Bentham, of course, was quite aware that ascetic tendencies in European morals had secular as well as religious roots. He thought that many of the traditional negative attitudes toward pleasure in general and sexual pleasure in particular could be traced to the kind of "philosophical pride" that characterized moralists like the Stoics, who, in his point of view, were not far from the Pharisees in their pretenses. To many, the thought that "I am not as other men are" is a gratifying one, and ascetic styles of life have been the basis of social prestige in many ages. As a philosopher devoted to championing the pleasure principle over asceticism, Bentham was appalled at what he saw as a needless and perversive tendency to puritanism in the human race.

Bentham imagined that some prejudice against homosexuals might arise from simple envy on the part of men and women unable to share their pleasures. A more potent temptation to moralists, however, was the chance to gain a reputation for virtue by condemning sins they were free from and not to be suspected of. Several times he quotes Samuel Butler's couplet from Hudibras about those who

Compound for sins they are inclined to,
By damning those they have no mind to.

But this was a reputation for virtue cheaply won and as open to profligates as to saints. Occasionally, Bentham noted, however, that though moral philosophers of the Greco-Roman period often tended toward asceticism, they did not show any special animus against homosexuality per se:

In the past, among the philosophic ascetics, in a word, among the Stoics, . . . pleasure belonging to this appetite and clothed in these irregular forms seems scarcely to have been distinguished from the crowd of other pleasures. Contempt, rather than hatred, contempt and that of but a moderate degree seems to have been the strongest moral feeling they displayed in such matters. ("Code Penal," April 22, 1814, box 746, folio 712)

83. April 19, 1814, box 748, folio 95.

thinks, men with homosexual tendencies may decry the “vice” in order to avoid suspicion. Bentham repeatedly cites, with some indignation, the case of James I, who, though passionately attracted to handsome young men, nevertheless, in his Basilikon Doron, ostentatiously listed sodomy as one of the half-dozen capital crimes that a king should never on any account pardon.  

Bentham also understands that hatred for another may rest on nothing more tangible than a difference in preferences. In 1785, he wrote: “As in so many other cases the disposition to punish seems to have had no other ground than the antipathy with which the persons who had punishment at their disposal regarded the offender.” “Look the world over, we shall find that differences in point of taste and opinion are grounds of animosity as frequent and as violent as any opposition in point of interest.” Antipathy leads men to feel justified in finding pleasure in the suffering of others—a highly illicit gratification when the behavior punished causes no real mischief. But if emotional antipathy were adequate justification for inflicting pain on others, this would surely be enough to warrant the destruction of religious heretics: “I see not, I must confess, how a Protestant, or any person who should be for looking upon this ground as a sufficient ground for burning paederasts, could with consistency condemn the Spanish for burning Moors or the Portuguese for burning Jews: for no paederast can be more odious to a person of unpolluted taste than a Moor is to a Spaniard or a Jew to an orthodox Portuguese.”

87. See James I, Political Works, ed. Charles Howard McIlwain (Cambridge: Harvard University Press, 1918). James advised his son Prince Henry: “Some horrible crimes . . . yee are bound in conscience neuer to forgive: such as Witch-craft, wilfull murder, incest, . . . Sodome, poisoninge, and false cote” (p. 20).
89. Ibid.
90. Ibid., p. 98.
Bentham's interest in the nature and causes of homophobia was wide-ranging. His analysis includes not only what may be called the primary causes of intolerance but also those secondary channels through which antipathy was popularly communicated. Though Bentham's literary background was not exceptionally broad, it was wide enough for him to instance works of English, French, and German fiction, which, by their patently prejudiced references to relations between men, had fed, in his view, the fires of popular hostility:

Not inconsiderable is the number of Novels and other works having amusement for their object, in which the danger of loss by the introduction of a topic which no person charged with the care of a youth of either sex would naturally expose to the view of a pupil . . . has not been sufficient to let slip the occasion of giving vent and increase to the popular antipathy of which these propensities are the object.  

Bentham gives as examples the beating of a homosexual in Joseph Andrews (1742), the Lord Strutwell episode in Chapter 51 of Roderick Random (1748), and the horror expressed in Christoph Wieland's Agathon (1773) by the hero, a native of ancient Greece, when he is solicited by a pagan priest—a horror "as well adapted to the time and place at which the story was written as ill-suited to that in which the scene is laid." Bentham also mentions a pseudo-Oriental tale,

