"Not Paul but Jesus"

In England, the defeat of Napoleon marked the end of a period of extreme reaction in politics and prepared the way for a new era of reform. One of the earliest of these reforms was of significance to homosexuals: the abolition of the pillory. On April 6, 1815, two months before the battle of Waterloo, Michael Angelo Taylor had introduced a bill into the Commons to this effect. Decrying the pillory as "the remnant of a barbarous age and the cruel punishment of Star Chamber authority," Taylor pointed out that it was unpredictable in its consequences: some men condemned to exposure might be applauded and acclaimed by the mob, men accused of less popular crimes might be killed. Taylor deliberately omitted any mention of its common use in homosexual cases on first introducing the measure. But the Earl of Lauderdale, who led the effort for abolition in the Lords three months later, grasped the nettle firmly. After telling of occasions that led to chastisements more lenient than the law intended, he continued:

In other cases it was more severe; for instance, when the punishment of the pillory was inflicted for offences which had a tendency to exasperate the feelings of the populace, such as the attempting to commit an unnatural and horrible crime. Neither the law nor the judge intended that this crime, abominable as it was, should be punished with death, and yet such was frequently the result. The death, too, which such criminals met with was more severe than the punishment of death when inflicted in the ordinary way. He himself had witnessed

an instance of this in 1780. A person was pilloried in South-
walk for an unnatural crime, and the criminal was so treated
by the mob that he actually died the moment he was taken
from the machine.²

The measure was held back by delaying tactics in the Lords.
When Taylor reintroduced it in the lower house a year later
(February 22, 1816), he candidly admitted that it would end
a punishment often used for homosexuals. His argument
was the familiar one that such exhibitions tended rather
"to increase the vice it was meant to suppress."³ Taylor's
speech provoked the impassioned plea by Sir Robert Heron
that ostracism now be even more strictly enforced among
the upper classes, to which Taylor made the curious re-
response that "he was sure he could satisfy the hon. baronet
in private, that there was but little hope of reform to be ex-
pected from persons addicted to this atrocious offence, un-
der any circumstances of punishment, however severe."⁴

The end of the war and the more promising climate for
change had another effect. It prompted Jeremy Bentham,
after thirty years, to turn once more to the topic of homo-
sexual law reform. On April 18, 1814, just six days after
Napoleon's first abdication, and again on July 27, 1816,
three months to the day following Byron's departure from
England, Bentham resumed writing on the subject, on the
first occasion for a period of three weeks, on the second,
for six. At this time he was a tenant at Ford Abbey in Dev-
onshire, where for most of the year his devoted disciple
James Mill joined him to work on his own History of India,
taking with him his numerous brood, including the pre-
cocious John Stuart. All in all, during these two sessions of
writing Bentham turned out almost two hundred folio
pages of new notes, which he, or some secretary acting for
him, collated by intermingling into one manuscript.

³. Ibid., vol. 32, col. 804.
⁴. Ibid., col. 805.
The prospects for reform in other areas of the criminal law were slowly brightening and would become markedly auspicious during the last years of the Regency. But the chance for a change in England's sodomy statute did not look good in 1814. Since 1785, when Bentham had written his ambitious essay the situation of homosexuals in England had, if anything, worsened. The rate of hangings had actually increased, the pillory had been much in use, and public opinion seemed as obdurately hostile as ever. Worst of all, the taboo against any mention of homosexuality, except in the form of stereotyped expressions of horror following arrests or convictions, still held. Only when the subject "is dragged into notice by the hand of the law," as Bentham put it, could it be mentioned at all. Otherwise, Bentham wrote: "Decency, according to the prevailing notions generally attached to this word, will in general keep it excluded out of the field of conversation." Bentham then gives an interesting survey of national opinion. Prejudice in England, he conjectures, surpasses anything on the Continent. "In Scotland the degree of general exasperation may be stated as standing at much the same pitch as in England. In Ireland as rising if possible still higher and so in the Anglo-American states." If disapproval reached its zenith in English-speaking lands, "Italy may be stated as the country in which the degree of exasperation produced, if any, stands at the opposite point of the scale. In Italy, or some parts at least of that country, for a demand of this nature a supply may, or at least not long ago might, be obtained from the one sex with little less facility than from

6. July 28, 1816, box 749, folio 73. I do not know of any evidence on which to compare Irish attitudes with English. Louis Simond had noted the Scottish judges' disapproval of English pillorings (Journal of a Tour and Residence in Great Britain During the Years 1810 and 1811, 2nd ed. [Edinburgh: Constable, 1817], p. 494). Despite Bentham's remark, no execution in America later than 1780 has, as yet, come to light; English homophobia seems at all times to have exceeded the American level, high though that has been.
the other," 7 (Bentham had stopped in Italy in 1785 on the way to visit his brother in Russia and may have observed the relative openness of homosexual prostitution and solicitation there at that time.) In France, public feeling was indifferent, and the laws had long gone unenforced. As for Germany and Holland, Bentham, perhaps somewhat naively, ascribes their relative lack of prejudice to the frequency with which they had had homosexual rulers. The tastes of Frederick the Great of Prussia and of "a Landgrave of Hesse and other sovereigns" he thinks account for the relatively tolerant attitude toward homosexuality in Germany, while in Holland, "the example however studiously concealed of the King which that country gave to England [William III], added to the recent example of a not very long since departed Prince"—presumably Stadtholder William V, who had died in 1806—had, he thought, produced similar lenience. 9

Bentham pointed out that English feeling against sexual nonconformity was far more intense than against nonconformity in religion. Though English law excluded non-Anglicans from public office, no one still believed heretics should be put to death or hoped to gain public applause by expressing such a view. With respect to same-sex relations, the matter was different: "Of those in whose eyes, to judge at any rate from their discourse, the utter destruction of a person of the sort in question would be considered as a public good, every idea entertained of mercy a public injury, the number it is believed would upon enquiry be found not inconsiderable." 8 Englishmen had traditionally deprecated the intolerance that had lit the fires of the Inquisition but felt no such compunction when they sent men to the gallows for relations with their own sex:

7. July 28, 1816, box 744, folio 73.
8. Ibid. I have not been able to identify the Landgrave of Hesse to whom Bentham refers here.
9. August 1816, box 744, folio 186.
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The Spanish auto da fe in which, under the name of heretics, for a supposed differing on the subject of religion from the opinion generally professed, men used to be burnt alive, is to every Englishman an object of abhorrence, and though such not many centuries ago was the law in his own country, under laws for such a crime it could never enter into any human heart to exercise any such cruelty. Yet on a subject of infinitely less importance, for a difference not in opinion but merely in taste, with no other difference than that between burning and hanging, will the same man, with indefensible satisfaction behold the same punishment inflicted on his fellow man and fellow countryman in every other respect void of offense. For heresy in religion, no; but for heresy in taste nothing can be more reasonable.10

Bentham then tells the anecdote of the exultant judge who so shocked him.

