalists and Society members uncovered a subculture, a group that had their own rituals and behaviors that differed from what society deemed appropriate for men. While Wiesner-Hanks writes that this is the time in which these subcultures developed, Norton argues, that in London’s case, the so called “birth” or development of the gay subculture is instead a discovery: “Phrases such as ‘the birth of the queen’ or ‘the birth of the gay subculture’ somewhat overstate the case, because the phenomenon before us may represent not the sudden appearance of the mollies, but their sudden discovery.”<sup>16</sup> It would be the sudden discovery of the molly houses that would lead to a persecution wave.

There are those that do not think any kind of sodomite or gay subcultures existed in Europe of this time. Tim Hitchcock brings up an extremely important point. “The vast majority of eighteenth-century men”, he writes, “who committed sodomy did not think of themselves other than as ordinary, everyday members of their society. They did not belong to a subculture, nor did they have a distinctive

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15. Wiesner-Hanks, *Christianity and Sexuality*, 88.

16. Rictor Norton, *Mother Clap’s Molly House: The Gay Subculture in England 1700-1830*, (Gloucestershire: The Chalford Press, 2006), 68-69.

self-identity.”<sup>17</sup> This thesis, however, will go against Hitchcock’s argument. The eighteenth century “molly houses” and the rituals that were performed at these meeting places seem to indicate that there were men who began to see themselves as different from wider society. At these establishments, or molly houses, “men began to form rituals, take on nicknames, and set themselves apart from the surrounding culture.”<sup>18</sup> These men knew they were going against what society deemed to be “natural” by acting on their attraction to other men or dressing in a way considered inappropriate. Anna Clark writes in her book *Desire: A History of European Sexuality*, that “a sodomitical identity was created both by its enemies and its practitioners.”<sup>19</sup> It was not just the sodomites who viewed themselves to be different. But by the discovery and persecution of sodomites, the Society and others helped to create it. Still, although men were participating in the molly subculture, it should be noted that “some men certainly continued to have casual sex with other men without taking on any kind of sexual identity.”<sup>20</sup>

### *Sources*

The primary sources analyzed for this thesis span from the sixteenth century to the end of the eighteenth century and include legislation, trials, newspapers and pamphlets. The Old Bailey trial records printed in the *Old Bailey*

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17. Tim Hitchcock, *English Sexualities*, 63-64.

18. Clark, *Desire*, 134.

19. *Ibid.*

20. *Ibid.*

*Proceedings* will be the foundation of the third chapter and will be supplemented by *The Ordinary of Newgate Accounts*, newspaper reports, and materials produced by the Society. The categories of charges that are used in this thesis come from the trials that prosecuted the sexual offenses of sodomy, assault with sodomitical intent, and running a brothel. Other records that are used span other types of crime, such as theft and extortion where perpetrators tried to blackmail individuals by threatening to accuse them of sodomy. The *Ordinary's Accounts* will be used for their biographical sketches of those who were executed for the sexual offence of sodomy. Also used were newspaper reports from the year 1726. The other primary sources consulted were sermons that were preached to the Society written by some of the members themselves. These sermons highlighted the agenda of the campaign, including the activities targeted toward the eradication of sodomy, molly houses, and prostitution. These sources are physically located throughout London and include the London Metropolitan Archives and the Guildhall Library. For this thesis, the information was accessed on the websites *oldbaileyonline.org*, *riccornorton.co.uk*, and various databases as well as microfilm and sourcebooks. In addition to these works, secondary sources in the form of articles and books on a wide range of subjects were consulted. Online secondary sources include the *Oxford Dictionary of National Biography*, and background information provided by the *Old Bailey Proceedings Online* and *London Lives* websites was utilized.



These sources have been used by other historians researching Britain's gay history. Rictor Norton's *Mother Clap's Molly House: the Gay Subculture in England, 1700-1800* focuses on the molly subculture. Norton uses pamphlets, trial records, and newspaper articles to describe not only the activities that were occurring in the molly houses, but also who was going to these meeting places. He argues that it was not just the working class who were part of the molly subculture, but members of the upper class were also seen at these establishments. Randolph Trumbach focused on changes in sexual behavior as well as the creation of a third gender of eighteenth-century males. Trumbach also argues that while "the terms *heterosexual* and *homosexual* were nineteenth-century inventions...the behavioral patterns they described came into existence among men in the first generation of the eighteenth century".<sup>21</sup>

Works from scholars who are interested in sodomy and homosexuality within Christianity were employed in this thesis. *Homophobia: A History*, by Bryne Fone, explores the history of the fear of condemnation of homosexuals throughout the past and different geographical regions. Fone believes that the disapproval of same-sex relations is unique to Western culture. He examines and explores the social, moral, and religious changes that caused the aversion for these activities over time. While some scholars argue that homosexuality did not exist

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21. Randolph Trumbach, *Sex and the Gender Revolution, Volume 1 of Heterosexuality and the Third Gender in Enlightenment London* (Chicago and London: The University of Chicago Press, 1998), 4.

in the past, Fone argues that homosexuality —and thus homophobia—did exist in the past, even as far back as the Ancient Greeks. Moreover, while the prejudice and suppression directed toward other groups is now deemed to be immoral, he believes that homophobia is “the last acceptable prejudice.”<sup>22</sup> Mark D. Jordan’s *The Invention of Sodomy in Christian Theology* also traces sodomy in Christianity but focuses on the situation in which it became a moral issue, causing debate among Church clergy, theologians, and secular governments. Jordan analyses its place in the Old Testament in the Bible as translations of the original Hebrew text were made into Latin, and later, the vernacular languages of Europe. He believes that the term was invented by medieval theologians in order to categorize and unify the behavior so that it could be judged and punished by the Church.<sup>23</sup> Both these works provide information on Catholic theology concerning sodomy that is important to trace the events and that led up to the eighteenth-century prosecution wave by London’s secular courts.

*Christianity and Sexuality in the Modern World* looks at how Christian views on sex influenced Europe, Asia, Africa, and North America from 1500 to 1750. Wiesner-Hanks sees an important connection between Christianity and sex. In particular she “focus[es] on the ways in which people used Christian ideas and institutions to regulate and shape (or attempt to regulate and shape) sexual norms

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22. Bryne Fone, *Homophobia: A History*, 3.

23. Mark D. Jordan, *The Invention of Sodomy in Christian Theology*, (Chicago and London: The University of Chicago Press, 1997), 1-9.

and conduct.”<sup>24</sup> As the Catholic Church split during the Protestant Reformation in the early sixteenth century, these new Christian sects wanted to distance themselves from anything that they viewed as being related to the Catholic Church; this included sodomy as well as vows of chastity for the religious life. These Christian notions would help bring about the events in London that and the topic of this thesis.

All three of these books highlight the important link between Christianity and notions of what is acceptable and unacceptable sexual behavior. This thesis will also show a relationship between medieval Catholic theology and how the church defined and dealt with sodomy. Moreover, it will also show how those ideas, sometimes in conjunction with the Protestant Reformation, mainly Puritans, helped to influence European secular governments in how they dealt with sodomites in their cities and countries.

A number of historians add to both the legal and sexual history of eighteenth-century London. George E. Haggerty’s essay on the testimonies of witnesses for cases concerning sodomy in the eighteenth century gives more information on the working of the trials. In “Keyhole Testimony: Witnessing Sodomy in the Eighteenth Century”, Haggerty writes how keyholes and partitions

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24. Wiesner-Hanks, *Christianity and Sexuality*, 4.

allowed for someone to witness same-sex acts and then to later testify in court.<sup>25</sup> The partition enabled the observer to watch what was occurring, and even though they did not stop what was happening, they themselves would not be accused of sodomy. Jennine Hurl-Eamon's article, "Policing Male Heterosexuality: The Reformation of Manners Society's Campaign against the Brothels in Westminster, 1690-1720," argues that the campaigns of the Societies for the Reformation of Manners were attempting to police male heterosexuality.<sup>26</sup> They did this by attacking the clients of female and male prostitutes, but they also did this by raiding the molly houses and patrolling the streets where men would gather or troll for other male sex partners. Peter Bartlett goes beyond the trials for sodomy and explains the significance of the pillory as punishment for crimes related to sodomy. *Sodomites in the Pillory in Eighteenth-Century London* explains how the public punishment allowed for those in society to express their hatred against sodomites by using violence against the prisoner, sometimes fatally.

This thesis will take previous works further by incorporating, along with the records of the Society, the actions of thief-takers and blackmailers. These activities were driven by religion and changing views on heterosexuality and masculinity which caused mollies and their subculture to be feared and hated.

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25. George Haggerty, "Keyhole Testimony: Witnessing Sodomy in the Eighteenth Century," *The Eighteenth Century: Theory and Interpretation* 44, no.2-3 (June 2003): 167-182.

26. Jennine Hurl-Eamon, "Policing Male Heterosexuality: The Reformation of Manners Society's Campaign against the Brothels in Westminster, 1690-1720," *Journal of Social History* 37, no. 4 (Summer 2004): 1017-1035.

This work will also focus on the language used in the trial records as well as the witnesses who gave evidence against those accused of sodomy. The purpose of this research is to focus on the changed attitudes behind anti-sodomitical activities, legislation and beliefs in order to identify the eighteenth century as the point when homophobia emerged in London. This thesis will bridge the arguments by scholars who insist homophobia has existed throughout history and those that argue that homophobia was not in existence prior to nineteenth and twentieth century, by arguing that while homophobia was not established, there was a fear and hatred prevalent in the city that was a precursor for homophobia.

#### Sodomy in Europe

The prosecution wave in London was preceded by similar persecution and prosecution waves that occurred in Europe. One of the earliest instances occurred in Renaissance Italy, which was seen “as the fount of sodomy.”<sup>27</sup> Both the Catholic Church and the secular government of city-states tried to rid Italy of sodomy; it was thought to be so greatly condemned by God, that the “preacher Bernardino of Siena blamed plague, wars, and floods on sodomites in his sermons.”<sup>28</sup> Florence was believed to be plagued more than any other Italian city with sodomites, and the city wanted to eradicate the sin by the creating the Office

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27. William Naphy, *Sex Crimes from Renaissance to Enlightenment*, (Stroud: Tempus, 2004), 106.

28. Clark, *Desire*, 75.

of the Night. This group of six annually elected men “created an innovative judiciary magistracy solely to pursue and prosecute sodomy.”<sup>29</sup>

Within its seventy-year duration, the Office of the Night “probably levied over 2,400 convictions” and became “the most extensive and systematic persecution of homosexual activity in any premodern city.”<sup>30</sup> The punishment under the Office for convictions included “an extensive scale of graduated penalties” ranging from 50 gold florins for the first conviction of an adult all the way up to 500 gold florins for the fourth; on his fifth conviction, he would be burned.<sup>31</sup> An unintended consequence that went along with organized and state sponsored persecution was that “the courts brought to light a thriving and multifaceted sexual culture.”<sup>32</sup> Eighteenth-century journalists and Society members would also experience this inadvertent repercussion.

The Office of the Night was abolished in 1502. Michael Rocke identifies the reason for the dissolution of the office as Florentine embarrassment. The organization presented “an open and humiliating admission that the city had a particular problem with sodomy.”<sup>33</sup> The responsibility to prosecute sodomites

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29. Michael Rocke, *Forbidden Friendships: Homosexuality and Male Culture in Renaissance Florence*, (New York and Oxford: Oxford University Press, 1996), 4 and 48.