91. September 3, 1816(?), box 74, folio 95.
92. Bentham remarks: "In Fielding's Life of Joseph Andrews, by one of the dramatis personae a similar proposal is made to the suppositional brother of the virtuous Pamela. He comes not off so cheaply as the Scottish Earl; he gets a good drubbing for his pains" (ibid.). I have not been able to identify such an episode in the novel.
93. Bentham adds an interesting note that suggests that Smollett had in mind a particular model in creating Strutwell: "Much about the time when this novel was first published a Scotch Earl was detected in the consummation of an amour after the manner of Tiberius with two of his servants at the same time. The affair getting around[7], he found himself under the obligation of going off to the Continent where at the close of a long life he died not many years since." In the margin Bentham identifies the aristocrat as "Earl Tynney" (ibid.).
94. Christoph Martin Wieland's Agathon was a widely read romance
written in French, in which "some horrible catastrophe is brought to view" of which "the sort of propensity here in question is the cause."56 In another note, a year later, he again lists the same works, now identifying the Oriental collection as the Peruvian Tales, and depletes the influence of their homophbic episodes.56

Nevertheless, the influence of these authors was trifling compared with the press in England. It was seemingly impossible for a newspaper or magazine to report an arrest or a trial for sodomy without laying down a barrage of scurrilous epithets. Bentham pointed out how much this must exacerbate sentiment and inhibit thoughtful discussion of the subject:

In all other parts of the field of morality—public and established religion out of the question—the press has for this century or more been practically free. But, in effect, upon this it neither is nor ever has been practically free. A battery of grapeshot composed of all the expressions of abhorrence that language has given or can give birth to is by each newspaper and every other periodical kept continually playing upon this ground. No wonder that down to this instant no man with the torch of reason in his hand should have found nerve to set foot

with a Greek setting. Shelley, like Bentham, complained of Wieland’s misrepresentation of Greek life in his “Discourse on the Manners of the Ancient Greeks.” In Book VII, chap. 2, of vol. 2, Agathon’s mentor, Theognon, a priest of Apollo, disguises himself as the god in a nocturnal vision and tries to seduce him. Agathon then “reproached him for his wickedness with a spirit of indignation, which enabled me to break off all connection with him” (The History of Agathon [London: C. Heydinger, 1773], 2:115).

55. At this point (folio 95) the work is vaguely described as “one of the numerous European imitations which the original Oriental work known by the name of the Arabian Nights Entertainments has produced—the Persian Tales is it not?” In “Sextus” (box 161a, folio 18), Bentham identified the stories as by “Madam Graffigny, or who ever else was the author of the Peruvian Tales.” But Madame Graffigny’s work was the Lettres d’une Péruvienne (1747); the Peruvian Tales were by Thomas Gueulet. An English version by Samuel Humphreys appeared in 1734. It was republished in 1764 and 1786 and was included in Walker’s British Classics in 1817.

56. “Sextus,” box 161a, folio 18.
on it. Miscreant! You are one of them then! Such are the thanks he would receive, such the bad thanks which any man would receive who should attempt to carry upon this part of the field of morality those lights to which all other parts are open.97

But how to combat the staunch conviction held in England that a sexual relation between men was the crime of crimes? Bentham was appalled by the intensity of feeling he perceived but baffled as to how to deal with it. He saw the problem as urgent though he hardly guessed its extent since he held the common pre-Kinsey view that homosexual behavior was rare. On this point he ventured the speculation that relations between men were, in his day, common in Rome, not so common in Paris, and less common still in London.98 This being the case, he did not realize how widespread the suffering must have been that flowed from England’s refusal to tolerate her homosexual sons and daughters. It did not occur to him or his contemporaries that the invisibility of England’s gay minority was the result, not of its small size—there is no reason to believe it was actually smaller than in other countries—but of the high level of public feeling.

Most of Bentham’s voluminous writings on homosexuality are in the form of unorganized notes and jottings. In 1785, however, he produced a coherent and polished essay of some sixty folio pages. What moved him to put his thoughts together at this point we can only conjecture. Perhaps it was the strong movement toward law reform then agitating Europe and sending ripples to England. Perhaps it was the sensational and well-publicized scandal that had overwhelmed William Beckford the year before and sent that literary millionaire into exile; Bentham had met

98. Jeremy Bentham, "Offences Against One’s Self: Paederasty, Part 1," Journal of Homosexuality 3 (1978): 362. These estimates probably reflected the views of most educated Europeans of Bentham’s day. In the eighteenth century, Rome was regarded as the “gay capital” of Europe, just as Florence had been in the Renaissance, and as Berlin and Amsterdam were to be, respectively, in the pre- and post-Hitler era.
Beckford in 1780, when his entertainments were the height of fashion, and had admired his harpsichord playing. We do know that a less well-publicized scandal, which took place a few years before Beckford’s and involved another member of Parliament, had made a lasting impression on him. Forty years later he wrote to Beckford about this episode:

The case of poor Sir William Meredith has never been out of [my] mind: what an excellent Statesman that man was: how well disposed, and how well qualified, to render in various ways important service to his country and mankind; and how he was driven into exile and for no other cause than his having partaken of gratifications, the innoxiousness of which it is one main business of this work in question to demonstrate."