In the face of this intensity of feeling, social reformers might well shrink from voicing opinions at odds with the majority. Bentham still felt the trepidation he had experienced a generation earlier at the thought of speaking out. In July 1816, on taking up his pen again for his second spate of writing, he once more expressed his fears:

In the present has been found one of those unhappy occasions—in which, in his endeavours to render service to his fellow creatures, a man must expose himself to their reproach; and assuredly, of all the occasions which it is possible for reflection or imagination to embrace, not one can be found, in which, whether it be considered in respect of intensity or of extent, the displeasure to which it is necessary he should expose himself is equally great and appalling. . . . Never . . . did work appear . . . from which at the hand of public opinion a man found so much to fear, so little to hope.11

Under the circumstances it is perhaps not surprising that Bentham did not dare to make his views public. What is remarkable, however, is the mental energy he brought to the subject and the time he devoted to developing his

10. August 1816, box 74a, folio 187.
11. Box 74a, folio 38.
ideas—within the next five years he was to fill almost five hundred pages with opinions and arguments. More striking still is the way in which his thinking moved ahead from his essay of 1785. While his countrymen became, if anything, more conservative, Bentham’s position became more and more radical. Where he had been content to support reform in 1785 with the argument that male homosexuality was no real threat to society, by 1816 he was arguing that homosexuality had positively beneficial effects. He had in one bound overleaped the position of such cautious reformers as the late nineteenth century produced (men like John Addington Symonds, Havelock Ellis, and Edward Carpenter) and anticipated the “Gay is good” stand of liberationists in the 1970s. Using arguments that were strictly in accordance with the utilitarian “greatest happiness” principle, Bentham found himself more than a century and a half in advance of his age.

He was also moved to embark, as we have seen, on a new and more extensive analysis of the roots of homophobia. In hope or fear, he argued, men attempted to propitiate God, not only through the sacrifice of material goods, but by giving up pleasures and especially the most exquisite of pleasures—those of the sexual appetite. So asceticism became an inescapable adjunct of religion. To understand the willingness with which men have made the homosexual a scapegoat, we have only to add antipathy to this cult of sacrifice connected with sexuality. This antipathy begins as antipathy for the physical act (presumably, anal intercourse) and develops into moral antipathy for the agent. “Of this morality a congenial sort of logic is the fruit: this man does what I should not like to do; therefore he deserves hatred and punishment at my hands. The more vehemently I should dislike to do what he does, the greater the punishment he deserves.” 12 The cult of self-sacrifice joins with hatred to produce a new kind of propitiation:

12. August 3, 1816, box 74a, folio 80.
This is a species of sacrifice in the making of which an incomparably better bargain is made with the Almighty than by any other: in the ordinary case, the pleasure sacrificed is a man's own pleasure; in this case it is another man's pleasure. Giving meat of one's own to be roasted for a dinner to God and Priest would cost money: taking a man and roasting him costs nothing: and moreover it makes a spectacle. On these considerations about the middle of the last century a French Abbé, the Abbé Des Fontaines, was roasted alive at Paris.  

Such asceticism necessarily implied either a vindictive deity to be appeased or a capricious one to be bribed. To Bentham the hedonist, a man (or God) who desired another man's pain—or what was the same thing in the hedonistic calculus, deprived him arbitrarily of pleasure—is "in so far a malevolent being."  

Aware that traditional religionists have always proclaimed the loving kindness of their deity, Bentham expects them to balk at this epithet:

But in language there is not any imaginable inconsistency of which fear is not wont to be productive. Upon earth, the most cruel and unrelenting of tyrants have been, as it is altogether natural they should be, those on whom the verbal expressions of love have been with most profusion lavished. In whatsoever situation he be placed, in the language employed to or in the hearing of the possessor of power regarded as absolute, the same cause will of course be productive of the same effect: the more intensely his malevolence is feared, the more loudly his benevolence will be proclaimed.

But if religious persons think it is pleasing to God to abstain from certain pleasures, an inevitable difficulty presents itself. Sexual pleasure cannot be entirely foregone without endangering the existence of the race. Yet if mar-

13. Ibid. Bentham has apparently confused two episodes here. On May 25, 1726, Benjamin Deschauffours was burned alive in the Place de Grève for acts of sodomy; see D. A. Coward, "Attitudes to Homosexuality in Eighteenth-century France," Journal of European Studies 10 (1980): 237. The Abbé Desfontaines had been threatened with the same fate in 1725 but was saved by the intervention of Voltaire.
14. April 22, 1814, box 74a, folio 107.
15. Ibid.
ital sex is grudgingly permitted for the sake of progeny, no such tolerance extends to any nonprocreative act. "This impure and inexusable pleasure remains a just object of the unbridled and insatiable vengeance of a being in whose composition an infinity of power has for its accompaniment a [supposed] infinity of benevolence." Presumably Bentham has in mind the conclusions derived by the fathers of the church and jurists like Blackstone from the Sodom story. But why should religious fanatics not simply deplore such acts and abstain from them? Why should they persecute the agents in such lively fashion to the point of desiring their deaths? Only if the homosexual is conceived as the special enemy of God does such persecution become intelligible:

For recommending one's self to any person's favor, no method more effectual can be found than the determination to take and consequent habit of taking for one's enemies all the person's enemies. When the person whose enemies are to be dealt with as our own is no more than a human being such as ourselves, charity may interpose, and to the disposition by which we are led thus to deal with them, apply a sort of bridle: but when the person is the Almighty himself, no such bridle is necessary or so much as proper or admissible. He being infinite, such ought to be our love, such consequently our hatred for his enemies, such consequently the determination and efficiency in the acts in and by which that hatred is avowed, manifested, gratified and demonstrated. 17

Bentham's account of the way in which piety worked up homophobia to a fever pitch may sound speculative and exaggerated. There is, however, historical evidence to support his view. In the Middle Ages, a tradition, ascribed to St. Jerome, held that all homosexuals had been struck dead at the moment of Christ's birth. Thirteenth-century English treatises on jurisprudence, such as Fleta, held that homosexuality was a kind of lese majesty, or high treason,

16. April 22, 1814, box 74a, folio 109.
17. April 22, 1814, box 74a, folio 110.
against God. Thomas Aquinas formalized this position in moral theology when he held that sins "against nature" were a direct affront to God himself as the creator of nature and hence worse than such acts as rape and adultery, which immediately affected only other human beings. 38

In the course of human history, Bentham observes, contrariety of tastes and opinions has frequently led to animosity. If men inspired by ill-will have refrained from vengeance, it has not been for lack of appetite but because the law has restrained them. But sometimes religion itself has given a sanction to such animosities. Among the ancient Greeks, for instance, homosexual acts were not in general punishable.