30. *Ibid.*, 47 and 4.

31. *Ibid.*, 51.

32. *Ibid.*, 4.

33. *Ibid.*, 224.

was extended to other judiciary institutions, and prosecution of sodomites after 1502 is not well known due to the lack of recorded evidence.<sup>34</sup>

Aside from London, Paris and the Netherlands were experiencing a persecution wave of men who participated in same-sex activities. Paris used its police force created in the mid-seventeenth century to “patrol the streets and market of the capital” which led them to “the surveillance of sodomites.”<sup>35</sup> Louis Crompton analyzes the police reports in *Homosexuality and Civilization* and found that they reveal a sodomitical subculture in Paris, similar to that later uncovered in London.<sup>36</sup> Areas in Paris were frequented by men looking for other men to have sexual relations; there they used secret signals and gestures to summon other men. In addition to these public streets and parks, taverns were a place sodomites could meet and even form social groups that had their own rituals.<sup>37</sup> Just as sodomites in London became known as *mollies* in the eighteenth century, the Paris police began referring to sodomites as *pédérasts* in their police reports. These reports also “are, inevitably, dehumanizing in their narrow focus on illegal acts and rarely tell us about the emotional bonds these men formed.”<sup>38</sup> Burning at the stake was the punishment assigned to convictions for sodomy, but few of these occurred, and they were usually associated with another violent

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34. Ibid., 224-231.

35. Louis Crompton, *Homosexuals and Civilization*, (Cambridge, Mass.: Belknap Press of Harvard University Press, 2003), 445.

36. Ibid., 446.

37. Ibid.

38. Ibid.

crime such as murder.<sup>39</sup> Instead, “young first offenders were scolded, made to sign a statement that they would not cruise the street again, and released.

Foreigners were deported and provincials sent back to their native regions.”<sup>40</sup>

Sodomy became legal during the French Revolution with the Penal Code in 1791 and continued to be legal under Napoleonic law.<sup>41</sup>

While Paris executed few for sodomy, the Netherlands executed many in a short period of time. This would be “the most deadly persecution of homosexuals known to us before Hitler.”<sup>42</sup> The “Witch Hunt in the Netherlands”<sup>43</sup> began in 1730 with the arrest of two men for sodomy.<sup>44</sup> These two men “implicated a twenty-two-year-old exsoldier... named Zacharias Wilsma... [who] in turn, identified some 140 other men” as sodomites.<sup>45</sup> Soon after these accusations were made, the Netherlands undertook a campaign of persecution and prosecution: “to an extent unprecedented in European history, the republic was engaged in a witch hunt for sodomites that engulfed the entire country.”<sup>46</sup> Over 250 trials took place and seventy-five men were executed.<sup>47</sup> Part of what spurred this hunt for sodomites were religious and political reasons. There was a fear that God would punish the Dutch if they did not do anything to eradicate the sin from the

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39. Ibid., 448-449.

40. Ibid., 448.

41. Ibid., 424-428.

42. Ibid., 462.

43 Ibid, 462.

44. Ibid.

45. Ibid.

46. Ibid., 462-463.

47. Ibid., 463.



Netherlands. There was an “ancient tradition that sodomy caused Noah’s flood helped fire the hysteria of 1730” and so when floods began in 1728, people began to panic; they thought God was punishing them.<sup>48</sup> In addition to being blamed for natural disaster, sodomites were also used as “convenient scapegoats” for the political problems of the Dutch. Crompton explains that “following the Peace of Utrecht, the Netherlands underwent a steep decline in military and political prestige. The Amsterdam stock Exchange slumped as commercial rivals like England now surpassed the Dutch, and anxiety grew.”<sup>49</sup> After about a year, the persecution wave of sodomites in the Netherlands ended and punishments for sodomy convictions were lessened.<sup>50</sup> Sodomy became legal as a result of the annexation of the Netherlands by France, which had already made sodomy legal.

Chapter two of the thesis will provide a background on the beliefs and practices of the Catholic Church and English government toward sodomy prior to the eighteenth century. The chapter will begin by looking at the Church’s stance on sodomy that was created during the Middle Ages and has lasted to the present day. The second part of the chapter will introduce the 1533 Buggery Act, a law that was used by King Henry VIII as a political weapon during the dissolution of the monasteries and the English Protestant Reformation. This act made sodomy

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48. Ibid., 465.

49. Ibid., 464-465.

50. Ibid., 467-470.

illegal under secular law but resulted in very few cases for sodomy during the Tudor and Stuart dynasties.

The next chapter analyzes the importance of the 1631 trial of Mervin Touchet, the second earl of Castlehaven. Accused, tried, and convicted for two counts of sodomy and rape, the events that occurred in his household would be remembered for centuries after and help establish precedent for sodomy trials. Chapter four focuses on the events that occurred after the discovery of the molly subculture by journalists, and the creation of the Societies for the Reformation of Manners. In order to include the creation of The Societies for the Reformation of Manners and the trial of their first victim, Captain Edward Rigby, the eighteenth century will also incorporate the last decade of the seventeenth century. This chapter will identify the changes in sodomitical practices from previous centuries and the concern over effeminate males. The Society led to a serious pursuit of sodomites in order to rid London society of them. But the persecution of sodomites was not just limited to the Societies. Other London citizens participated in the persecution wave by witnessing same-sex acts, and then turning those men into the authorities, later serving as trial witnesses against them.

The conclusion will give a brief history of changes in legislation regarding sodomy as well as notable trials and men of the nineteenth, twentieth, and twenty-first centuries. This section will not include every event having to deal with

homosexuality or the entire LGBTQ community, but will provide examples that illuminate the environment and situation of contemporary gays in these centuries. The research and creation of a gay or homosexual history of Britain is important for the people within that community; it allows for them to know more about those who came before them and contributes to their modern identity. Likewise, a history of homophobia gives an understanding as to why people may react with fear or hatred against the LGBTQ community by looking to the past as the foundations for this fear.

## Chapter 2

### Sodomy Prior to the Eighteenth-Century

Sodomy was not illegal under secular law until 1533. Attempts were, however, made to create laws against sodomy prior to the sixteenth century. In 1376, “the Good Parliament unsuccessfully petitioned King Edward III to banish foreign artisans and traders, particularly ‘Jews and Saracens’, accusing them of having introduced ‘the too horrible vice which is not to be named’ which would destroy the realm.”<sup>51</sup> With no civil law in place, it became the Catholic Church’s responsibility to deal with sexual offenses including cases of sodomy. In England the earliest attempt by the Church to stop sodomitical activity was the Council of London in 1102. The council “took measures to see that the general public was informed of the impropriety of such acts and insisted that in the future “sodomy” be confessed as a sin.”<sup>52</sup> They also prescribed punishments for those who were guilty of sodomy, notably that “layman [should] be imprisoned and clergymen be anathematized.”<sup>53</sup> Anselm, the Archbishop of Canterbury (and later Saint), was against the publication of the edict and he

advis[ed] the Council that homosexuality was widespread and few men were embarrassed by it or had even been aware it was a

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51. Norton, *Mother Clap’s Molly House*, 15.

52. John Boswell, *Christianity, Social Tolerance, and Homosexuality: Gay People in Western Europe from the Beginning of the Christian Era to the Fourteenth Century* (Chicago and London: The University of Chicago Press, 1980), 215.

53. “Best Beloved Brother: Gay Love Letters of Saint Anselm,” Excerpts from *My Dear Boy: Gay Love Letters through the Centuries* (1998), edited by Rictor Norton, accessed July 3, 2012, <http://rictornorton.co.uk/anselm.htm>.

serious matter; he felt that although sodomites should not be admitted to the priesthood, confessors should take into account mitigating factors such as age and marital status before prescribing penance, and he advised counseling rather than punishment.<sup>54</sup>

The edict was never published, and some scholars think that Anselm himself may have been attracted to other men.<sup>55</sup>

The centuries during the Middle Ages are important to the history of homosexuality in Britain because it is the period in which the church began to develop its belief on same-sex acts based on biblical scripture. This was also the era in which the word “sodomy” was created to describe sexual acts that could not result in offspring. The result was that

[by] the end of the Middle Ages that definition, derived from Scripture, the writings of the Church fathers, and the records of early Church councils, was simplified; “sodomy” came especially to signify sexual relations between persons of the same sex. And since sodomy offended against God, nature, and the Church, many believed it to be a kind of heresy. What had once been a remediable sin was now unforgivable. The Church therefore defined and judged it, though leaving the secular state to carry out the punishment the Church demanded.<sup>56</sup>

Two main biblical passages are the basis for the Church’s teaching against same-sex sexual activities. Leviticus 20:13 states clearly: “If a man lies with a male as with a woman, both of them shall be put to death for their abominable deed; they have forfeited their lives.”<sup>57</sup> While Leviticus is clear in its intent and meaning,

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54. Ibid.

55. Ibid.

56. Fone, *Homophobia: A History*, 179.

57. Lev. 20:13 NAB.

the story of Genesis had perhaps had a greater influence on the shaping of the church's belief on sodomy, providing the basis for discrimination and fear in the eighteenth-century.

Genesis 19 is the story of the destruction of the cities Sodom and Gomorrah. God was so angered by the sinfulness of the two cities and the lack of repentance by its inhabitants that He decided to destroy them. Abraham intercedes on behalf of the two cities and asks God to spare the inhabitants if there are ten people who are innocent. God agrees and two angels are sent to the cities to determine if the cities should be spared from destruction. The angels reach Sodom in the evening and Lot invites them to stay at his house. The people of the town hear of the two visitors and go to Lot's house and demand that he bring the two visitors down so that they could get to know them. Lot refuses and offers to the crowd his "two daughters who have never had intercourse with men. Let me bring them out to you, and you may do to them as you please. But don't do anything to these men, for you know they have come under the shelter of my roof."<sup>58</sup> The angels tell Lot to take his family and leave the city because the Lord is going to destroy both Sodom and Gomorrah for their sinfulness.

Scholars of both Catholic theology and gay history have studied the translation of this story from its original form of Hebrew to the Latin used by the Church in the Middle Ages. The story is thought to be about the sin of sodomy

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58. Gen. 19:8 NAB.

because the mob demanded Lot to bring out the angels so they could “get to know them” and that has been taken to mean in a sexual way. This idea is supported by the fact the Lot offers his two daughters to the crowd to do what they please, meaning sexual activities. Sodomites in the Middle Ages and prior to this time had sexual intercourse with both men and women, “and for this reason Lot attempted to save the youths by offering his daughters in their place.”<sup>59</sup> The other sin that scholars have thought the story to be about is the lack of hospitality the city showed the two visitors; the story “narrate[s] a terrible violation of the obligations of host to traveler,” which may have been the reason God destroyed the cities.<sup>60</sup> John Boswell points out that “some modern readers may have difficulty imagining that a breach of hospitality could be so serious an offense as to warrant the destruction of a city.”<sup>61</sup> Instead, they are more willing to accept that God destroyed the city because of sexual misbehavior. By focusing on sodomy, they miss out on the fact that “according to Genesis... the Lord was already inclined to punish the Sodomites before the angels arrived there (which is why they were sent).”<sup>62</sup>

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59. Randolph Trumbach, “Renaissance Sodomy, 1500-1700,” in *A Gay History of Britain*, edited by Matt Cook, (Oxford: Greenwood World Publishing, 2007), 45.