Meredith, like Bentham, had had a serious interest in law reform. But whatever the immediate incentive, the manuscript of Bentham’s essay all too clearly reveals the pains it cost him. He began with eight pages of miscellaneous paragraphs, the substance of which is indicated by the marginal headings he added— ”Distinction between physical impurity and moral,” ”Antipathy no sufficient warrant” (i.e., for punishment), ”Whether it is an affront to God?,” ”God’s burning Sodom—whether a sufficient warrant”

99. ”Sextus,” box 161a, folio 14. ”Sextus” was, in fact, a prospectus addressed to Beckford; see p. 270.
100. The Dictionary of National Biography (DNB), which began publication in 1885, is often evasive or obfuscatory in its treatment of homosexuals. Sometimes scholars or legislators famous in their time are totally omitted, as in the case of the early nineteenth-century humanitarian and parliamentary reformer, Henry Grey Bennett. More often, entries simply make no mention of ostracism or exile, as with William Beckford, Richard Héber, the bibliophile, or Byron’s school friend, William Bankes. The DNB does, however, provide some facts about Meredith’s life. He was born about 1725 and sat in Parliament from 1754 to 1780, holding posts as a lord of the admiralty and privy councilor. He tried to abolish the subscription of the Thirty-Nine Articles required at Oxford and Cambridge and campaigned energetically against the death penalty. The DNB is vague about the end of his career. It says only that he ”withdrew from public life” in 1780 and ”dropped into obscurity.” The latter detail, with the fact that he died abroad in France in 1790, suggests some scandal.
(a brilliant counterargument to Blackstone's use of Genesis 19), and "Zeal shewn against it in the English Marine Law." Apropos of the last, he remarked: "Of all the offenses of which a man in the maritime service can be guilty . . . this is the only one which it was thought necessary to exclude from mercy. The safety of the fleet and of the Empire were in the eyes of the legislator objects of inferior account in comparison with the preservation of a sailor's chastity."

Despite such sallies—written one imagines less with an eye to publication than in an effort to keep a personal sense of sanity and proportion—the strain shows. Bentham's hand, though generally difficult to the point of illegibility as a result of the haste with which his pen flew across the page, is generally even and regular. But at this point, before beginning his formal essay, Bentham breaks off to produce a page of crowded, irregular, and almost miniscule notes, in which he expresses his anxieties. "To other subjects," he writes, "it is expected that you sit down cool: but on this subject if you let it be seen that you have not sat down in a rage you have given judgment against yourself at once." Once again he is assailed by his fears of a decade earlier: "I am ashamed to own that I have often hesitated whether for the sake of the interests of humanity I should expose my personal interest so much to hazard as it must be exposed to by the free discussion of a subject of this nature." Then he adds, rather wistfully: "At any rate when I am dead mankind will be the better for it." Did Bentham mean that he intended his essay not to appear until after his death, or was he merely making a pessimistic estimate of the length of time it would take for his ideas to be accepted in England? Looking realistically at the facts, he lamented: "There is a kind of punishment annexed to the offence of treating [this crime] with any sort of temper, and that one of the most formidable that a man can be sub-

jected to, the punishment of being suspected at least, if not accused, of a propensity to commit it.” Finally, his fear is mixed with a kind of helpless indignation: “When a man attempts to [touch] this subject it is with a halter about his neck. On this subject a man may indulge his spleen without control. Cruelty and intolerance, the most odious and most mischievous passions in human nature, screen themselves behind a mask of virtue.” In this instance, men “make a merit of discarding all reason and all humanity.” 102

Bentham’s rhetorical strategy in his essay is perhaps a measure of his despair. Obviously, what Bentham was facing in England was crude hate and rancorous religious prejudice. But instead of addressing these issues, he replies instead to contemporary objections to homosexual behavior that seemed to him to have at least some measure of rationality. In essence, his appeal is not to the hostile many but to the enlightened few who may be open-minded. (Perhaps he meant this essay, like some of his other works, to circulate in French on the Continent.) Consequently, he limits himself to refuting three arguments commonly used against homosexuality, arguments which he thought would indeed, if valid, justify sanctions from a utilitarian point of view. These are: (1) Voltaire’s opinion that homosexuality “would destroy mankind if it were general,” (2) Montesquieu’s contention that “it gives to one sex the weaknesses of the other,” which Bentham interprets as meaning that homosexuality enervates men and weakens the power of the state to resist enemies, and (3) the idea that male homosexuality threatens the status of women in society.