It was among the Jews and in the days of Moses that religion, as it should seem, for the first time attached itself to this ground and took it for the theater of its rigors. In the breast of Moses the sentiment of antipathy found an object and an exciting cause in every sort of irregularity belonging to this class. Religion was at his command. Religion in [proscribing] every caprice to which the fickle brain had ever given birth found a ready instrument and that an irresistible one. In English the word impurity, in most other languages some other word or words that correspond to it, has been applied alike to objects offensive to sense and offensive to imagination. In the hand of tyranny, at the nod of caprice, physical impurities were converted into moral ones. Under Moses, as under Braneh, the list of impurities thus created sometimes out of physical impurities, sometimes out of nothing, was a labyrinth without an end. 39

Bentham was struck, however, by the fact that the founder of Christianity, living as he did in a milieu in which the Jewish code clashed so dramatically with the dominant and all-encompassing Greco-Roman culture, should have shown no symptom of this tribal phobia:

On this whole field in which Moses legislates with such diversified minuteness and such impassioned asperity, Jesus is alto-
gether silent. — Jesus from whose lips not a syllable favourable to ascetic self-denial is by any of his biographers presented as having ever issued, Jesus who among his disciples had one to whom he imparted his authority, and another on whose bosom his head reclined and for whom he avowed his love,—Jesus, who in the stripling clad in loose attire found a still faithful adherent after the rest of them had fled,—Jesus, in whom the woman taken in adultery found a successful advocate, Jesus has on the whole field of sexual irregularity preserved an uninterrupted silence. 29

But the religion of Paul was another matter. Paul found it difficult to tolerate even that sexuality “necessary to the existence of the species”; toward the “irregular form” he was “an implacably condemning Judge.” 31 Given these views, it is not surprising that Bentham should have contemplated writing a book to be called “Not Paul but Jesus,” contrasting the two men’s views on ascetism and sex. But he does not pursue the idea any further in 1814.

Though they were soon to change under the influence of evangelical reformism, English manners during the Regency were probably the most libertine since the Restoration. The aristocracy still held to the code of the ancien régime, which set no premium on marital fidelity. The Regent himself and his brother dukes balked at domesticity and kept mistresses, who were many and expensive. Lord Nelson had lived with Lady Hamilton; the victor of Waterloo and future Tory prime minister found a large number of fashionable boudoirs open to him. Many leading hostesses had figured in divorce scandals, reared broods of miscellaneous paternity, or floated upward from shady origins. At the other end of the social scale prostitution was extremely widespread and blatant in London. Well might William Blake declare:

The Harlots cry from Street to Street
Shall weave Old Englands winding Sheet. 32

20. April 20, 1814, box 74a, folio 104.
21. Ibid.
Brutally deprived and victimized themselves, they were not above shouting "sodomite" at an indifferent male or joining in a pillorying.

It was perhaps not paradoxical that this age was also the most homophobic in English history. By seizing on the homosexual issue, the press could, at least in one respect, maintain the cherished national image of a land better than too-tolerant France or decadent Italy. Only one fear must have haunted editors: the concern that someone of their own party would figure in the next sensational scandal. Being the party of prestige and power, the Tories were also the most vulnerable, and, indeed, within little more than a decade they were to be exquisitely embarrassed by scandals, real or imputed, involving a royal duke, a member of the House of Bishops, a lieutenant-governor of Jamaica who was also a Knight Commander of the Bath and a general in the army, and a foreign minister who ranked as one of the architects of the post-Napoleonic world. In the meantime, the age in which cruel sports were for the first time coming to be regarded as disreputable on humanitarian grounds still exposed homosexuals to public wrath. Bentham saw in this practice an example of what sociologists today call scapegoating—and a licence for public brutality. Something more than indignation, a kind of bitter rage seems to have gripped him in commenting on this:

Among them [i.e., the most ardent denounced of homosexuality] will naturally be found in an indefinite degree of abundance the most vitious and profligate of mankind; the more incapable of paying for the praise of virtue in the form of self-denial the fair price, the more eager a man will naturally be to obtain it gratis in so far as it is to be had upon such terms. Purchasing it at the fair price he would have to keep in a state of subjection every inordinate appetite, every self-regarding and every dissocial affection: obtaining it at no higher price than that of adding his contribution to the torrent of unprovoked invective, he will not have to impose any restraint upon any self-regarding or any dissocial affection. On the contrary to his dissocial appetite he will without the least personal inconvenience afford a feast of gratification not to be derived from any other source. He will obtain for himself the same sort of enjoy-
ment that an ill-taught boy gives himself by tail-piping a dog, or an ill-taught man by bull-baiting, or an English judge by condemning a man to the pillory for an offense which affords a hope of his having a jaw broken or an eye beat out by the surrounding populace.《

The style of Bentham's Regency notes contrasts strikingly with what he had written thirty or forty years earlier. Then he echoed the phraseology of popular rhetoric. Now he shows a keen awareness of how such terminology prejudiced moral judgments. Discussing the way descriptive words like *pure* and *impure* had come to take on ethical meaning, Bentham warns: "It is by the power of names, of signs originally arbitrary and insignificant, that the course of imagination has in great measure been guided."《 In a disquisition on the use of the word *unnatural* in legal discourse, he admits that

an epithet which promises to cast on the adversary to whom it is applied a torrent of public odium and to produce in all breasts that are not already on his side a disposition to join in whatever measures may be taken for causing him to suffer for everything by which his adverseness has been indicated, is a weapon so commodious that it is only by such a regard for justice as has seldom indeed, if ever, been exemplified, that a man can be restrained from taking it up and using it。《

With a growing awareness of the adage "give a dog an ill name and hang him," Bentham now meticulously avoids such locutions. He emphatically rejects the use of the adjective *unnatural* in relation to homosexual relations as senseless:

The truth is that [when] the epithet *unnatural* is applied to any human act or thought by man, the only matter of which it affords any indication that can be depended upon is the exis-

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23. April 24, 1814, box 740, folio 117.