60. Mark D. Jordan, *The Invention of Sodomy*, 30.

61. Boswell, *Christianity, Social Tolerance, and Homosexuality*, 96.

62. *Ibid.*

For Fone, the reason that Genesis 19 is believed to be about sodomy “hinges on the crucial verb “to know”,” which is in the Hebrew text as *yadha*.<sup>63</sup> He explains that *yadha* appears in the Old Testament “some nine hundred times” and “almost always it means “to be acquainted with.”<sup>64</sup> The word does appear a few times to refer to “sexual knowledge,” but “on every one of these occasions it refers to heterosexual sex.”<sup>65</sup> Even with this knowledge of the translation of *yadha* there are those who remain adamant that the story refers to sodomy.

If Fone is correct in challenging the translation of *yadha* and “If Genesis 19 is not about homosexuality” notes Fone, “then Judeo-Christianity disapproval of homosexual acts is based possibly upon a mistranslation and certainly on a tragic misunderstanding. But the overwhelming majority of Christians believed that the story of Sodom condemns homosexual behavior.”<sup>66</sup> While Leviticus condemns sodomitical behavior, it is the story of Genesis that would fuel the fires of sodomitical fear in the eighteenth century and be the passage on which anti-sodomitical beliefs would be based. This is because Genesis 19 is “accepted as a dire warning to mankind, detailing what calamities will befall a society that will allow same-sex behavior to flourish, and as a scriptural justification for the belief

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63. Fone, *Homophobia*, 77.

64. *Ibid.*, 7.

65. *Ibid.*, 78.

66. *Ibid.*, 82.



that the extreme punishment is just recompense for the sin.”<sup>67</sup> Recompense that would come in 1533.

### The Buggery Act of 1533

On October 31, 1517, a German monk named Martin Luther nailed his *Ninety-Five Thesis* regarding the Catholic Church to the door of Wittenberg Church. This act of defiance sparked a movement of Christians breaking from the Catholic Church known as the Protestant Reformation which spread throughout most of Europe, dividing nations and people. England, for the most part, remained untouched by Protestant zeal until 1527, when Henry VIII decided he needed a male heir and thus a new wife.<sup>68</sup> Catherine of Aragon, Henry’s wife of many years, had become pregnant many times but the couple only had one daughter survive infancy. Henry was desperate to avoid putting England through another civil war over the throne and to continue to his own bloodline; he decided he needed to put Catherine aside so he could marry again and produce a male heir. The Tudor king already had his eyes set on a new bride, Anne Boleyn, and needed to get an annulment quickly. After a couple of years, the King was still married to Catherine and was not anywhere close to having the Catholic Church grant him an annulment. Another solution would be needed in order to solve the King’s Great Matter and that would involve breaking away from the Catholic Church.

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67. *Ibid.*, 77.

68. Robert Bucholz and Newton Key, *Early Modern England, 1485-1714: A Narrative History* (West Sussex, United Kingdom: Wiley-Blackwell, 2009), 67.

Henry was an absolute monarch and “had long claimed a right to legislate for the Church in England.”<sup>69</sup> Thomas Cromwell, a minister to Henry VIII, thought that perhaps by breaking away from the Church and making Henry the head of the Church in England, he could then have his divorce. What ensued in the following few years was the separation of England from Rome and the creation of a Protestant Church of England with Henry as its supreme head. Having finally married Anne in 1533, Henry turned his attention to the property and wealth of the Catholic Church throughout England.

Henry VIII’s divorce and remarriage seems to have little to do with sodomy in England during the sixteenth century. Still the King’s Great Matter would turn out to be the catalyst to create the first secular anti-sodomy law in England. Sodomy was considered to be widely practiced among the clergy of the Catholic Church and parliamentary legislation aimed at targeting sodomites was passed in 1533. The King’s intention behind the legislation was for it to be used as a political weapon against the Catholic monasteries in order to gain their wealth and land during the dissolution. The Buggery Act stated that if a person was found guilty of buggery

[they]shall suffer pains of death and losses, and penalties of their goods, chattels, debts, lands, tenements, and hereditaments, as felons been accustomed to do according to the order of the common laws of the realm. And that no person offending in any

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69. Ibid., 76.

such offense shall be admitted to his clergy. And that justices of the peace shall have power and authority within the limits of their commissions and jurisdictions to hear and determine the said offense as they use to do in cases of other felonies.<sup>70</sup>

The act was meant to symbolize the change of jurisdiction for sodomy cases and “the supremacy of the courts over the ecclesiastical courts. The law had no immediate effect for sodomites would not be prosecuted with vigor until the second and third decades of the eighteenth century.”<sup>71</sup> What the act did was give Henry’s officials a reason to look “into the sexual lives of England’s monks and nuns” and use the information gathered “to justify the dissolution of the monasteries and they became part of the story by which Protestant England justified its break with Rome over the succeeding centuries.”<sup>72</sup>

Eight years after the first Buggery Act was passed, “Nicholas Udall, a playwright and headmaster at Eton, was the first person convicted solely for buggery.”<sup>73</sup> Udall was accused (not for the first time) of committing sodomy with his students at Eton including Thomas Cheney who confessed to having sexual relations with Udall.<sup>74</sup> After being found guilty on the charge, Udall was given a prison sentence of one year and evaded the death sentence that was

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70. Ibid, 88.

71. Rictor Norton, *Mother Clap’s Molly Hosuse: The Gay Subculture in England 1700-1830* (London: GMP Publishers LTD, 1992), 16.

72. Trumbach, “Renaissance Sodomy”, 49-50.

73. “Sodomy” in *Encyclopedia of Tudor England*, edited by John A. Wagner and Susan Walters Schmid,(Santa Barbara: ABC-CLIO, LLC., 2012), 1025.

74. Matthew Steggle, “Udall , Nicholas (1504–1556),” in *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004), accessed July 03, 2013, <http://www.oxforddnb.com.ezproxy.uta.edu/view/article/27974>.

outlined for guilty convictions in the law.<sup>75</sup> Udall's career did not suffer from the conviction for later, in 1554, he became the head of Westminster school.<sup>76</sup>

The 1533 Buggery Act "was not intended to be permanent, and it had to be renewed three times in 1536, 1539, and 1540."<sup>77</sup> After the death of Henry VIII in 1547, and during Edward VI's short six-year reign, the Buggery Act remained in effect. Under Mary Tudor's rule, however, the act was repealed. Mary was a devoted Catholic who wished to return England to the Catholic Church. Part of this plan included the repeal of acts under her father which had targeted English Catholics. Under the Act Repealing Certain Treasons, Felonies, and Praemunire (1533)

...all offenses made felony, or limited, or appointed to be within the case of praemunire, by any act or acts of parliament, statute, or statutes, made sithens [*sic*]the first day of the first year of the reign of the late king of famous memory king Henry the eight, not being felony before, nor within the case of praemunire, and also all and every branch, article, and clause mentioned, or in any wise declared in any of the same statues, concerning the making of any offense or offenses to be felony, or within the case of praemunire, not being felony, nor within the case of praemunire before, and all pains and forfeitures concerning the same, or any of them, shall from henceforth be repealed and utterly void and none effect.<sup>78</sup>

Sodomy would cease to be a criminal offense until the reign of the last Tudor monarch, Queen Elizabeth. Under her rule, the Act for Punishment of the Vice of

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75. "Sodomy" in *Encyclopedia of Tudor England*, edited by John A. Wagner and Susan Walters Schmid, 1025.

76. *Ibid.*

77. Trumbach, "Renaissance Sodomy", 49-50.

78. Kenneth Borris, eds, *Same-Sex Desire in the English Renaissance: A Sourcebook of Texts, 1470-1650* (New York: Routledge, 2004): 89.

Buggery was restored in 1563 and reverted to “its harsher Henrician form, whereupon it remained unamended until the nineteenth century.”<sup>79</sup> Prosecutions of sodomites still remained “few and executions fewer.”<sup>80</sup>

Since the Buggery Act was not firmly in place, a standard process in order for all trials to be prosecuted consistently was needed. Sir Edward Coke, an English lawyer during the Elizabeth era, viewed sodomy as “a detestable and abominable sin, amongst Christians not to be named, committed by carnal knowledge against the ordinance of the Creator.”<sup>81</sup> He would be the one to “provide a model for sodomy prosecutions” in his works *A Book of Entries* and *The Third Part of the Institutes of the Laws of England*. In these works Coke determined that both penetration and ejaculation needed to be witnessed and testified by two people.<sup>82</sup> Coke also decided “If the party buggered [should] be within the age of discretion, it is no felony in him, but in the agent only.”<sup>83</sup> This interpretation would protect those under the age of fourteen from being tried for the crime.<sup>84</sup>

By the end of the Renaissance “sodomy,” a category invented by religious prohibition and civil proscription, had become indistinguishable from the

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79. *Ibid.*, 87.

80. “Sodomy” in *Encyclopedia of Tudor England*, edited by John A. Wagner and Susan Walters Schmid, 1025.

81. Borris, eds, *Same-Sex Desire*, 97.

82. Hitchcock, *English Sexualities*, 60.

83. Borris, eds, *Same-Sex Desire*, 98.

84. Kenneth Borris, eds, *Same-Sex Desire in the English Renaissance: A Sourcebook of Texts, 1470-1650* (New York: Routledge, 2004): Law, 95.

individual who practiced it: the sodomite, to whom state, Church, and citizenry responded with fear, hatred, contempt, and disgust.” Few sodomites would be prosecuted under the 1533 Buggery Act until the prosecution wave occurring at the eighteenth century. Before the eighteenth century, however, there would be one case where the outcome would be felt in sodomy trials for centuries to come.

### Chapter 3

#### Scandal, Rape, and Sodomy in the House of Lord Castlehaven

Any history concerning the legal history of homosexuality would not be complete without the 1631 trial of Mervin Touchet. “The twelfth Lord Audley in the peerage of England, and the second Lord Audley and Earl of Castlehaven in the peerage of Ireland”, his name would become synonymous with scandal and sodomy.<sup>85</sup> His trial not only provided material for stories of scandal in newspapers and pamphlets, but “would remain legal precedent for all homosexual court cases for the next two hundred years.”<sup>86</sup>

Cynthia B. Herrup describes Castlehaven and his estate in the 1620s as seeming “unexceptional” to “the casual observer.”<sup>87</sup> A decade later, however, “the gross disarray of the household became public.”<sup>88</sup> In 1631, his oldest son James Touchet was bringing accusations against him to the Privy Council. James accused his father of “projecting his disinheritance in favor of a servant, Henry Skipwith, thus disparaging the family blood and title, compromising the realm’s social order.”<sup>89</sup> James complained that his father was allowing his servant Skipwith to commit adultery with his young wife Elizabeth in order to impregnate

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85. Rictor Norton, “The Trial of Mervyn Touchet, Earl of Castlehaven, 1631”, *Gay History and Literature*, updated 8 August 2009, <http://rictornorton.co.uk/touchet.htm>.

86. *Ibid.*

87. Cynthia B. Herrup, *A House in Gross Disorder: Sex, Law, and the 2nd Earl of Castlehaven*, (Oxford: Oxford University Press, 2001), 9.

88. *Ibid.*

89. Borris, *Same-Sex Desire*, 102.

her and pass it along as James's.<sup>90</sup> The Privy Council investigated his claims and Castlehaven's world began to unravel as his secrets were exposed.