Discounting the threat to population, Bentham argues that only a tiny fraction of heterosexual couplings lead to childbirth. With this overplus of procreative energy, population is not likely to suffer if part is diverted to male relations. Ancient Greece, where they were common, suffered

from over- rather than underpopulation and, despite depleting wars, was repeatedly forced to send an excess out to found colonies. Paradoxically, he also maintains that by diverting men from the seduction of women, relations between males lessen the number of women degraded into the prostitute class, a notoriously infertile one, and may thereby actually arrest a tendency that diminishes population. 103

To refute Montesquieu, Bentham appeals to what we know of the manners of classical civilization:

In Athens and in ancient Rome in the most flourishing periods of the history of those capitals, regular intercourse between the sexes was scarcely much more common. It was upon the same footing throughout Greece: everybody practised it: nobody was ashamed of it. They might be ashamed of what they looked upon as an excess in it, or they might be ashamed of it as a weakness, as a propensity that had a tendency to distract men from more worthy and important occupations, just as a man with us might be ashamed of excess or weakness in his love for women. 104

Far from diminishing military prowess, it had strengthened it, as in the case of the famous Theban Band who fought as pairs of lovers. "Agesilaus and Xenophon, ... Themistocles, Aristides, Epaminondas, Alcibiades, Alexander and perhaps the greatest number of the heroes of Greece were infected with this taste." 105 So were many Romans and the gods of the classical pantheon. Indeed, Montesquieu's concern that homosexuality effeminizes men by placing them in the role of women hardly makes sense unless we limit it to those who play the passive role in sodomy. But even if we look only at such men, we see that, in the ancient world, Alcibiades "was not remarkable either for weakness or for cowardice," Clodius was "one of the most daring and turbulent spirits in all Rome," and "Julius

104. Ibid., p. 392.
105. Ibid., p. 393.
Caesar was looked upon as a man of tolerable courage in his day, notwithstanding the complaisance he showed in his youth to the King of Bithynia, Nicomedes." 106

Of all the apparently rational objections to male homosexuality, Bentham treats most seriously the idea that it produced indifference to women and thereby robbed them of their rights. This is an idea that seems strange to us. Nowadays, women and homosexuals tend to make common cause politically on the ground that both suffer from invidious sex-role stereotyping. The argument had, however, a great vogue in the eighteenth century when it appears in a remarkably wide range of contexts, from philosophy to pornography. John Cleland, for instance, has Fanny Hill, his prostitute-heroine, complain that "this practice took away not only our own living, but something from all womankind which nature intended them to have." 107 Sometimes, as formulated by male writers with a heterosexual bias, the argument seems like nothing more than the voice of wounded pride, offended that its pleasures are not appreciated by others.

The most popular compendium of English statutes in Bentham's day, Matthew Bacon's New Abridgement of the Law, which went through seven editions between 1736 and 1832, eschewed Blackstone's theological argument for an apparently utilitarian rationale based on this idea:

If any crime deserve to be punished in a more exemplary manner this does. Other crimes are prejudicial to society; but this strikes at the being thereof: it being seldom known that a person who has been guilty of abusing his generative faculty so unnaturally has afterwards a proper regard for women.

From that indifference to women, so remarkable in men of this depraved appetite, it may fairly be concluded that they are cursed with insensibility to the most exstatic pleasure which human nature is in the present state capable of enjoying.

106. Ibid., p. 395.
It seems a very just punishment that such wretches should be deprived of all taste for an enjoyment upon which they did not set a proper value; and the continuation of an impious disposition, which then might have been transmitted to their children, if they had any, may be thereby prevented. 108

But if Bacon seems to suggest that homosexuals should be punished merely for failing to appreciate heterosexual pleasures, the “neglect of women” argument was, nevertheless, held by thinkers who were thoughtful and committed feminists. Shelley, for example, was later to use it in his “Discourse on the Manners of the Antient Greeks.” It was, no doubt, because the argument had weight in the eyes of social theorists sincerely concerned for the rights of women that Bentham chose to treat it seriously and at length.