25. April 1814, box 740, folio 93. Bentham discusses the use of the word *unnatural* in relation to several crimes besides sexual ones, e.g., infanticide and rebellion.
tence of a sentiment of disapprobation accompanied with passion in the breast of the person by whom it is employed: a degree of dissocial passion by which without staying to inquire whether the practice be or be not noxious to society, he endeavours by the use thus made of this inflammatory word to kindle towards the object of this ill-will the same dissocial passion in other breasts for the purpose of inducing them to join with him in producing pain.26

In these notes Bentham works conscientiously at the task medical men, psychologists, and law reformers in Germany and France were to set themselves during the later decades of the century—the development of a neutral, scientific vocabulary to replace the old abusive terms. The term Uranianism came into use in Germany in 1862, contrary sexual feeling and homosexuality in 1869; in France and Italy, the expression sexual inversion appeared in scientific writings in the 1880s, and Havelock Ellis popularized it in England. Bentham begins this reform in his Regency manuscripts. He distinguishes “irregular” from what he calls “regular” modes of sexual intercourse, making it clear that by these expressions he is not rendering judgment but merely differentiating sexual acts conformable to “public opinion” from those which were not.27 Then he coins such expressions as “the impolitic appetite,” or the “innocuous” mode, to distinguish homosexual from heterosexual relations that might cause unwanted pregnancies.28 In the literary proposals he made to Beckford in 1817, homosexuality

26. April 18, 1814, box 94a, folio 90. Two years later, on September 12, 1816, Bentham added another brief note on this subject: “By the use of words which have no precise meaning beyond an expression of the state of the affections of him by whom they are employed towards the object to which they are applied—words such as dissoluteness, profligacy, abomination and so forth—men work themselves up into a state of passion from which all cool and rational consideration is excluded” (box 94a, folio 121).

27. July 28, 1816, box 74a, folio 42.

becomes “the Attic mode” through its association with ancient Athenian culture."

In April 1814, Bentham listed what he calls the “ill-principled and unostensible causes” for the persecution of homosexuals. These include, first, the desire for a reputation of virtue and, second, envy, hatred, and the opportunity to exercise “the passion of malevolence without danger of punishment in any shape.”

But he also considers those arguments that were not ill-principled, that is, rational utilitarian arguments against homosexuality as an activity genuinely harmful to society. The alleged harms—to population, to military defense, to the status of women—he had of course considered at length in his essay of 1785. But since that essay had never been published, Bentham returns to them once more, revising or augmenting his case in the light of changing attitudes and new information.

As to population, public opinion had changed drastically since the appearance of Thomas Malthus’s famous Essay on the Principle of Population in 1798. Bentham still holds to his earlier theory that the tolerance of male homosexuality does not, in fact, cause a drop in the birth rate. But now he can argue that, even if it did, Malthus has shown that the real threat is overpopulation, with its attendant overcrowding, poverty, and famine: one bugbear at least had been laid to rest. As for male “enervation” leading to defeat in battle, Bentham repeats his arguments from the military triumphs of the classical world. He praises again the valor of the Theban Band—the association of men “most celebrated for personal courage” in Greek antiquity—and now adds the examples of Nysus and Euryalus, from Virgil’s Aeneid." It occurs to him that legends of mythical heroic lovers, such as Hercules and Hylas, are even more instructive in reflecting the opinions of the clas-

31. May 1, 1814, box 74a, folio 146, 147.
sical world than historical examples since they record “the conclusion drawn by opinion from universal and continual experience.” In this particular case, poetry was indeed more universal than history.

New anthropological data seemed further to call into question the idea that toleration of male homosexuality leads to the neglect or mistreatment of women. The most brutal abuse of women he has heard of occurs in two diverse tribes, one in New South Wales, the other in eastern Canada: neither culture appeared to practice or condone male homosexuality. Missionary accounts from Polynesia also throw new light on conditions there:

In the newly-discovered Islands of the Pacific Ocean the prevalence of the improduct appetite, after having been concealed by the prudent delicacy of polished historiographers, has been revealed by the untutored and querulous zeal of pious missionaries. Prostitution by profession and that profession marked by peculiarity of attire has there been observed among the male sex, as in other countries among the female. Yet neither in these any more than in other tropical regions has the treatment bestowed by the stronger to the weaker sex been found to exhibit any indifference.

It is true that Islamic countries generally countenance male relations and oppress their women, but seclusion there arises from the intensity of the Musulman’s jealousy, not from his neglect of women. Turning to Europe, Bentham remarks that England, the most homophobic of nations, was also in his day the one in which women had least influence over men:

In politics, in literature, in business in general, the influence of the female sex has for a long time been more conspicuous in France than in England. Yet in France, that propensity which in England is matter of ostentatious abhorrence is a source of jest and merriment, to most persons an object of physical dis-

32. May 1, 1814, box 744, folio 144.
33. April 27, 1814, box 744, folio 156.
34. Ibid.
gust, to many of religious abhorrence, to some of moral contempt, but scarce to any of moral abhorrence. Neither in Italy nor in Germany have the female sex ever so much as fancied to themselves any cause of complaint or apprehension on the score of indifference on the part of the male. Yet not only in Italy but in Germany the propensity in question is in general regarded with a degree of indifference and even gratified with a degree of notoriety and security the bare mention of which cannot be endured in England with patience."

To indict his countrymen for cruelty and intolerance was a project daring enough, but the inherent logic of Bentham’s utilitarian ethic carried him a step further. According to his hedonistic calculus, any pleasure without painful consequences was in itself “pure good.” In this category he included most consensual nonprocreative sex acts. In effect, Jeremy Bentham stood Thomas Aquinas on his head. Whereas it was specifically nonprocreative acts—masturbation, contraception, sodomy—against which traditional moral taboos had been strongest, Bentham took the opposite view—that it was the procreative rather than the nonprocreative acts that most often caused real harm. Marital intercourse, though necessary, posed the threat of overpopulation. Fornication produced undesired pregnancies. From these followed abortions (highly dangerous in Bentham’s day) and frequent infanticide, which in England was the object of harsh legislation. Seduced women who had lost their reputations and all prospects of a husband were not infrequently forced into prostitution with its attendant horrors of degradation, poverty, disease, and early death. Should not the “irregular modes” of intercourse be encouraged as preferable in their consequences to these?

Bentham developed exactly this line of thought in thirty pages of notes begun in August 1816 under the title, “Beneficial effects of certain of these modes.” It was not until 1937 that the Wolfenden Report recommended to the English government that homosexual acts be decriminalized

35. April 27, 1814, box 740, folio 157.
on the grounds that prosecutions did more harm than good. But Bentham went beyond this to affirm that homosexuality, as a form of nonprocreative sex, was a positive good to be encouraged. Examining the sources of human happiness with the eye of a moral economist, Bentham saw that material goods were necessarily limited and that each person’s portion was constantly threatened by the pressures of population, but these difficulties did not attend sexual pleasure divorced from procreation. Here was a source of enjoyment open to the wealthy and indigent alike, to the “subject many” as well as to the “ruling few.” If one were to remove “the cloud of prejudice by which this part of the field of morals has to this time been obscured, what calculation shall compute the aggregate mass of pleasure that might be brought into existence?”