Castlehaven married Lady Anne Stanley, his second wife, in 1624.<sup>91</sup> It did not take long for Lady Anne to be introduced to Castlehaven's secret world. "The alleged orgies are supposed to have begun on the first day after Castlehaven married Anne," and the Earl allowed for his servants, "Henry Skipwith and Giles Broadway [to] lay between them...and upon one occasion he held Anne tightly while Broadway ravished her against her will."<sup>92</sup> The situation only got worse. Lady Anne's twelve-year-old daughter Elizabeth was married to Castlehaven's son James; it was not long before Castlehaven brought the young girl into his world of sexual deviance. Elizabeth was so young, that "the first time Skipwith laid with her, Castlehaven had to apply to Skipwith's penis some oil to make penetration easier. It required two applications."<sup>93</sup> This led to James making complaints against his father. Lady Anne had also become pregnant with Skipwith's child, but the child disappeared after its birth; Skipwith believed that Lady Anne had gotten rid of it.<sup>94</sup> During this time, Castlehaven was also having a relationship with another servant, Florentius Fitzpatrick.<sup>95</sup> The Privy Council's

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90. Herrup, *A House in Gross Disorder*, 3.

91. Norton, "The Trial of Mervyn Touchet".

92. Ibid.

93. Ibid.

94. Ibid.

95. Ibid.



investigation uncovered these secrets but there was not sufficient evidence to bring charges.<sup>96</sup>

Nonetheless, the trial began in April of 1631. To get around the problem of insufficient evidence, it was decided that the Earl's wife along, with Fitzpatrick and Broadway, would testify against Castlehaven.<sup>97</sup> The Earl protested his wife testifying against him stating that a wife could not be a witness against her husband, but the court replied "that in civil matters between Party and Party, a Wife could not be a Witness; but for Criminal matters, and for the King, the Wife may be a Witness [*sic*]."<sup>98</sup> Castlehaven also said that Fitzpatrick and Broadway could not testify because they too were guilty of the same crimes, but the court allowed it because they had given the two men immunity.<sup>99</sup> Castlehaven was charged with two counts of sodomy and as an accessory to rape. Castlehaven tried to argue in court that he could not be found guilty of sodomy "since Broadway testified that Castlehaven had emitted between his thighs rather than actually penetrated him, technically there was no sodomitical rape, but the court replied that it still came within the definition of buggery."<sup>100</sup> The King's attorney not only focused on the sexual crimes, but how Castlehaven deviated from his obligation as an earl saying

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96. Kenneth, *Same-Sex Desire*, 103.

97. *Ibid.*

98. Mervyn Touchet Castlehaven, *The trial of the Lord Audley, Earl of Castlehaven, for inhumanely causing his own wife to be ravished and for buggery*. London: 1679.

99. Norton, "The Trial of Mervyn Touchet".

100. *Ibid.*

Castlehaven was a man disordered in his understandings of male responsibility, genteel honor, and national identity, a danger to himself and others. He had accepted the privileges of patriarchalism, but betrayed his duties; gloried in the status offered to a peer, but upended the pillars of aristocratic honor; proclaimed his Englishness, but tainted it with Catholicism, Irishness, and sodomy.<sup>101</sup>

Castlehaven was found guilty on all charges; since he was tried under the statutes of the Buggery Act, he was sentenced to execution by beheading. On May 14 the Earl was led to the executioner's block, he said a short prayer, "pulled down his Handkercher over his Face, and laid his Head upon the Block; which was watched for by the Executioner who instantly at one Blow smoite it off. And thus died that Great Lord of Castle-Haven."<sup>102</sup>

Fitzpatrick and Broadway, the two servants who had served as witnesses against Castlehaven, were put on trial for rape and sodomy despite being promised immunity. Both men were found guilty and sentenced to death. After the trial Lady Anne, now Dowager Countess of Castlehaven "appears to have lived quietly with her mother at Harefield Middlesex," then later "in residence at Heydons."<sup>103</sup> Lady Elizabeth, having been forcibly married at a young age, was not able to reconcile with her husband James. She never recovered from the damage her reputation suffered from the scandal of the trial, and "matured into a wily survivor and a disorderly woman."<sup>104</sup>

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101. Herrup, *A House in Gross Disorder*, xiv.

102. Norton, "The Trial of Mervyn Touchet".

103. Herrup, *A House in Gross Disorder*, 111-112.

104. *Ibid*, 110.

Future sodomy cases would allow for participants in the sodomitical acts to testify against their lover, even though they too were guilty of the same crime. Immunity was given to these witnesses, but unlike the situation with Fitzpatrick and Broadway, they were not tried for the same crimes. This would allow for the Societies to infiltrate the molly houses and get inside information. Furthermore, this case was important to later sodomy cases because it had the required number of witnesses as outlined by Coke, and a member of the nobility had been prosecuted and convicted of sodomy. Scholars have focused on different aspects of the case to be what made the case sensation in the seventeenth century. Many scholars of gay history believe the sodomitical activities were the cause of society's discomfort and intrigue, but there are those who do not believe the focus was on sodomy. In *A House of Gross Disorder: Sex, Law and the 2nd Earl of Castlehaven*, Herrup claims that it was Castlehaven's lack of paternalism and behavior suited for a member of the nobility was the real cause for shock. By Castlehaven allowing and encouraging the rape of his wife, a countess, by his servants, and for the rape of twelve-year-old step-daughter who was also his daughter-in-law, Castlehaven was not acting in the way society had deemed proper for a man of his status. Herrup believes the charges of sodomy did not become such a big problem within society until about sixty years later when sodomy was on the verge of being heavily prosecuted by the Society and was considered to be a problem in London:

The exceptional persistence of Castlehaven in different sorts of memories offers a rare opportunity to follow how meaning can shift and spin over time. Sodomy became the narrative's pivot in the 1690s, not the 1630s. The legal irregularities that worried commentators in the seventeenth century have become precedents in questions of spousal rights. Such changes are not random; they reflect the different needs for which the trial has been adapted. This functional malleability invites us to ask not which rendition of the trial is correct, but which was persuasive to whom, when and why. It allows us to understand how a scandal embedded in one century has retained both its interest and its ability to shock others.<sup>105</sup>

Norton on the other hand, disagrees with Herrup's argument. In a review on her book, Norton criticizes her work by saying

Herrup demonstrates that the legal cases against Castlehaven was technically flawed, and he was convicted mainly because he was regarded as a Catholic and an Irish sympathizer, and because he betrayed the patriarchal duty of keeping his house and family in order... Though Herrup does not dispute the abundant evidence of debauchery, she foregrounds the political, legal, social and cultural contexts of the affair, in effect retelling the tale for our postmodern times. In general it seems to me that Herrup has over interpreted the case, and treated it as representative of the times when in fact it was unique.<sup>106</sup>

Where Herrup points out the other facts that lead to Castlehaven's conviction, such as his religion and the heinous crime of his wife's rape, she does seem to downplay the accusation of sodomy. Being put on trial for sodomy was no light matter, being found guilty would mean a death sentence, a situation that more men found themselves in the next century.

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105. Ibid, xv-xvi.

106. Rictor Norton, "The Trial of Mervyn Touchet".

## Chapter 4

### The Emergence of Homophobia

In the beginning of the eighteenth century, the Society for the Reformation of Manners appeared to have “discovered” a molly subculture in London. The first of these organizations was formed in 1690, just two years after the Glorious Revolution of 1688. During this Revolution, the once Catholic nation drove out the Catholic Stuart King, James II. He was replaced with his Protestant daughter Mary and her Dutch husband William of Orange. Many English Protestants believed that they “had narrowly averted the catastrophe of a Catholic monarch.”<sup>107</sup> Despite the fact that “worries about immortality had been only incidental to the revolution itself, they quickly grew prominent in its aftermath.”<sup>108</sup> Moreover, “their importance was amplified by the widespread perception that the revolution had come about through divine intervention: it was God’s way of giving England one last chance to reject sin, irreligion, and ill government, or else suffer his violent wrath.”<sup>109</sup> These societies were formed in response to this belief “and sought to promote reform through persuasion, in sermons and through the distribution of printed literature” as well as “coercion”

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107. Tim Hitchcock, Sharon Howard, and Robert Shoemaker, "Background- of Manners Campaign", *London Lives, 1690-1800* (www.londonlives.org, version, 1.1, 23 September 2012).

108. Faramerz Dabhoiwala, “Sex and Societies for Moral Reform, 1688-1800,” *The Journal of British Studies* 46, (April 2007): 291.

109. Ibid.

and prosecution.<sup>110</sup> England, these reformers preached, needed to purge itself of its many immoral activities including prostitution, gin drinking, Sabbath breaking, adultery, and sodomy. The aim of many members was to return to the Puritanism that rose to prominence after the English civil war, under the rule of Oliver Cromwell, himself a Puritan. After King James II was expelled from England, it was with a Puritan spirit that reformers “renewed attempts...to legislate against sexual offenses.”<sup>111</sup> While the society had negative intentions toward sodomites, the eventual trials and testimonies provide information that would otherwise be lost to historians:

The Society for the Reformation of Manners played an important role in simultaneously revealing and suppressing the gay subculture during the opening years of the eighteenth century...Without the existence of the Society for the Reformation of Manners, modern historians would have virtually no knowledge about the world of the eighteenth-century mollies.<sup>112</sup>

The Societies for the Reformation of Manners:

God, Masculinity, and the Third Gender

The motivation for the quest to purge sodomites from society came from both religious and social views of sex and gender roles. Christian belief that sexual acts between men were against God’s laws went back to the Old Testament; moreover, new “ideas of masculinity and femininity [were] becoming

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110. Hitchcock, Howard, and Shoemaker, “Background Reformation of Manners Campaign”.

111. Dabhoiwala, “Sex and Societies,” 291.

112. Norton, *Mother Clap’s Molly House*, 68-69.

more fixed and increasingly related to who an individual had sex with.”<sup>113</sup> In the sermon preached to members of the Societies, “Reformation Necessary to Prevent Our Ruin”, it is stated that sodomy is unnatural because sex was created to be carried out between a married man and a woman in order to multiply the inhabitants of the earth. Not only does sodomy prevent reproduction, it also contradicts the intention God had when he created women because their purpose was to help continue the race. With these Christian values of marriage and reproduction in mind, it was “for the Sake of the Dignity of our Nature, and the Honour of the Reformed Christian Religion, our most zealous Efforts ought to be exerted against this abominable Sin” that the Society must eradicate sodomy from London and elsewhere in England.<sup>114</sup>

Whereas the sermons preached to members to go out and rid London of sodomy, the tract titled *The Sodomites Shame and Doom* attempted to reach out to sodomites to encourage them to repent their sins and reform their behavior. The tract points out that it is not just one individual but two who are sinning when performing a same-sex act, so “two Souls are thereby [put] at once in to the very

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113. Matt Cook, *London and the Culture of Homosexuality, 1885-1914*, (Cambridge: Cambridge University Press, 2003), 7.