Bentham admits that pederasty may compete with prior extramarital heterosexual relations, but he does not think it discourages men from marrying. Only matrimony can gratify the desire for children, for family alliances, and for lifelong companionship. The love of boys is notoriously brief—it is notable that Bentham thinks of homosexuality here only in terms of man-boy relations—and does not outlive the short term of adolescent beauty. In Greece, men who had pederastic affairs regularly married. In Rome, the population did eventually decline, but this was because men preferred “the convenience of a transient connection to the expense and hazard of a lasting one.” 109 Philosophical Europe had been much struck by the discovery of the paradise of Tahiti in 1767. But in Tahiti, where both kinds of sexuality are freely indulged, women are by no means neglected. (Elsewhere, Bentham was to note that the low status of women in Moslem countries was not due to the homosexuality common in these lands but to male jeal-

ousy, which insisted on sequestration.) Classical poets, such as Virgil and Horace, were in fact bisexual, the common pattern of their day. Though men call sodomites "misogygnists," the term is really more appropriate to religious celibates. However, it is understandable if some men do indeed develop an aversion to women as a result of being persecuted on their behalf: "It would not be wonderful if the miserable pederast should look upon every woman as a merciless creditor at whose suit he is in continual danger of being consigned not to a prison only but to the gallows or the stake." "A ribbon or ringlet is a much more suitable and not less powerful tie to bind a lover than the hangman's rope of the executioner." 111

Bentham must have known that such arguments would cut little ice with his countrymen. His rational rebuttals were not likely to touch biases so deep and emotional as the average Englishman's and Englishwoman's. Many nations have ascribed native "vices" to foreign influences, sexual "vices" most of all. Few, however, have carried the tendency quite so far as the English did with homosexuality. The passion for ascribing it to a Continental source can be traced back at least as far as the fourteenth century. In 1376, members of the Parliament of Edward III had accused Italian merchants of introducing the practice into England. Edward Coke treated this theory seriously in his Institutes, even to the point of (falsely) deriving the legal term buggery from an Italian root. 112 This need to find a Mediter-

112. "Of Buggery or Sodomy," in Third Part of the Institutes of the Laws of England (London: E. & R. Brooke, 1797), chap. 10, p. 38. The Anglo-French of fourteenth-century parliamentary documents is idiosyncratic, but the relevant passage in the Rolls of Parliament might be approximately construed as follows:

The Commons beg that all the Lombards who follow no other calling but that of merchants [Brokouos] be made to leave the country... They are wicked usu-
ranian origin for same-sex relations in England moved Bentham to ridicule:

The same Jurist, very well read in the Rolls of Parliament, but very ill read in the great Book of Human Nature, informs us upon the authority of those Rolls, that this vice was brought into England by the Lombards. I had as a lieu have said, that the use of women was brought in by the Lombards, as if the same nature which first taught it to the people of one country, was not able to teach it afterwards to the people of another. So strong is the madness for running round in the circle of etymology, both for words & manners, that reasoners like Dr. Coke would fetch over instruction in this mystery upon rafts from Florida or Mexico if they did not hear by good luck of its being practised a little nearer.\(^{13}\)

Yet Bentham, for all his perspicuity, failed to understand how English xenophobia intensified English feelings about sodomy. In particular, he failed to see its peculiar connection with English Protestantism. The national tendency to what may be called moral chauvinism had been greatly intensified by the Reformation: the temptation to reaffirm the traditional association of sodomy with Italy was too powerful for Protestant polemicists to resist. For instance, the violently anti-Catholic bishop, John Bale, made much of the point in a satire he concocted in 1538, under the title A Comedie, Concernynge Thre Lawes, of Nature, Mouses, and Christ, Corrupted by the Sodomytes, Pharysies, and Papistes Most Wicked. The allegorical figure of “Sodomismus,” in the guise of a monk, declares: “I dwelt amonste the Sodomytes, / The Beniamytes, and Madyanytes, / And nowe the popyshe hypocrisyes / Embrace me every where.”\(^{14}\) Henry VIII used accusations of sodomy to counter popular

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\(^{13}\) “Nonconformity,” box 73, folio 91.
\(^{14}\) (London: Thomas Colwell, 1568), p. [16].
support for the monasteries he meant to pillage. In his satire Bale indicts “Pope July” (Julius II) as a debaucher of boys. John Donne endorsed the tradition by rhyming “sodomy” and “Italy” in his second satire, a license that appealed strongly to later poets. Thus, Daniel Defoe, assigning various vices to various realms in The True-Born Englishman (1701), could write:

Lust chose the torrid zone of Italy,
Where blood ferments in rapes and sodomy.116

This faith in the absolute foreignness of same-sex attractions inevitably became an argument for punishing them with special harshness. A generation after Defoe, the poetaster John Armstrong wrote an incongruous poem called The Oeconomy of Love, in which he delivered Ovidian advice in Miltonic measures. At the end of his manual on seduction he warned against “unnatural pleasures”:

Britons, for shame! Be Male and Female still.
Banish this foreign Vice; it grows not here,
It dies, neglected; and in Clime so chaste
Cannot but by forc'd Cultivation thrive.
So cultivated swells the more our Shame,
The more our Guilt. And shall not greater Guilt
Meet greater Punishment and heavier Doom?117