It is not surprising that Bentham left to the end of his notes a consideration of a particularly delicate subject—relations between teachers and their pupils. Would not decriminalization render these more common? Bentham does not think there is much likelihood of their occurring in ordinary schoolroom settings. The jealousy of a class of boys will prevent the master from favoring one, nor is the lack of privacy in the typical boarding school conducive to such relations. But what of private tutors? In such a case he is willing to believe that there may be some advantage in such a relation. The master may teach with greater “zeal” if he is the lover of his pupil. “The pupil on his part, experiencing instead of that moroseness and haughtiness [by] which that commanding situation at present is so frequently exemplified, a degree of attention and kindness so extraordinary, will easily find a pleasure in an occupation which otherwise would have been a painful and laborious one.”

If, on the other hand, the boy should take advantage of the situation and idle away his time, the affair could be broken.

37. July 1, 1816, box 749, folio 208.
off by his parents. Here Bentham approves something like the pedagogic eros of the Greeks.

In all this, Bentham presents a striking contrast with Byron. The philosophical hedonist and moral revolutionary lived the life of an ascetic; the rake who mocked society never seriously challenged its moral premises. Byron is proud of his sexual knowledgeableness in *Don Juan*, but though he portrays an idyllic and innocent love between Juan and Haidée, this does not reflect his usual attitude toward sex. More often his implied stance is, the world has condemned me, but the hypocritical world is as bad as I am. In assuming this posture, he accepts the world's values and "exposes" it as failing to live up to them. Contemporary moralists condemned *Don Juan*. Later ones, such as Paul Elmer More, took a longer view; Byron was less of a moral heretic than, say, Shelley, simply because he did, in fact, have a sense of guilt. But this is to ignore the effect this guilt had on Byron or on the others and, above all, on the women whose lives he touched. Men who hate and despise themselves usually do not treat other people very well either.

Having made a case for the social utility of male homosexual relations and decried the evils of punishment, Bentham, with energy remarkable for a man nearing seventy, took the offensive on another front. Of all the forces making for prejudice, he felt the most formidable was the ascetic morality to which the English gave such fervent lip service. And, behind this, far more significant than philosophical stoicism, was Pauline Christianity. (On this point, Byron would have agreed. In the extensive conversations on religion he engaged in during his second visit to Greece, he remarked that English religion seemed more Christian than God-centered and even more preoccupied with Paul.) For Bentham, Paul was the antiutilitarian *par excellence*; he came to see in Paul a fear and distaste of pleasure, which, in his view, did not at all accord with Jesus. If the link between the two men's teachings could be weakened,
Bentham thought English Christianity might become less puritanical. With this aim in mind, he began in 1817—the first year of Byron’s Italian exile—the lengthy treatise to which he gave the name “Not Paul but Jesus.”

The first aim of this magnum opus was to show that Paul’s connection with Christ’s disciples was tenuous and equivocal; in effect, the authority he presumed to wield was usurped. This was a step toward Bentham’s more important goal, which was to question Paul’s moral stance, especially his ascetic attitude toward sex in general and homosexuality in particular. Bentham was keenly aware what dangerous ground he was treading. In 1823, under the pseudonym “Gamaiel Smith,” he published Parts I and II of his notes in the form of a four-hundred-page book challenging, on historical and scriptural grounds, Paul’s right to set himself up as a spokesman for Christ and Christianity. The book bore the title Not Paul but Jesus, though in fact it incorporated only the first half of his project and did not touch the more controversial second half. It is not clear to what extent the book was recognized as Bentham’s nor to what extent he had collaborators. According to the Dictionary of National Biography, Bentham’s fellow reformer Francis Place, in a note, claimed the book as his. But the voluminous University College manuscripts leave no doubt that, whatever hand Place had in turning Bentham’s fragmentary observations into publishable prose, the fundamental ideas and basic structure of the work were Bentham’s.

Inevitably, it caused controversy, as any attack on Paul’s apostleship was bound to do. Two books attempted to answer Bentham, and a modest debate ensued. Apparently, the reception was not encouraging enough for Bentham to acknowledge the essay during his lifetime, though it was reprinted after his death with his name on the title page. No doubt a further reason for Bentham’s pseudonymity was the explosive nature of the sequel he had planned. After he had fully developed his ideas for the first part of his book and had pretty well determined what he wanted to
say in the second, he produced a curious document that
clarifies some of these aims. This took the form of a twenty-
two-page synopsis or prospectus addressed to William
Beckford. In this proposal, he suggests that Beckford might
act as a literary collaborator to put his ideas into final shape,
supply new materials (especially from classical sources),
and provide sympathy, encouragement, and, presumably
not least, financial help. We do not know what prompted
Bentham to address this précis to his old acquaintance at
this particular moment or whether any version of it ever
reached him. It is piquant to consider that if Beckford had
responded favorably and the book had appeared, the kind
of collaboration between Havelock Ellis and John Ad-
dington Symonds that led to the publication of Ellis's Sex-
ual Inversion in the 1890s might have been anticipated by
Bentham and Beckford in the reign of George IV.

Whatever the personal relation between the world-
famous philosopher and the ostracized connoisseur-
romancer, the document has a unique interest. The charac-
teristically Benthamite title of the summary is "General
idea for a work, having for one of its objects the Defense of
the principle of Utility, so far as it concerns the liberty of
Taste, against the conjoint hostility of the principle of as-
ceticism and the principle of antipathy." Bentham adds, il-
numinatingly, that the book will have "for its proposed title,
proposed on the ground of expected popularity, or at least
protection against popular rage,—'Not Paul but Jesus.'"
With magisterial naïveté Bentham states that his object is
"the greatest happiness of the greatest number" and his
motive "sympathy with the whole human race." Then he
adds an intriguing detail. This motive, he claims, is "mixt
with as little of personal interest as it is possible for it to be
mixt with." Is this a declaration on Bentham's part that he
had no interest in homosexual relations himself? It might
be construed this way. He wants, he tells Beckford, to re-
claim the public mind "from the gloomy and antisocial—
and, in proportion as they are gloomy and antisocial, per-
nicious—notions, involved in the Calvinistic and various other modes of the religion of Jesus, and the antipathies that have sprung out of them.” Such terrors derive from Paul as “contradistinguished from the acts and sayings ascribed to Jesus” in whom, he thinks, they find no warrant. 38

Bentham speculates that English tolerance will allow a book criticizing Paul provided the tone is not bitter or ridiculing. Part I will question his authority, challenge his pretensions “to any connection with Jesus,” and expose him as “a mere impostor, erecting an empire to himself on the foundation of that name.” 39 Though Part I will touch incidentally on Paul’s moral doctrines, to show their incompatibility with Jesus, the full critique will be reserved until Bentham can observe the public reception of the “by far least obnoxious” Part I. Bentham is clearysightedly pessimistic about the reaction he expects his revolutionary moral position to provoke—“to the work, and thence to the author, if known, nothing but unpopularity” can accrue “and that to a degree beyond all power of measurement.” 40 Bentham was fearful what influence he had in the world as a reformer might be forfeited. Then he recalls how exile and ostracism ended the parliamentary career of Sir William Meredith. 41 In mentioning this scandal of 1780, Bentham was delicately reminding Beckford that the proposed book would attack the prejudices that had driven him, too, from society a few years later.