114. *Reformation Necessary to Prevent Our Ruine: A Sermon Preached to the Societies for Reformation of Manners, at St. Mary-le-Bow, on Wednesday, January 10th, 1727*, London: Printed and Sold by Joseph Downing, in Bartholomew-Close, near West Smithfield, 1728: 20. Accessed on the web October 11, 2012. <https://play.google.com/books/reader?id=CfBbAAAAQAAJ&printsec=frontcover&output=reader&authuser=0&hl=en&pg=GBS.PA1>.

borders of hell.”<sup>115</sup> The tract labels sodomites as “monsters of impurity” and gives directions on how they can reform their ways. By praying, refraining from persons and places that could lead them to commit sodomitical acts, and by humbling themselves to God, sodomites might be forgiven. The religious work threatens that if sodomites do not reform their ways, the Society will continue to reveal them and punish them: “All Faithful Lovers of God will do all that lawfully they may towards to suppression of...public impurities which tend to the great dishonor of God in the world.”<sup>116</sup> The Old Testament story of Sodom and Gomorrah helped to shape the Christian view of sodomy as a sin, and is mentioned in both the sermon and the religious tract. God was angered by the sinfulness of the two cities and the lack of repentance by the inhabitants so He decided to destroy them; English Protestants were afraid that the tragic fate that had befallen the biblical cities would fall onto them. If Londoners do not purify the streets of sin, the sermon warns, they will experience “the vengeance of eternal fire” as had Sodom and Gomorrah.<sup>117</sup> Preaching the story would certainly make any God-fearing and devoted Christian fearful—and perhaps resentful—

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115. *The Sodomites Shame and Doom, Laid before them with Great Grief and Compassion. By a Minister of the Church of England.* London, 1702.  
Accessed on the web November 5, 2012.  
<http://find.galegroup.com/ecco/infomark.do?&source=gale&prodId=ECCO&userrouName=txshracd2597&tabID=T001&docId=CB3329266372&type=multipage&contentSt=ECCOArticles&version=1.0&docLevel=FASCIMILE>.

116. Ibid.

117. Ibid.



toward sodomites assuming they really believed that God would punish the entire city for the sins of others.

Religion was not the only cause for the condemnation of sodomy; changes to what was considered acceptable masculine behavior were being made. In *Masculinity in the Modern West: Gender, Civilization and the Body*, Christopher Forth describes the eighteenth century as the era when modern masculinity was defined; however, “the complexity of definitions of masculinity was such that no one man could hope to embody all the recommended qualities under the given conditions of modern civilization.”<sup>118</sup> How a man acted in society, what he wore, and even what he bought could put him within the realm of social acceptability or outside of it; thus, “many middle-class men were keenly aware of the tightrope they walked between the social demand for self-control and the temptation periodically to relax that control. The proper gentleman had to know how to navigate these competing demands.”<sup>119</sup> One example Forth gives is what was deemed appropriate fashion for men’s clothing. The eighteenth century saw “the rising popularity of trousers” as well as heavy, stiff clothes in muted colors.<sup>120</sup> Society viewed men who wore clothes that were deemed to be too extravagant or brightly colored as “soft” or “flamboyant”. By not behaving in accordance with the definitions of masculinity, a “gentleman risked being labeled immoral,

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118. Christopher Forth, *Masculinity in the Modern West: Gender, Civilization and the Body*. (New York: Palgrave Macmillan, 2008), 42.

119. *Ibid.*, 43.

120. *Ibid.*, 49.

deceptive or effeminate if these qualities were not tempered by more direct and even coarse words and deeds.”<sup>121</sup> London society “condemned sodomites for deviating from the standards of masculinity in sexual behavior and appearance.”<sup>122</sup> In addition to portraying the masculine ideal with the appropriate manners and clothing, men needed to be seen desiring only women.

The result of these changes was that “masculinity was thus bound up with desiring women and femininity with desiring men. For a man to have sex with another man implicated effeminacy; he became ‘like a woman’”.<sup>123</sup> They believed a true man could never want to have sex with another man.<sup>124</sup> The effeminate male thus became a “third gender” and “these men could be identified by what seemed to their contemporaries to be effeminate behavior in speech, movement, and dress. They had not, however, entirely transformed themselves into women but instead combined...selected aspects of the behavior of the majority of men and women.”<sup>125</sup> London society “conceived [mollies] to be men who really wanted to be women and took on many of the characteristics of women. They walked and spoke like women. They used women’s names. They often dressed partly or entirely as women. But they did not desire women.

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121. *Ibid.*, 43.

122. Crawford, *European Sexualities*, 202.

123. Cook, *London and the Culture of Homosexuality*, 7-8.

124. Randolph Trumbach, “Sodomitical Assaults, Gender Role, and Sexual Development in Eighteenth-Century London,” *Journal of Homosexuality* 16: 408.

125. Trumbach, *Sex and the Gender Revolution*, 3.

Instead, they wished to have sexual relations with... men.”<sup>126</sup> The men who belonged to this third gender became ostracized in a society that only recognized two legitimate genders.<sup>127</sup>

London society also perceived sodomites to despise women, a belief in evidence in the 1707 broadside balled *The Women-Hater's Lamentation*. This work describes the suicides of Jones, Grant, and Jermain. These three men were part of a raid on a molly house by the Society on the Reformation of Manners during which forty men were arrested.<sup>128</sup> The ballad describes the men as possessing an “unnatural dispising [of] the *Fair sex*, and Intriguing with one another [*sic*].”<sup>129</sup> By participating in sodomitical behavior, they were laying aside what was natural sexual behavior, and so in their suicides “their Fate was just [*sic*].”<sup>130</sup>

The eighteenth century also brought changes in male-male sexual relationships. Prior to this century, “between the Middle Ages and the Renaissance, there was no real break in the way in which sexual relations between males were organized... men continued to have sexual relations with both

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126. Randolph Trumbach, “Modern Sodomy: The Origins of Homosexuality, 1700-1800,” in *A Gay History of Britain*, edited by Matt Cook, (Oxford: Greenwood World Publishing, 2007), 78.

127. Trumbach, *Sex and the Gender Revolution*, 7.

128. Rictor Norton (Ed.), “The Women-Hater's Lamentation, 1707”, *Homosexuality in Eighteenth-Century England: A Sourcebook*, updated 1 December 1999, <<http://www.infopt.demon.co.uk/hater.htm>>.

129. Ibid.

130. Ibid.

adolescent boys and women as they had done before.”<sup>131</sup> In the Georgian era, however, “sexual acts were increasingly between two adult males rather than between an adult and an adolescent male, as had been the pattern.”<sup>132</sup> Men still married and had sex with women, but increasingly those considered to be in the third gender had sex with men exclusively. There does not seem to be an explanation as to why these changes occurred so suddenly in the eighteenth century and why these changes occurred at all.<sup>133</sup>

London society was also encouraging men to refrain from sex outside of marriage. Due to these changes in thoughts on sexuality and gender roles, Jennine Hurl-Eamon writes that the Society was trying to police male heterosexuality by prosecuting both prostitutes and their clients in order to prevent husbands from having extramarital sex.<sup>134</sup> If the Society were policing men’s sexual activity by making sure men did not buy the services of prostitutes, one could argue that they were also policing male sexuality. Now part of a man’s acceptance in society was wrapped up with whom he chose to have sex, and to be accused of sodomy was to question his masculinity. A man needed to be seen to hate sodomites in order to prove his heterosexuality. Men were afraid to be accused of sodomy because it would threaten their social acceptance and masculinity; indeed, it would make them vulnerable to activities like extortion.

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131. Trumbach, “Renaissance Sodomy”, 45.

132. Trumbach, “Sodomitical Assaults”, 408.

133. Trumbach, “Modern Sodomy”, 78.

134. Hurl-Eamon, “Policing Male Heterosexuality”.

The Society wanted to make sure sodomites were being singled out from society and prosecuted for what they deemed to be an unnatural crime. In 1698 the Society had their first victim.

#### Captain Edward Rigby

The first victim of the activities of the Society was Captain Edward Rigby in 1698. Moreover, it was “the first recorded use of an agent provocateur, employed for the purposes of entrapment by the Societies for the Reformation for Manners.”<sup>135</sup> Captain Rigby was indicted for intending to commit sodomy with a young man name William Minton, who served as the Society’s agent provocateur. The incident occurred on November 5, 1698, while Minton was watching the celebrations for Guy Fawkes Day. Rigby allegedly

stood by [Minton] and took him by the hand, and squeez'd it; put his Privy Member Erected into Minton's Hand; kist him, and put his Tongue into Minton's Mouth, who being much astonish'd at these Actions went from him; but Rigby pursued him, and accosted him again; and after much Discourse prevailed with Minton to tell him where he lodged, and to meet him the Monday following about Five a Clock, at the George- Tavern in the Pall mall, and to Enquire for Number 4.<sup>136</sup>

The next day Minton went to the Justice of the Peace to report what had happened the night before and there it was decided that Minton would meet Rigby in order

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135. Rictor Norton. Ed. "The Trial of Capt. Edward Rigby, 1698." *Homosexuality in Eighteenth-Century England: A Sourcebook*. Updated 30 April 2013; <http://www.rictornorton.co.uk/eighteen/rigby.htm>>.

136. *An Account of the proceedings against Capt. Edward Rigby, at the sessions of Goal Delivery, held at Justice Hall in the Old-Bailey, on Wednesday the seventh of December, 1698 for intending to commit the abominable sin of Sodomy, on the body of one William Minton*. Printed by F. Collins in the Old Bailey, London, 1698.

to trap him. If Rigby tried to perform any kind of sexual act on Minton, he was to yell ‘Westminster’ so that Rigby would be caught in the act.<sup>137</sup> Minton met Rigby on November 7th as planned and went to Rigby’s room where Rigby started to become physical with the young man. As Rigby continued his advances on Milton, he

applied his Body close to Minton’s, who feeling something warm touch his Skin, put his hand behind him, and took hold of Rigby’s Privy Member, and said to Rigby "I have now discovered your base Inclinations, I will expose you to the World, to put a stop to these Crimes"; and thereupon Minton went towards the door, Rigby stopt him, and drew his Sword, upon which Minton gave a stamp with his foot, and cry'd out "Westminster"; then the Constable and his Assistance came into the Room, and seized Rigby, who offer'd the Constable a Gratuity to let him go, which he refus[ed].<sup>138</sup>

Rigby was found guilty and sentenced “to stand Three several Days in the Pillory, for the space of two Hours, from Eleven of the Clock to One, in each of those days,” as well as to pay a fine to the king and serve a one-year prison sentence.<sup>139</sup> The entrapment and guilty verdict of Rigby was a warning to other sodomites that the Society would use whatever tactics necessary to prosecute sodomites.

This trial becomes unique because of the statements Rigby made about sodomitical men in history. From Rigby’s point of view, sex between men was not something unnatural or novel. When Minton tried to protest that what they

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137. Ibid.

138. Ibid.

139. Ibid.

were doing was unnatural, Rigby replied with “‘it's no more than was done in our Fore-fathers time’”.<sup>140</sup> He began to recount men in history who had practiced sodomy: “‘That the French King did it, and the Czar of Muscovy made Alexander, a Carpenter, a Prince for that purpose,’ and affirmed, ‘He had seen the Czar of Muscovy through a hole at Sea, lye with Prince Alexander.’”<sup>141</sup> Norton points out that these remarks are important because “as with many modern gay men, Rigby justified himself — and perhaps developed some sense of gay identity — by referring to historical figures and great men who were also gay.”<sup>142</sup>

#### Discovery and Prosecution: Mollies, Molly Houses and the Old Bailey

The Society members, in their pursuit of sodomites, uncovered a subculture that had been largely unknown to the public until the eighteenth century. Part of the discovery was the existence of certain popular meeting places where men interested in having sexual relationships with other men could meet each other. Throughout London, sodomites frequented areas around the city that became well-known for sodomitical activity, places such as “Moorfields with its ‘Sodomites Walk; Saffron Hill, and the area around St. Paul’s Cathedral” and “the Royal Exchange...Lincoln’s Inn, the south side of St. James’s Park and the piazzas (arcades) of Covent garden.”<sup>143</sup> Society members and police officers

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140. Ibid.