115. In 1543 Henry wrote to Earl Arran, Regent of Scotland, advising him to send commissioners “most secretly and gravely to examine all the religious of their conversation and behaviour in their livings, whereby if it be well handled, he shall get knowledge of all their abominations,” as a first step toward confiscating monastic wealth in that country (Dom David Knowles, The Religious Orders in England, vol. 3 [Cambridge: Cambridge University Press, 1959], 204). Henry’s own commissioners of 1535 compiled the Compendium Compertarum, which listed 181 cases of “sodomy”; it is unclear how many of these cases referred to homosexuality and how many to other sex acts (ibid., pp. 96–97). Such information gave Thomas Cromwell and others interested in suppressing the monasteries a powerful weapon.


Armstrong’s point was that a tolerant England would collectively merit a fate worse than Sodom; it was an easy step from this to justifying exemplary punishment for the individual who strayed so far from the national norm. Tobias Smollett, with his characteristic mixture of spleen and prejudice, added another voice to the chorus. His first published work was a verse satire called “Advice,” a substantial portion of which was devoted to attacking homosexuals under real or invented names. In Roderick Random, inveighing against this “spurious and sordid desire” as personified in Lord Strutwell, he put four lines from his own diatribe into the mouth of his hero:

Eternal infamy the wretch confound
Who planted first that vice on British ground!
A vice, that ‘spite of sense and nature reigns,
And poisons genial love, and manhood stains!

This popular combination of xeno- and homophobia reached its zenith in a vitriolic anonymous pamphlet entitled Satan’s Harrow Home, published in London in 1749. The writer was particularly incensed at the fashion of men kissing in the streets, a custom he denounced for its sodomitical tendencies:

Damn’d Fashion! Imported from Italy amidst a Train of other unnatural Vices. Have we not Sins enough of our own, but we must eke ’em out with those of Foreign Nations, to fill up the Cup of our Abominations, and make us yet more ripe for Divine Vengeance?

’Till of late years, Sodomy was a Sin in a manner unheard of in these Nations; and indeed, one would think that where there are such Angelic Women, so foul a Sin should never enter into Imagination: On the contrary, our Sessions-Papers are frequently stained with Crimes of these beastly Wretches; and though many have been made an Example of, yet we have too

much Reason to fear, that there are Numbers yet undiscover'd, and that this abominable Practice gets Ground ev'ry Day.

Instead of the Pillory, I would have the Stake be the Punishment of those, who in Contradiction to the Laws of God and Man, to the Order and Course of Nature, and to the most simple principles of Reason, preposterously burn for each other, and lose the Fair, the charming Sex, neglected.119

The anonymous pamphleteer writes as a robust man of the world and no doubt hoped to sell his wares by spicing them with strong condiments. But the level of chauvinism in Hester Thrale's genteel private journals is quite as high. Thrale married a music teacher, Gabriel Piozzi, and made a wedding journey to Italy, an experience that only served to confirm her convictions about the un-Englishness of homosexuality:

Our Beckfords & Bickersuffs too run away at least from the original Theatre of their Crimes, & do not keep their Male Mistresses in Triumph like the Roman Priests & Princes. This Italy is indeed a Sink of Sin, and whoever lives long in it, must be a little tainted. . . . External Rites of Worship here are supposed a complete Compensation for the utter Absence of all Moral Virtue, & all Sense of honor. England . . . though wickeder than one would wish it, & more defective in Faith & Works— I verily do believe . . . is the best part of Europe to live in, for almost every Reason.120

Bentham, after the typical fashion of an eighteenth-century philosopher, tried to account for homophobia in terms of universal human psychology rather than looking for causes that were specific, historical, concrete, and local. Though he was keenly aware of its unusual force in his native land, he did not explain why this trait should have developed so potently in England and to such deadly effect. This is a surprising oversight in a mind so analytical. Obviously, Bentham failed to understand fully its connection with xenophobia and with anti-Catholic prejudice. More
striking was his failure to realize what the punitive traditions of his day owed to a campaign by religious leaders and laymen conducted energetically in the early part of the eighteenth century.