The next ten pages minutely classify, in abstract, scientific language, first sensory pleasures generally and then every kind of sex act, ending with those Bentham now calls relations “in the Attic mode.” Then he pauses, no doubt fearing that the wearied Beckford might need some reassurance that this roundabout approach was worthwhile:

38. “Sextus,” box 161a, folio 14a.
40. Box 161b, folio 14c.
41. See p. 45.
Note here the advantages derived from the comprehensiveness of the plan here pursued: for example, in shewing, that in this last mentioned case, no more ground exists for punishment or disrepute, than in so many other cases, as above, in which no punishment is applied. Among a number of modes of gratification all equally innocuous, that indeed would have been best worth rescuing from punishment and unmerited reproach, towards which the propensity [i.e., of hate] is most extensive. But any such exclusive plan . . . would have given to prejudice a shock, which by the present course is lessened, if not avoided.44

Bentham then rejects the alleged negative social consequences of homosexuality and enumerates its beneficial effects when contrasted with the evils of adultery, rape, and illegitimacy. On one point, however, he is now willing to compromise. Fearing no doubt that so radical a step as complete decriminalization would be impractical, he revives his compromise proposal to make the sanction banishment. He adds a proviso, however, that would have made conviction difficult and the law all but a dead letter: except in cases of violence, two witnesses should be required, neither of them a principal or an accessory.45

Bentham also proposes that the projected book devote three chapters to literary and historical topics. One would deal with philosophers and notables of ancient times, another with modern thinkers and jurists such as Hume, Voltaire, Beccaria, Blackstone—and Bentham. His most original idea is to include an analysis of the treatment of homosexuals in contemporary fiction, criticizing homophobic tendencies in Smollett, Fielding, Wieland, Cumberland, and "Madam Graffigny." Bentham has a lively sense of the power of popular fiction to create prejudice: "In passages such as these, in works so extensively diffused, much mischief, viz. by inflaming the antisocial antipathy, can not but be produced. . . . By the thus holding

42. Box 161a, folio 16c.
43. Box 161a, folio 16b.
up to view of these instances of groundless censure ... the violence of it may, perhaps, be more or less abated." Here we have in embryo an anticipation of the modern idea of "consciousness raising," that is, the bringing to light of prejudicial tendencies in speech or writing which the hearer or reader may be inclined by cultural conditioning to accept uncritically.

Bentham’s proposal breaks off abruptly after he has sketched three other chapters, which were to deal, respectively, with Jesus’s failure to condemn “divagations of the sexual appetite,” with Paul’s vehement attack on them, and with the “favorable aspect” shown by some early Christians to matters of sex. Most of Bentham’s manuscripts (and indeed all of them dealing with homosexuality, except the essay of 1785) are incomplete. But in this case the abrupt breaking off seems especially odd since this is not a rough draft but a carefully polished essay based on a scribbled first draft, which still survives. Perhaps Bentham felt he needed to develop his ideas on the Bible more fully before attempting to summarize them.

The University College cataloguer has assigned the Beckford prospectus to August and September of 1817. From November 1817 to February 1818, Bentham wrote out

44. Box 161a, folio 18c. “Madam Graffigny” is a mistake for Thomas Gueulette (see chap. 1, n. 95). Richard Cumberland, in the Observer, had, according to Bentham, unjustifiably contradicted Xenophon by denying Socrates’s “participation in the propensity in question” (box 161a, folio 18c). Bentham makes the same charge against Bishop Warburton. Cumberland’s essay was published in the Observer for 1807–1808 and reprinted in The British Essays. The drift of the essay is difficult to make out. Shelley, for his part, read it as an indictment of Socrates (November 3, 1819, The Letters of Percy Bysshe Shelley, ed. Frederick L. Jones [Oxford: Clarendon Press, 1964], 2:143). Bentham, on the other hand, may have fixed on the sentence: “Great authorities have ascribed his attachment to Alcibiades to the most virtuous principle; common fame, or perhaps (more properly speaking) common defamation, turned it into a charge of the impurest nature” (The British Essays, ed. A. Chambers, no. 140, vol. 40 [London: Nichols et al., 1817], p. 224). Here Cumberland seems to be discounting the charge. We must remember, of course, that Bentham did not know Plato’s treatment of this subject in the Symposium.
elaborate notes on the second half of *Not Paul but Jesus*. These three hundred pages seem to have been written helter-skelter and then reorganized under chapter headings for the planned volume. The first six chapters (the notes for which run to over one hundred pages) were to have been a philosophical attack on asceticism in general—which Bentham denounces as absurd, wicked, and mischievous—and the foolishness of its application in particular cases, the chief among these being sexual. Looking at the matter philosophically, Bentham wonders why the "pleasures of the bed," as he now calls them, should be any more restricted than the "pleasures of the table." Why not, he asks, limit sexual pleasures only by the same rules of prudence (avoiding excess) and probity (concern for others) that govern eating and other pleasures? In brief aside, he once again enumerates and dismisses the alleged bad effects of homosexuality and notes the suspect sources of homophobic prejudice.

All this is familiar. In the next three chapters, describing what he interprets as the antiascticism of Jesus, Bentham contrasts Jesus with a true ascetic like John the Baptist, underscoring his rejection of fasting, his acceptance of wine and feasts, his Sabbath-breaking, and his defense of the woman taken in adultery. What emerges in Bentham's notes of 1818 is not just an antiasetic Christ but an antinomian Christ strikingly similar to the portrait William Blake was elaborating at almost exactly the same time in his unfinished poem "The Everlasting Gospel." In these distichs Blake's Christ (like Nietzsche) rejects Christian humility, gentility, and "Moral Virtue," overrules the law of Moses by pardoning the adulterous woman, is himself the child

45. January 28, 1818, box 161b, folio 271.
46. Folios 275–88 of box 161b, written on January 2 and 3, 1818, dismiss the alleged threats to population and the status of women. Folio 303–07, written on January 5, enumerate six "Causes of the vituperation commonly bestowed upon these modes."
of adultery, and sends his seventy disciples "Against Religion & Government."

The remaining six chapters (the last is incomplete) deal with the Bible and homosexuality and are obviously the raison d'être of the book. To begin with, Bentham points out that Jesus nowhere condemns relations between men. He adumbrates modern criticism by dismissing Christ's frequent references to the fate of Sodom and Gomorrah as irrelevant, in none of these gospel passages "is any the slightest allusion made by him to the propensity in question last the sin by which the calamity is produced." Jesus seems instead to identify the sin of Sodom with inhospitality and the mistreatment of strangers; repeatedly he compares cities that reject his apostles with the cities of the plain. In doing this, Bentham thinks he is merely following the true emphasis in the original story in Genesis 19. There the relations referred to are not consensual homosexuality but a mass rape whose threatened enormity was compounded by its gross violation of the laws of hospitality so important in primitive societies."