141. Ibid.

142. Norton. Ed. "The Trial of Capt. Edward Rigby, 1698."

143. Dan Cruickshank, *London’s Sinful Secret: The Bawdy History and Very Public Passions of London’s Georgian Age* (New York: St. Martin’s Press, 2009), 62; Rictor Norton,

would frequent these places in order to catch men in the act, even going as far as to lure men themselves. Yet, they were not always successful as a newspaper from 1726 reports:

Thursday last, several Peace Officers were in quest of a Gang of Sodomites, who frequent Moorfields, but missed of them narrowly, they being just gone off before they could come up with them; however, 'tis not doubted but by the Vigilance of the Society for the Reformation of Manners, they will soon be detected.<sup>144</sup>

Another popular meeting place that had emerged (and gives historians a reason to believe there was indeed an emerging sodomitical subculture in London) were the molly houses. These establishments were sometimes an ale house or “a disorderly house where sodomitical men socialized and found entertainment.”<sup>145</sup> These houses were located throughout the city, including the areas that were already frequented by sodomites as popular cruising grounds; these houses were usually frequented by tradesmen rather than the aristocracy because of the bawdy behavior found in these establishments.<sup>146</sup> Besides have sexual relations with other men (paid or unpaid), men would get “married” to each other and have a wedding ceremony complete with bridesmaids.<sup>147</sup> Mollies

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*Mother Clap's Molly House: the Gay Subculture in England 1700-1830*, (London: GMP Publishers Ltd, 1992), 71.

144. Rictor Norton ed., “Newspaper Reports, 1726,” in *Homosexuality in Eighteenth-Century England: A Sourcebook*, Accessed May 4, 2013, <http://www.rictornorton.co.uk/eighteen/1726news.htm>.

145. Norton, *Mother Clap's Molly House*, 86-87.

146. Rictor Norton, *Mother Clap's Molly House: the Gay Subculture in England 1700-1830* (London: GMP Publishers Ltd, 1992), 12.

147. Rictor Norton, “Recovering Gay History from the Old Bailey,” *The London Journal* 30, vol.1 (2005): 43.



were given the nickname because they showed effeminate behavior, dressed up like women, and mimed their physical manners and speech.<sup>148</sup> They also received new names in a ritualistic manner: “When any member enter’d into their society, he was christened by a female name, and had a quarter of Geneva<sup>149</sup> thrown in his face.”<sup>150</sup> The Society would make it their goal to bring down not only those who went to these houses, but those who ran them and provided the space for such activities to occur.

#### Devilish Year of 1726<sup>151</sup>

The early 1700s was a period in which several raids on molly houses occurred; the most famous of these was the 1726 raid on the molly house owned by Margaret Clap in Holborn. Members of the Societies would pretend to be sodomites in order to enter into these establishments and observe the activities. Samuel Stephens, who would give witness testimonies in the trials, may have been one of these pretenders.<sup>152</sup> The Society also relied on mollies-turned-informers for more knowledge about these places and to gain the credibility needed for Society members to enter the houses undercover in order to gather

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148. *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 6.0, 29 October 2012), July 1726, trial of Margaret Clap (t17260711-54).

149. Geneva is gin distilled with juniper berries. Patrick Dillon, *Gin: The Much Lamented Death of Madam Geneva*, (Boston: Justin, Charles & Co., 2004), 4.

150. *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 6.0, 29 October 2012), October 1728, trial of Julius Cesar Taylor (t17281016-60).

151. Cruickshank, *London's Sinful Secret*, 68.

152. The alternative spelling of “Stevens” was also used in the Proceedings.

information to prepare them to invade the molly houses later, including Margaret Claps' establishment.

Margaret Clap's house was raided "[on] a Sunday night in February, 1726, a squadron of police constables converged upon the molly house...All the avenues of escape being blocked, by the early morning hours the rooms had been emptied of forty sodomitical men...who were rounded up and hauled off to Newgate prison to await trial."<sup>153</sup> After the raid, several trials proceeded against those who were connected with the molly house. Margaret Clap was charged with keeping a brothel. Clap was a married woman who may have enjoyed the molly subculture and kept the establishment in order to entertain and provide a space for molly activities. She was found guilty and sentenced to a fine, the pillory and imprisonment.

Three of the men tried in connection with Clap's house were all found to be guilty and endured the far worse punishment of hanging. Thomas Newton, the alleged lover of these men, testified against them and walked away unscathed. The first of these men to be tried was Gabriel Lawrence, a milkman indicted for committing sodomy with Thomas Newton. Newton, a sodomite turned informer, gave evidence that Lawrence was a sodomite because he had committed sodomy with him at Margaret Clap's house. Samuel Stephens gave testimony that he had

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153. Rictor Norton, "Mother Clap's Molly House", *The Gay Subculture in Georgian England*, Accessed November 6, 2012, <http://rictornorton.co.uk/eighteen/mother.htm>.

seen many men at the house making love to each other and that the defendant was there “but never knew that it was a rendezvous for such persons.”<sup>154</sup> Although Lawrence had several witnesses that included the father of his deceased wife, he was still hanged as a sodomite. In the *Ordinary’s Account*, Gabriel said that Newton “had perjur’d himself, and that in all he had never been guilty of that detestable Sin.”<sup>155</sup> Newton’s name, as does Stephens, can be seen again in trial records for providing testimony against two more of his alleged lovers Thomas Wright and William Griffin. The witness testimonies from both Newton and Stephens led to the court finding Wright and Griffin guilty of sodomy and both were sentenced to death. Wright states in his dying confession that “Newton swore falsely against him; but could not deny his following these abominable Courses.”<sup>156</sup> Griffin makes a similar statement about Newton and confesses to being a sodomite, “saying that that abominable Sin was always the aversion to his Soul” even though he had a wife and children.<sup>157</sup> The three men were carted through the city and brought to Tyburn where they were executed by hanging.<sup>158</sup>

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154. *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 6.0, 29, April 1726, trial of Gabriel Lawrence (t17260420-64).

155. *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 7.0, 07 November 2012), Ordinary of Newgate’s Account, May 1726 (OA17260509).

156. *Ibid.*

157. *Ibid.*

158. Norton ed.,, “Newspaper Reports, 1726.”

The *British Gazetteer* announced that “the body of Gabriel Lawrence, one of the sodomites executed at Tyburn, was dissected at Surgeon’s –Hall.”<sup>159</sup>

Margaret Clap was not the only one to be indicted and convicted to serve time for keeping a brothel. Julius Cesar Taylor was indicted for keeping a brothel and was tried in October of 1728, two years after the raid on Clap’s house.

Unlike Mrs. Clap who was female and presumed to be heterosexual, Taylor was also charged with the “intent to commit that horrid and detestable Sin of Sodomy.”<sup>160</sup> According to the trial records, there were witnesses that testified that they saw Taylor with a man named John Burgess committing sodomitical acts. Burgess was also indicted for assault with sodomitical intent. In his trial record it states that two men, Thomas Holstone and Richard Blackwell, saw “the Prisoner and Julius Cesar Taylor commit filthy lewd Actions.”<sup>161</sup> Cesar was found guilty on both charges and Burgess was found guilty of his one. These trials not only provide valuable information on sodomites, mollies and the espionage-like activities of the Society but also provide a window into the bias of the court and trial witnesses.

The terminology to describe sodomy used in the trial records reflects the presence of the fear and hatred of sodomites in London society and its presence in

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159. Ibid.

160. *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 6.0, 29 October 2012), October 1728, trial of Julius Cesar Taylor (t17281016-60).

161. *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 6.0, 20 October 2012), October 1728, trial of John Burgess (t17281016-61).

the court room. Phrases such as “that horrible and detestable sin called buggery”<sup>162</sup> and “the heinous and detestable Sin of Sodomy”,<sup>163</sup> and variants, are used in many of the trials for the sexual offences of sodomy and assault with intent. These phrases reflect the Christian beliefs against male-male sex acts as being a sin against God. The choice of language also mirrors the belief that men should only sexually desire women and to desire men was unnatural.

Witnesses were an important part in prosecuting sodomy because their testimonies were the evidence used to determine that the accused was a sodomite or not: “For most of this period, to prove sodomy one needed at least two eyewitnesses and evidence of both penetration and ejaculation.”<sup>164</sup> Some of the trial witnesses were Society members or informers working for them (as seen in the Clap House trials). There were also witnesses that were not associated with the Society or the Molly subculture. George E. Haggerty, in his essay “Keyhole Testimony: Witnessing Sodomy in the Eighteenth Century,” refers to the accounts of witnesses, who unintentionally observe male-male sex acts, as “keyhole testimonies.” A keyhole testimony was one in “which an observer watches

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162. *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 6.0, 29 October 2012), October 1728, trial of Julius Cesar Taylor (t17281016-60).

163. *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 6.0, 29 October 2012), April 1726, trial of Gabriel Lawrence (t17260420-64).

164. Clive Emsley, Tim Hitchcock and Robert Shoemaker, “Communities Homosexuality”, *Old Bailey Proceedings Online*, accessed 25 September 2012, <http://www.oldbaileyonline.org/static/Gay.jsp#culturesofhomosexuality>.

certain sexual activities from a distance and then reports them.”<sup>165</sup> Haggerty points to the 1772 trial of John Dicks as an example of keyhole testimony being used as evidence. William Rogers stated that through a partition he was able to see the defendant Dicks sodomizing a young boy. Haggerty argues that the partition or keyhole allowed the witness to view the act but distance himself enough to not be guilty of sodomitical acts themselves. The witnesses found the acts so disturbing that they needed to report them, yet the witnesses did not stop them because they found them entertaining or even perhaps arousing. Sodomitical fear is still present in these testimonies because the witness portrays the acts as unnatural and disturbing: “The fear and disgust that is expressed by the viewers...is...resolved in a court of law.”<sup>166</sup>

Witnesses were not always informers or strangers who peered through partitions— they could be friends of the accused. John Cooper’s case reflects how one could easily lose his acceptance once they were labeled a sodomite. Cooper was prosecuting Thomas Gordon for stealing some of his clothes and money. Cooper stated that he met the prisoner and drank with him at a Night-Cellar and afterwards went for a walk in Chelsea Fields. Gordon then drew a knife and demanded that Cooper hand over his clothes or he would kill him. The two men switched clothes in which there was money in Cooper’s pants. The two then went

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165. George E. Haggerty, “Keyhole Testimony,” 168.