Perhaps his blindness stemmed from the fact that the work of this earlier group—the so-called Society for the Reformation of Manners—had ceased a few years before he was born and later attracted little attention from historians. Yet it was the forces set in motion in the moral-judicial sphere by the Society and nurtured by its powerful later successor that Bentham had to contend with during his long career. The Society for the Reformation of Manners had, in fact, been founded in 1691. It was an alliance of pious Churchmen and like-minded Dissenters, who set aside their political animosities to wage the first important morals campaign since the Puritan Revolution, aimed in effect at countering the freedom of the Restoration period. It received the blessing of several archbishops and found a warrant for its efforts in the curious late-Stuart tradition of royal proclamations against vice, issued first by Charles II, and, later, with more credibility, by Mary II, William III, and Queen Anne. For forty-six years it proved remarkably effective; its published annual reports show that its informers succeeded during that period in prosecuting over 100,000 men and women. 121

The Society’s manifesto of 1694, entitled Proposals for a National Reformation of Manners, is a significant document, which social historians seem unaccountably to have overlooked. It throws much light on the mentality of the age. First, the anonymous writer plays on popular fears: an earthquake had devastated Jamaica, tremors had been felt in London, and these are interpreted as divine protests

against "prophane conduct," that is, against "Swearing, Cursing, Drunkenness, Revilings, Lasciviousness, Whoredoms, Riot," and "Blasphemies." England's national destiny, the author proclaims, is under the direct protection of God: "What Jerusalem was of old unto Judea, and Judea unto other Nations, in like manner London is unto England and England unto Christendom. A City and a Nation more favoured of God, (and more envied by the Common Adversary) there is not to be found under the whole heavens." 122 Such divine attention, however, was the occasion for as much apprehension as congratulation. England had escaped the threats of the Armada and of the Gunpowder and Popish Plots and had been delivered from James II, but profane lifestyles may cost it this divine favor. 123 In this way, public morals were linked in the popular mind both with anxiety over the nation's fate and with pride in England's success in keeping the papists at bay.

But England had been xenophobic and anti-Catholic for centuries, during which the death penalty for sodomy was used sparingly. 124 What caused the change? The Proposals give only the faintest hint in this direction. Near their conclusion the writer advocates "searching out the lurking Holes of Bawds, Whores and other Filthy Miscreants." 125 In the early eighteenth century social clubs abounded in London; some of these catered to homosexuals. That the word miscreants here likely refers to men who frequented such places is suggested by its common use in this sense in popular and legal literature. 126 Still, the attack on homosex-

122. Proposals for a National Reformation of Manners, . . . to Which Is Added . . . the Black Roll, Containing the Names and Crimes of Several Hundreds Persons, Who Have Been Prosecuted by the Society, for Whoring, Drunkenness, Sabbath-breaking, &c. (London: John Dunton, 1694), pp. 8, 2.
123. The author asks rhetorically how else, apart from divine intervention, one can interpret England's deliverance from these repeated threats (ibid., p. 3).
124. The last known hanging was in 1660 when the Bishop of Waterford, John Atherton, was executed in Dublin.
125. Proposals for a National Reformation of Manners, p. 29.
126. See the quotation from Blackstone (p. 13, above) and Bentham's
uals was at first muted. Perhaps the Society, aware of the rumors current about the sexual orientation of their patron and “deliverer,” William III, was hesitant to take up an issue that might have invited ironic ripostes from the Jacobites and Louis XIV. After the succession of Anne, no such inhibition existed, and the Society’s chief defender, John Disney, a former magistrate turned clergyman, felt free to campaign against homosexuals in his Second Essay upon the Execution of the Laws Against Immorality and Prophaneness (1720). In this treatise he advances sodomy to second place (after blasphemy) among the Society’s concerns, invoking the traditional threats of divine vengeance. We have seen how Jeremy Collier, joining the how and cry of the age, raised his voice to demand the extermination of homosexuals a decade later. Within a few years the tradition of almost a century was set aside. In 1726, through the efforts of informers working for the Society, there were many arrests, and three men were hanged at Tyburn.

The Society for the Reformation of Manners became increasing unpopular as time went by. Its system of inform-

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use of the term as an epithet in his description of the homophobia of the English press (p. 45, above). The word was very common in early nineteenth-century newspaper accounts. The anonymous annotator of the anonymous poem Don Leon refers to “two gangs of miscreants (as they were called when this poem was written),” i.e., ca. 1833 (Don Leon, in A Homosexual Emancipation Miscellany, p. 91; see also nn. 27 and 36 to Don Leon).

127. Henri Van Der Zee and Barbara Van Der Zee, who speculate about William’s homosexuality in William and Mary (New York: Knopf, 1973), pp. 422–24, conclude that there likely was a homosexual element in his personality, especially in his relations with Arnold van Keppel, Earl of Albemarle.