Undoubtedly the Mosaic law prescribes the death penalty for male homosexuality in Leviticus. But should nineteenth-century England hang men on this account? It is a serious error to assume the laws of Moses were meant as "giving direction to practice among nations so far advanced in improvement as even the least advanced of nations of Europe in these our times." Moreover, when we examine the Old Testament critically, we are led, Bentham thinks, to conclude that the Mosaic law (which Bentham, following an earlier scholarly tradition no longer generally accepted, dates about 1500 B.C.) was often in practice disregarded. For instance, in the Book of Judges we find the story of a group of Benjaminites who reenact the Sodom

47. December 1, 1817, box 161b, folio 421.
48. December 20, 1817, box 161b, folio 429.
49. December 25, 1817, box 161b, folio 444.
story: attracted by the beauty of a young Levite, they insist that his host surrender him; when the shocked host refuses and delivers the Levite’s concubine instead, they rape her so violently that she dies and a retaliatory war ensues. Such a tale shows that homosexual passion was well known in ancient Israel. Moreover, the first and second books of Kings speak of “sodomites in the land” and do not always imply intolerance. Indeed, II Kings 23:7 describes “the houses of the sodomites that were by the house of the Lord.” Bentham concludes from this that “so far from its being punished, we find receptacles for this species of gratification set up and maintained at different periods in Judah by authority of government.”

Bentham’s notes include also a full transcription of the David and Jonathan story from Samuel, ending with David’s famous lament over his dead friend. Bentham argues that we are to take the “love surpassing the love of women” David felt for Jonathan not only as love of mind for mind but also as a sexual bond:

In a country which could give birth on occasion to such a scene as that which originated in the beauty of the young Levite, is it possible that the nature of that love which had place between David and Jonathan would be matter of doubt? or that it could

51. November 28, 1817, box 16:b, folio 46a. The Revised Standard Version translates II Kings 23:7 as “the houses of the male cult prostitutes that were in the house of the Lord” (my italics). There has been much recent controversy over the King James translation of the Hebrew word keslelim (literally, “holy men”) as “sodomites.” The Revised Standard Version, by rendering the term as “male cult prostitutes,” keeps the homosexual implication. Derrick Sherwin Bailey argues that the sexual role of these devotees was heterosexual rather than homosexual (Homo- sexuality and the Western Christian Tradition [London: Longmans, Green, & Co., 1955], pp. 48–53), and John Boswell, in Christianity, Social Tolerance, and Homosexuality (Chicago: University of Chicago Press, 1980, pp. 98–99), follows Bailey. However, both Bailey and Boswell overlook the evidence of the Talmud (Sanhedrin 54b), which shows that the law banning the keslelim was interpreted as a law against homosexuality in Old Testament times.
be more clearly designated by any the grosser than by this sentimental language? ... From the very outset of the story, the clearest exclusion is put upon any such notion as that the love of mind to mind, or, in one word, friendship, was in the case in question clear of all indications of the love of body for body, in a word, of sexual love. — "Love at first sight" in the words of the title to the play.—Yes, nothing can be more natural. But friendship at first sight and friendship equal in ardency to the most ardent sexual love! At the very first interview, scarce had the first words ... issued from his lips when the soul of Jonathan was knit with the soul of David, and Jonathan loved him as his own soul. In a country in which the concupiscence of a whole male population of a considerable town is kindled to madness by a transient glimpse of a single man, what impartial eye can refuse to see the love by which the young warriors Nisus and Euryalus were bound together in Virgil's fable, and Harmodius with Aristogiton in Grecian History?  

But surely, when preachers or rhetoricians have held up the love between these two men and its literary expression for "edification," they have not understood it in this sense. By Old Testament standards, would not "any admixture of sensuality" be enough to make the relation one of the " foulest complexion," meriting severe punishment? Bentham's answer to these difficulties was to introduce a distinction:

But if among the Jews this same propensity which under some circumstances the law ... made capital punishabl was [sometimes] regarded without disapprobation, this same propensity under other circumstances [was] regarded not merely with indifference but with admiration and spoken of in correspondent terms. In this, whatever inconsistency there were, there would be nothing at all extraordinary. Considered as mere sensuality it would be regarded with disapprobation. Considered as a bond of attachment between two persons jointly engaged in a course of life regarded as meritorious, it might nevertheless be respected and applauded.  

52. December 22, 1817, box 161b, folio 428.  
53. December 21, 1817, box 161b, folio 459.
Bentham then reviews the references to Sodom and Gomorrah in the prophetic books that conclude the Old Testament. He takes cognizance of the temptation felt by preachers to dwell on natural calamities as indications of divine wrath, noting how frequently the prophets mention the destruction of the cities of the plain. But once again he anticipates modern scholarship in remarking that for all their fondness for the legend, Isaiah, Jeremiah, Ezekiel, Amos, and Zechariah all point connect the overthrow of Sodom with the sin of homosexuality.\textsuperscript{54}

On this point of interpretation Bentham arrives at the same conclusions reached by Derrick Sherwin Bailey in his \textit{Homosexuality and the Western Christian Tradition} in 1955. His next step, however, was far more daring. Examining the Gospel of St. John with the same attention with which he had analyzed Genesis, Judges, Kings, Samuel, and the prophets, he excerpts all the passages in the story of the Last Supper, the Crucifixion, and the Resurrection in which the “beloved disciple” speaks of the special fondness Jesus bore him. Could John have meant to imply that he and Jesus were lovers? Bentham admits that “good taste and self-regarding prudence would require us to turn aside” from this “topic of extreme delicacy.” But “a regard for human happiness and important truth and the sound principles of penal justice compell him to go over it.”\textsuperscript{55} He speculates on the nature of their love as follows:

If the love which in these passages Jesus was intended to be represented as bearing towards this John was not the same sort of love as that which appears to have had place between David and Jonathan, the son of Saul, it seems not easy to conceive what can have been the object in bringing it to view in so pointed a manner accompanied with such circumstances of fondness. That the sort of love of which in the bosom of Jesus Saint John is here meant to be represented as the object was of a different sort from any of which any of the other of the

\textsuperscript{54} November 29–30, 1817, box 161b, folio 464–74.
\textsuperscript{55} November 28, 1817, box 161b, folio 475.
Apostles was the object is altogether out of dispute. For of this sort of love, whatever sort it was, he and he alone is in these so frequently recurring terms maintained as being the object.