166. *Ibid.*

to Piccadilly and Cooper tried to get two men to help. Gordon told the two men that Cooper had given him the clothes “to let him bugger him.”<sup>167</sup> As witnesses were called to testify, the trial quickly became a public outing for Cooper. Women testified that they not only knew him to be a sodomite but knew firsthand that he dressed in women’s clothes since they gave the clothing to him; these women did not know the prosecutor as John Cooper but as “Princess Seraphina,” who is “the first recognizable drag queen in English history, that is the first man for whom dragging it up was an integral part of his identity, and who was well known by all his neighbours as a drag queen or transvestite "princess"”.<sup>168</sup> These witnesses had known previously that Cooper was a molly and yet never prosecuted him or ostracized him; if anything, they were his friends. Since Cooper was now labeled a sodomite and thus was attached to the stigma it carried, they turned their backs on him. Cooper’s credibility was in shreds and character witnesses portrayed Gordon to be “an honest working Man and the Jury acquitted him.”<sup>169</sup>

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167. Note: In the original, “bugger” is not spelled out and it written down as “B-”. *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 7.0, 07 November 2012), July 1732, trial of Thomas Gordon (t17320705-30).

168. Rictor Norton (Ed.), "Princess Seraphina, 1732", *Homosexuality in Eighteenth-Century England: A Sourcebook*. 2 January 1999, updated 31 January 2006 <http://www.rictornorton.co.uk/eighteen/seraphin.htm>.

169. *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 7.0, 07 November 2012), July 1732, trial of Thomas Gordon (t17320705-30).

*Sodomites at the Pillory*<sup>170</sup>

A man found guilty of sodomy was sentenced to execution and hanging, as outlined in the 1533 Buggery Act. As mentioned above, those who were convicted of a lesser charge related to sodomy could be sentenced to time at the pillory. This punishment was meant to publicly humiliate the person as well as allow for the public to express their opinion about the person and the crime for which they were not associated. Peter Bartlett claims through the use of the pillory “sodomites became visible, and an occasion was created for public interaction about sodomy.”<sup>171</sup> The public, who could find out what crimes for which the prisoner had been convicted, could attend the punishment and make known their animosity against sodomites and their supporters. The reaction of the public could be violent and unforgiving. Recounted in the *Mist’s Weekly Journal*, two unidentified men had “stood in the pillory this week for sodomy, and were sadly maul’d.”<sup>172</sup> Margaret Clap’s experience at the pillory was awful as well: “the populace treated her with so much severity that she fell once off the pillory, and fainted upon it several times.”<sup>173</sup> The pillory as a public punishment was an opportunity for the public to physically act out their disdain for sodomites; their

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170. Peter Bartlett, “Sodomites in the Pillory in Eighteenth-Century London,” *Social and Legal Studies* 6 (1997): 553-572.

171. *Ibid.*, 560.

172. Norton ed., “Newspaper Reports, 1726”.

173. *Ibid.*



actions provide a reflection of the social beliefs that governed sexuality and masculinity in the eighteenth century.

#### Opportunists: Thief-takers and Blackmailers

Thief-takers were a part of the eighteenth-century criminal justice system and joined the Society in the campaign against sodomy. Both “us[ed] spies and provocateurs to arrest and prosecute dozens of men for sodomy, some of whom were hanged.”<sup>174</sup> Known to be corrupt, thief-takers made money by convicting perpetrators or from receiving rewards from private advertisements for the return of stolen goods.<sup>175</sup> The Society used the thief-takers, well-established web of informers and provocateurs “to close down molly houses and prosecute individuals.”<sup>176</sup>

Although thief-takers prosecuted sodomites, they themselves were not exempt from being accused of sodomy, a fact demonstrated in the story of Charles Hitchen. According to the *Oxford Dictionary of National Biography*, as a thief taker and a marshal of the City of London, Hitchen was supposed to help keep London clear of law breakers. Instead he was corrupt, extorting money from brothel and tavern keepers. In the spring of 1727, he found himself on the other side of the legal system when he was indicted for the sexual offences of sodomy

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174. Hitchcock, Howard and Shoemaker, “Background Reformation of Manners Campaign”.

175. Ibid.

176. Clive Emsley, Tim Hitchcock and Robert Shoemaker, “Communities Homosexuality”.

and assault with sodomitical intent against Richard Williamson, who was the prosecutor in the case. Hitchen was found not guilty on the offence of sodomy yet was found guilty of assault with sodomitical intent. He was sentenced to pay a fine, to stand at the pillory for one hour, and to imprisonment. Hitchen's reputation was ruined because he was now in the eyes of society a sodomite and "he died shortly thereafter in poverty."<sup>177</sup>

Men in society were made vulnerable to threats and accusations of sodomy because "[the] illegal nature of homosexual sex...ensured that the threat of a charge of sodomy or sodomitical assault was frequently used as the basis for extortion."<sup>178</sup> There are several cases where thieves threatened their victims with a charge of sodomy in order to get money and other goods. James Oviat was indicted for attempting to extort money from Rodolphus Bank and threatened "that if he would not give him according to his Demands, he would swear Sodomy against him."<sup>179</sup> Oviat was found guilty and sentenced to time in the pillory, a fine, and six months imprisonment.<sup>180</sup> Extortion and the attempt to extort was a growing problem in eighteenth-century England as *The London Journal* describes it as "a practice that may grow in [fashion] among these

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177. J. M. Beattie, "Hitchen, Charles (c.1675–1727?)," in *Oxford Dictionary of National Biography*, ed. Lawrence Goldman, (Oxford: OUP, 2004), accessed November 1, 2012, <http://www.oxforddnb.com/view/article/62079>.

178. Emsley, Hitchcock and Shoemaker, "Communities Homosexuality".

179. *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 6.0, 03 November 2012), February 1728, trial of James Oviat (t17280228-82)

180. Norton ed., "Newspaper Reports, 1726."

villains, if not timely prevented.”<sup>181</sup> The practice of extortion, though, was nothing compared to the violent manner of highway robbery.

Highway robbery had become a common concern in eighteenth-century England and some robbers threatened to accuse their victims of sodomy. These threats were not made because the robbers wanted to help to eradicate the rid of sodomy, but for the monetary gain through extortion. Stephen Margrove and John Wood were charged with violent theft and taking money away from a man named George Smith. The story stated in the records is that Margrove and Wood went up to Smith and grabbed him by the collar. The two men demanded his money and “said if he would not give it to them they would take away his Life and swear Sodomy against him.”<sup>182</sup> Smith was in fear for his life and gave the two men all the money he had with him. Margrove and Wood wanted more money and tried to take him to a public place to show him off as a sodomite. Since the robbery was so violent, the two defendants were charged with highway robbery even though the crime was not committed on one. The two men were found guilty and were sentenced to death.

For some men, what made them uneasy about being accused of sodomy was not the possibility of execution if found guilty: only seventeen men were hanged for sodomy out of fifty-eight trials that span over a century. What

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181. Ibid.

182. *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 6.0, 03 November 2012), May 1719, trial of Stephen Margrove John Wood (t17190514-42).

concerned men was the potential damage to their reputation and the stigma attached to being labeled a sodomite, which is what happened to Charles Hitchen and Princess Seraphina. In their cases, sodomitical fear was not just the aversion to sodomites and same-sex activities but also the fear of being branded a sodomite. There are court cases at the Old Bailey that prosecuted those who attempted to ruin the reputations of men by accusing them of sodomy. In 1759, Samuel Scrimshaw and John Ross were put on trial for extortion. The trial record states

without the fear of God before their eyes, and wickedly and maliciously [desiring], and intending, through the instigation of the Devil, not only unjustly to disturb the peace and happiness of Humphry Morice, Esq.; an honest, upright, and worthy liege-subject of our said Lord the King; but also to injure him in his good character and pretences, unjustly to acquire to themselves, a large sum of money from him the said Humphry, to support their useless and profligate ways of life.<sup>183</sup>

The two men were indicted for five offences including “[threatening] falsely to charge him with having been guilty of sodomitical practices, of which he was wholly innocent.”<sup>184</sup> The letters written by the two men were read aloud as evidence and supported the charges; both were found guilty.

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183. *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 6.0, 03 November 2012), July 1759, trial of Samuel Scrimshaw John Ross (t17590717-1).

184. *Ibid.*

## The Decline of the Society

The Society was not always popular with the community and was accused of “profiting from other peoples misery.”<sup>185</sup> Their popularity began to decline even further during the eighteenth century due to their aggressive tactics to find and arrest people for sodomy and various other sins and vices they were trying to clear from society. Public criticism and dislike of the Societies turned violent—“informers and constables were frequently assaulted and subjected to riotous attacks.”<sup>186</sup> Eventually the various reform societies would largely disband in the 1730s because of the legal trouble they ran into with using informers, especially during the enforcement of the Gin Act in 1736. Counter-prosecutions against Reformers

caused a serious drain on the Societies’ funds. With the assistance of solicitors and barristers keen to make a profit, keepers of brothels and even ordinary prostitutes were often able to procure false witnesses and prosecute their accusers of assault, false imprisonment, perjury, and extortion. Even if these prosecutions failed, they were costly and time-consuming to defend.<sup>187</sup>

Successful convictions brought damage to the reputations of the Reformers and their informants.

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185. Hitchcock, Howard, and Shoemaker, "Background Reformation of Manners Campaign".

186. Ibid.

187. Ibid.

Anti-sodomitical activities, however, would outlast the Society's dissolution.<sup>188</sup> The witch-hunt mindset and pursuit would end along with the century, but witnesses would still turn in men for sodomitical activity or assault with sodomitical intent. For the most part, despite the homophobic fear and hate of sodomites, it seems as if in larger society

the level of tolerance of deviant sexual behavior was much huger than the draconian punishments laid down by statute would suggest. Alan Bray has argued that this was the result of a kind of intellectual double-think: i.e. while the sodomite existed as a figure of deep opprobrium within the profoundly religious world view of the sixteenth and seventeenth centuries, it was very difficult to associate that image with one's work mates, friends and neighbours. Once the process of identifying an individual as a 'sodomite' had begun through the bringing of charges, the full force of popular fear and loathing would be brought to bear through the courts, but until that time it was difficult to associate anal sex with biblical retribution.<sup>189</sup>

This conclusion was clearly recognized in the case of Princess Seraphina, when women encouraged her activities for their own amusement. It was not until she was publicly humiliated and labeled as a sodomite that people turned against her. Sodomitical fear would continue in the succeeding centuries and perhaps became more intense and more widespread.

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188. Ibid.

189. Hitchcock, *English Sexualities*, 63.

## Chapter 5

### Sodomy in the Modern Centuries

The eighteenth century brought to light a hidden subculture of men who participated in activities and rituals that were unconventional in the society in which they lived. By using a sixteenth-century law that had been enacted to extract wealth from Catholic Monasteries, the Societies and their informants helped to bring Mollies and sodomites to the attention of the public, so that it could no longer ignore what had been largely overlooked in previous centuries. The activities and ideology of the Societies planted the roots for future legal discrimination and public hate that would later be labeled as *homophobia*. The two centuries that followed brought more notable trials and public reaction, new legislation aimed to further suppress sodomy, and changes in punishments for those convicted of sodomitical activities. The end of the nineteenth and the beginning of a new millennium would finally bring the changes that would legalize sodomy and grant gays the right to marry.

As the eighteenth century came to a close, the raids on public houses came to an end, with the exception of the Vere Street raid in 1810.<sup>190</sup> Consequently, since there was a “lack of an inquisitorial or investigative police force, and because the early Metropolitan Police needed to avoid offending the public any

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190. Charles Upchurch, *Before Wilde: Sex between Men in Britain's Age of Reform*, (Berkeley and Los Angeles, California: University of California Press, 2009), 4.

more than its very presence already did, most of the evidence preserved related not to raids on private facilities but to the disruption of more casual sex acts.”<sup>191</sup> Witnesses still turned in men for performing same-sex acts, but according to Charles Upchurch, the family now played a role in policing and dealing with sodomy. He writes “many situations that eventually became court cases had first been debated and assessed within families.”<sup>192</sup> These sodomitical acts were brought to the court when the family could not contain the scandal.