128. “Where we are able to form a Conviction of the horrid Sin of Sodomy or Bestiality, we should by no means suffer it to escape in any Instance whatsoever: Because this Sin draws down the Judgments of God upon the Nation, where ‘tis suffered, in a very particular Manner” (Second Essay [London: Joseph Downing, 1720], pp. 206–9). Disney repeatedly makes the point that the whole nation will suffer at the hands of God if immorality is not punished.

mers was resented, its attacks on the pastimes of the poor were seen as discriminatory, its efforts to close brothels led to riots, and two of its agents were killed. Perhaps the hostility of its foes led it more and more to concentrate on the prosecution of sodomy cases as less likely to cause antagonism. In the pillorying of homosexuals, it was possible for rakes, ruffians, and men of religion to unite in expressing their detestation of an unpopular minority who had no public defenders and were themselves silent. The protests of foreign observers, who were shocked by this ferocity, went unheeded. England's claim that its religion was purer than that of Catholic France seemed confirmed by its victories under Marlborough and in the Seven Years' War. Its claim to be superior to France in morality, and especially sexual morality, appeared shakier. The multitude of prostitutes on the streets of London, the high level of illegitimacy and of infanticide, and the adulterous intrigues of the aristocracy could all be interpreted as calling this claim into question. But the hanging, pillorying, and ostracism of homosexuals were incontestable facts to which the nation could point to assure itself of its superiority to Catholic Europe in at least one respect. In this way, as in Spain under the Inquisition, intolerance became a badge of virtue and brutality a point of national pride.

It is perhaps not a coincidence that the harsher measures toward homosexuals in England marked the early Hanoverian period and the arrival of a new dynasty. The accession of George I in 1714 symbolized, by the act of Parliament that legalized it, the ultimate triumph of Protestant-

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were hanged were Gabriel Lawrence, 43, a milkman; William Griffin, 43, an upholsterer; and Thomas Wright, 52, a woolcomber. Accounts of their trials are to be found in Select Trials at the Sessions-House in the Old-Bailey (London: James Hodges, 1742), 2:362-69. Griffin, at his trial, mentioned two informers named Willis and Williams, employed by the Society for the Reformation of Manners, who effected the arrests.
ism after the equivocal Tudors and Stuarts. With the relaxation of severity in Catholic Europe, persecution moved north to Holland and England in the eighteenth century. Growing tolerance in Italy and France was seen as striking proof of Protestantism's claim to moral superiority over these decadent lands. In England, an ancient xenophobic tradition, traceable back to the Middle Ages, had at first linked itself with Italy in the case of the Lombard merchants. Then, with the coming of the Reformation, its basis ceased to be economic, and antihomosexualism became a stock ingredient of antipapal propaganda. Though ant clerical lawyers reacted against ecclesiastical tradition in Catholic countries and achieved decriminalization, first in France in 1791 and, later in Italy and Spain, nevertheless, Protestant England, Germany, Scandinavia, and the United States held aloof, regarding such changes as moral backsliding. So in Germany, Catholic Bavaria followed the Napoleonic Code in 1813 while Protestant Prussia kept its sodomy law, which was finally imposed on the united country after 1870. When Hitler came to power, this north-south split took on a new perspective. Nazi jurists looking for justification for severe new antihomosexual laws in the Third Reich saw the pattern in racial terms. In their eyes, "Teutonic" England, America, and Germany had taken the right course; the liberalism of the Catholic south was now seen as a sign of a specifically Latin degeneracy.\textsuperscript{130}

The moral crusade of the Society for the Reformation of Manners came to an end in 1778 when the Society expired. But William Wilberforce had its example in mind when he prevailed upon George III to revive the tradition of issuing royal proclamations against vice in 1787. The next year he founded the Proclamation Society. Fourteen years later it chose a new name, the Society for the Suppression of Vice,

\textsuperscript{130} See Rudolf Kläre, \textit{Homosexualität und Strafrecht} (Hamburg: Hanseratische Verlagsanstalt, 1937), chaps. 6, 7.
and under that designation it pursued a vigorous course in Georgian and Victorian England. With the coming of the new century, hangings of homosexuals increased in number and became more or less annual events. We do not know what administrative decisions by the police, judiciary, and higher authorities determined this rate of executions, but its regularity suggests that those in power had reached a tacit understanding that such a level of enforcement was desirable. Did the Society for the Suppression of Vice use its potent influence here? Its publicly declared aims were the suppression of obscene publications, Sabbath-breaking, and cruel sports, matters in which English opinion was by no means unanimous. But its emphasis on enforcing morals legislation set the tone for the new century and strongly influenced the administration of justice. Popular sentiment against homosexuals, worked up to such a pitch during earlier morals campaigns, seems not to have subsided; in this new moral climate, with England isolated by war and politics from Continental liberalism, it was easy for authority to assume an unprecedented harshness. It was an irony of fate that the year of Byron's birth coincided with Wilberforce's founding of the Proclamation Society and his puberty with its metamorphosis into its powerful successor. Byron and the nation's determination to suppress sexual vice by every social and legal means came of age together.