Additionally, evidence given by witnesses was no longer recorded in detail, or sometimes not at all, in cases prosecuting sodomy.<sup>193</sup> The transcripts of the few trials in which sodomy was prosecuted are only a few sentences long and contain some variation of the phrase: “the evidence on the trial being extremely indecent, the Court ordered the publication of it to be suppressed.”<sup>194</sup> This lack of witness testimony in the *Proceedings* provides a small window into the life of Victorian homosexuals in the nineteenth century whereas trials in the previous century had given much information. The last men to be executed for sodomy were John Smith and James Pratt in 1835. Although John Spencer was sentenced to death for sodomy in 1860, the punishment was never carried out.<sup>195</sup> Death as a

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191. *Ibid.*, 85.

192. *Ibid.*, 21.

193. Emsley, Hitchcock and Shoemaker, “Communities Homosexuality”.

194. *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 6.0, 04 November 2012), February 1797, trial of William Winklin (t17970215-46).

195. Emsley, Hitchcock and Shoemaker, “Communities Homosexuality”.



punishment for those convicted of sodomy ended in 1861 with the Offences against the Person Act.<sup>196</sup>

Although execution was no longer a punishment for sodomy, still sodomy trials continued. Perhaps the most famous of these nineteenth-century trials was that of the writer and poet Oscar Wilde. Wilde was already publically known before his trial in 1895 for his novel *The Picture of Dorian Gray* and his play *The Importance of Being Earnest*. Many wondered if these works had homosexual overtones that came from the author's firsthand experience.<sup>197</sup> Although Wilde was married and had two sons, rumors of a relationship with Lord Alfred Douglas—known as Bosie—were circulated around London.<sup>198</sup> Bosie's father, the Marquess of Queensbury, was not happy about the relationship between the two men and tried to keep them apart in order to end the relationship, but to no avail. On February 28, 1895, the Marquess sent Wilde a card to his club that accused Wilde of 'posing as sodomite' [*sic*].<sup>199</sup> Bosie wanted Wilde to "[take] out a warrant against him for criminal libel" but Wilde knew "that the law of libel rests on one basic principle: if the allegation is found to be true, then it is not libel."<sup>200</sup>

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196. H.G. Cocks, "Secrets, Crimes and Diseases, 1800-1914." in *A Gay History of Britain*, edited by Matt Cook, (Oxford: Greenwood World Publishing, 2007), 109.

197. Merlin Holland, *The Real Trial of Oscar Wilde: The First Uncensored Transcript of the Trial of Oscar Wilde vs. John Douglas, Marquess of Queensbury, 1895*, (New York: Fourth Estate, 2003), 77-81.

198. Arnold, *City of Sin*, 275.

199. Edwards, "Wilde".

200. Edwards, "Wilde". ; Arnold, *City of Sin*, 278.

Bosie pressured Wilde to go ahead with the libel case. During the trial, things began to fall apart for Wilde when Queensbury's counsel began to question Wilde on the "immorality in his works and then crushed Wilde with questions on his relations to male youths whose lower-class background was much stressed."<sup>201</sup> Queensbury was found not guilty on the libel charges, but Wilde was charged with offences under the Criminal Law Amendment Act of 1885. He was found guilty of gross indecency with male prostitutes, as well as two counts of gross indecency with a person unknown. The writer was sentenced to two years of hard labor. After he finished his prison-term, Wilde's wife died and his career was ruined. He died at the age of 44 in 1900.<sup>202</sup> The next century would bring waves of changes to the identity of men involved in same-sex relations, as well as to the legislation dealing with the legality of sex between men.

Throughout the twentieth century, government and public opinion still seemed to be anti-gay. Despite this aversion to homosexuality, more gays became open about their lifestyle and sexuality. For some, this public way of living made them victims of homophobic attitudes by the British government and hate crimes by citizens. As technological advances in the medical field were made, the punishment for convictions changed. Alan Turing was a mathematician and computer scientist who helped to break German encrypted messages during World War II. His work was so vital "Winston Churchill, [said] Turing made the

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201. Edwards, "Wilde".

202. Rowse, *Homosexuals in History*, 169.

single biggest contribution to Allied victory in the war against Nazi Germany.”<sup>203</sup>

Despite his intelligence and contribution to the war effort, in March of 1952 Turing was brought to trial for gross indecency with a young man.<sup>204</sup> Turing “made no serious denial or defense, instead telling everyone that he saw no wrong in his actions.”<sup>205</sup> A prison sentence would have been the appropriate legislated punishment for his conviction, but instead he opted for a new form of punishment. Turing agreed to receive injections of female hormones; in essence, he was being chemically castrated.<sup>206</sup> Two year following his conviction, Turing was found dead from cyanide poisoning, and his death was ruled a suicide.<sup>207</sup> In 2009, Prime Minister Gordon Brown issued an apology for the government’s actions against Turing. Brown recognized that Turing had been invaluable to the war effort, saying “on behalf of the British government, and all those who live freely thanks to Alan's work I am very proud to say: we're sorry, you deserved so much better.”<sup>208</sup> Turing was one of about 100,000 men who underwent similar treatment.<sup>209</sup>

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203. Clare Spencer, “Profile: Alan Turing,” *BBC News*, September 11, 2009, accessed February 9, 2014, [http://news.bbc.co.uk/2/hi/uk\\_news/8250592.stm](http://news.bbc.co.uk/2/hi/uk_news/8250592.stm).

204. *Ibid.*

205. “Turing, Alan Mathison (1912–1954),” Andrew Hodges in *Oxford Dictionary of National Biography*, online ed., ed. Lawrence Goldman, Oxford: OUP, , <http://www.oxforddnb.com.ezproxy.uta.edu/view/article/36578> (accessed February 10, 2014).

206. *Ibid.*

207. *Ibid.*

208. Clare Spencer, “Profile: Alan Turing”.

209. “PM Apology After Turing Petition,” *BBC News*, September 11, 2009, accessed February 9, 2014, <http://news.bbc.co.uk/2/hi/technology/8249792.stm>.

## The Tides of Change

In the same decade as the Turing case, the Report on the Department Committee on Homosexual Offences and Prostitution, also known as the Wolfenden Report, was published. Turing's trial and other cases led the government to set up a Departmental Committee headed by Sir John Wolfenden, to consider homosexual offences.<sup>210</sup> Finished in 1957, "Wolfenden's influential report put forward the argument that 'homosexual behaviour between consenting adults in private be no longer a criminal offence'."<sup>211</sup> A campaign was started to make this a reality. The first victory was the Sexual Offences Bill of 1967 which made private sex between two men legal.<sup>212</sup> The age of consent for homosexual acts became 21 (compared to 16 as the age of consent for heterosexual sex). Group sex between consenting men remained illegal, and in 1998 a group of gay and bisexual men known as the Bolton 7, were convicted of gross indecency. Three years later in 2001, due to the conviction of the seven men, a law was passed that made the age of consent for homosexual acts 16 and consensual group sex was decriminalized. All seven of the convicted men were granted a settlement in 2001 of £15,000 each.<sup>213</sup>

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210. "Wolfenden Report on Male Homosexuality 1957," British Library, accessed February 9, 2014, <http://www.bl.uk/learning/timeline/item107413.html>.

211. Ibid.

212. "Sexual Offences Act of 1967," Legislation.gov.uk, accessed February 9, 2014, <http://www.legislation.gov.uk/ukpga/1967/60>.

213. Ibid.

The next year Parliament passed the Adoption and Children Act of 2002, which allowed same-sex couples to adopt children.<sup>214</sup> Two years later, the Civil Partnership Act was passed giving same-sex couples the same rights as married heterosexual couples in the United Kingdom.<sup>215</sup> Perhaps the biggest achievement for homosexuals came in 2013, when the Marriage Act was passed through Parliament and signed by Queen Elizabeth II. It allowed for same-sex marriages in England and Wales.<sup>216</sup> Even with this unprecedented legal acceptance of homosexuals, the LGBTQ community still faces discrimination in England and abroad.

### Conclusion

Through the discovery by journalists and Societies of the eighteenth century, activities once considered immoral by English society became legal and largely accepted by society. While there are still those who view same-sex activities as a morally wrong due to religious convictions or beliefs on what are “natural” sexual urges, popular opinion seems to be in favor of legal equality for gays. This is an idea that would have most likely been rejected by a great majority of eighteenth-century contemporaries; yet, it has gained acceptance over

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214. Helen Pidd, “Pride 2010: From Section 28 to Home Office Float, Tories Come out in Full Force,” *The Guardian*, July 2, 2010, accessed February 9, 2014, <http://www.theguardian.com/world/2010/jul/02/tories-out-in-force-gay-pride>.

215. *Ibid.*

216. “Same-sex marriage becomes law in England and Wales”, *BBC News*, July 17, 2013, accessed September 13, 2013, <http://www.bbc.co.uk/news/uk-politics-23338279>.

three centuries after the Societies were first formed in 1690. Unfortunately, it was through their activities that a public hatred developed that resulted in the loss of lives through convictions by trial or victimization by hate crimes. The beginning to what is now referred to as *homophobia* found its beginnings in the Societies for the Reformation of Manners, as well as the informants, blackmailers, and trial witnesses that pursued and persecuted London's sodomites.

At the beginning of this research, the evidence at first seemed to suggest that the activities of the Societies were evidence of homophobic behavior. Further research proved that the eighteenth century anti-homosexual views were not new. The "homosexual" did not yet exist; therefore "homophobia" did not. Instead, the eighteenth century is when the sodomite was beginning to create his own identity based on his sexual preference and the Molly began to take form. The journalists and reformers who made it their mission to expose and eradicate this behavior helped to create and give legitimacy to this identity. With the "public outing" of the London sodomite subculture by journalists, the behavior could no longer be ignored. The eighteenth century did not see the establishment but the emergence of identities based on which sex (or sexes) a person is attracted.

Homophobia seems to be something that will be around in Western culture into the indefinite future and continues to stem from the Christian faith and what is accepted as natural sexual activities. Despite the legalization of gay sex and

marriage in England, instances of homophobia still occur and many of the LGBTQ community still fear homophobic attacks and discrimination.<sup>217</sup> Fone has made the point in his work, that “over time people have found sufficient cause to distrust, despise, assault, and sometimes slaughter their neighbors because of differences in religion, nationality, and color.”<sup>218</sup> Yet, more and more, these prejudices are considered intolerable by Western societies: “Indeed, in modern Western society, where racism is disapproved, anti-Semitism is condemned, and misogyny has lost its legitimacy, homophobia remains, perhaps the last acceptable prejudice.”<sup>219</sup> With the world debating whether or not to regard people who participate in same-sex acts as equals or as criminals, it would seem that at least in England, homophobia is no longer a socially and legally acceptable prejudice.

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217. Jamie Doward, “Homophobia still rife in UK, survey claims,” *The Guardian*, August 24, 2013, accessed April 7, 2014, <http://www.theguardian.com/world/2013/aug/25/homophobia-uk-survey>.

218. Bryne Fone, *Homophobia: A History*, 3.

219. *Ibid.*

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