[As to] any superiority of value in his service in relation to preaching of the Gospel—no such foundation could the distinction have had: for of this nothing is to be found in Saint John by which he can stand in comparison with Saint Peter, and on no occasion is the rough fisherman to be seen “leaning in the bosom of Jesus” or “lying on his breast.”

Bentham thinks Jesus's numerous references to the destruction of Sodom are not germane to the issue since, like the prophets, he does not seem to have associated the city with homosexuality. But would he willingly have flown in the face of the Mosaic dispensation? For Bentham's antinomian Christ, the answer is an unhesitating yes: “As to the law of Moses—to him who has resolution enough to keep his eyes open to it nothing can be more manifest than that in the eyes of Jesus the law of Moses was but a mere human law so ill-adapted to the welfare of society that on no occasion is it ever spoken of as coming under his cognizance without being taken by him more or less expressly for the declared object of [his] scorn.” Bentham was particularly struck by the emphasis on love in the epistles of John, which contain, apart from a few stereotyped warnings about the world and the flesh, no specific ascetic doctrines. “Of that love which has ‘the brethren’ for its object more is to be found in these three short letters than in all Paul, or even in all Peter: the sexual kind as might well be supposed is not specially mentioned for the purpose of commendation, but as little is it for the purpose of censure.”

Perceptions of Christ and the morality he taught or embodied varied remarkably from one nineteenth-century writer to another. Blake's Christ and Bentham's were iconoclasts, Tennyson's a blameless moral exemplar who wrought

56. November 28, 1817, box 161b, folio 476—77.
57. November 28, 1817, box 161b, folio 478.
58. December 5, 1817, box 161b, folio 485.
With human hands the creed of creeds
In loveliness of perfect deeds."

Arnold's Victorianization went a stage further. In "Hebraism and Hellenism" he makes Christ an "affecting pattern" of asceticism, whose mission of charity is completed by his "crucifying" of the flesh. For Arnold, half the meaning of Christianity lay in its opposition to the alma Venus of the pagan world, with what he calls its "vile affections," the latter phrase being the one Paul used in Romans to characterize homosexuality. Later, combining the moral with the social, Tolstoy would make Christ an anarchist, and Shaw (following Shelley) would transform him, in the commentary of the gospels he wrote as a preface to Androcles and the Lion, into a socialist and egalitarian, critical of the family as an institution and averse to revenge and punishment.

But Bentham's speculation was, in a sense, more challenging still, given the prejudices of his native land. Where the Middle Ages had kept alive the legend of a Christ at whose birth all homosexuals were supposed to have died, Bentham, less extravagant but more daring, developed a countermyth whose outlines had only dimly appeared before, a myth that to the typical Englishman would have seemed a supreme blasphemy, the myth of Christ the lover of men. Bentham might have written Blake's couplets:

Both read the Bible day & night,
But thou readest black where I read white....
I am sure This Jesus will not do
Either for Englishman or Jew.60

Another incident in the gospels, comparatively minor, also engaged Bentham's imagination and half made a novelist out of him. This was the story of the boy he calls

the "stripling clad in loose attire" whom Mark alone of the
evangelists mentions in his account of Jesus's arrest in
Gethsemane. In Chapter 14 of the King James translation
the relevant verses are these:

50 And they all forsook him, and fled.
51 And there followed him a certain young man, having a
linen cloth cast about his naked body; and the young
men laid hold on him:
52 And he left the linen cloth, and fled from them naked.

Six years earlier Bentham had come across a terse para-
graph in the Monthly Magazine, in which an anonymous
writer, commenting on the odd grammar of the King James
translation, referred cryptically to the passage as "the epi-
sode of the cinaedus" (i.e., boy prostitute). Now Bentham
recalls and, in effect, endorses this theory. He prefers the
translation "stripling" as closer to the Greek than "young
man" and suggests that the boy may have been a "rival or a
candidate for the situation of rival to the Apostle" (i.e., to
John). Bentham argues that the passage is intelligible only
if the boy is indeed a "cinaedus" and the "loose attire" the
badge of his profession. Bentham interprets the sindona or
"linen" that the stripling wore as a "fair and costly" gar-
ment and thinks that the men who laid hands on him and
it regarded both the boy and the cloth as a "prize," as the
men of Sodom regarded the angels. But why should this
incident have been recorded in a story "so awful as that of
the cruel death of Jesus"? Bentham turns it into a touching
romance:

The answer seems not very difficult to find. The timidity and
consequent mendacity of Saint Peter, the earliest chosen
and most confidential of Jesus's twelve selected servants, is not
only one of the most remarkable features in the history, but

61. Bentham says he had seen the remark "some 6 or 8 years ago" in
a column headed "The Portfolio of a Man of Letters" (November 29, 1817,
box 161b, folio 489). The comment had in fact appeared in the Monthly
Magazine for September 1811.
one the details of which are with every mark of correspondent sense of extraordinariness particularized. With this timidity and backsliding the fond and unexampled attachment of the nameless stripling forms a most striking contrast.

At the conjunction in question, the traitor excepted by whom was let in the multitude by which he was apprehended, Jesus was found accompanied by all the rest of the disciples. At the first onset one of them, according to all the four evangelists, being provided with a sword, stood for a moment on the defensive, and aiming a stroke at the head of an officer of the police, struck off one of his ears: according to Saint John this was Saint Peter. Whoever it was, this boldness neither continued beyond the moment nor found any one to second it. “They all forsook him and fled.” Mark XIV:51: this is what is written of the disciples.

Followed him then one only of all his attendants—this loosely attired stripling: like Milton’s Abdiel, “Among the faithless, faithful only he.”

But what was the young man’s relation to Jesus? May he not have been a penitent who had come to present himself? Bentham rules out this possibility. His loyalty to Jesus is not intelligible if we suppose this was their first meeting; somehow Jesus must have won his devotion. Nor, if he was a penitent, would he have presented himself in the questionable clothes of his profession. The presumption is that Jesus did not find his homosexuality offensive. Bentham concludes:

In the acts and sayings of Jesus, had any such mark of reprobation towards the mode of sexuality in question been found as may be seen in such abundance in the epistles of Paul—in a word, had any decided marks of reprobation been found pronounced upon it by Jesus, in the eyes of a believer in Jesus could any such body of evidence as here presents itself be considered as worth regarding? But when the utter absence of all such marks of reprobation is considered, coupled with the urgency of the demand for the most pointed and decided marks of reprobation in a new system of religion promulgated by supernatural authority and by supernatural means, the practice in question being universally spread not only over the

63. November 29, 1817, box 161b, folios 493–94.
vast region of the East in which Judaea formed a part, but in the metropolis of the empire and on and about the throne, evidence of this sort thus standing not only [not] opposed but corroborated seems to have that claim to attention which the reader is now in a condition to reject or to confirm, to bestow or withhold, as to him seems reasonable. 64

A Christian to whom homosexuality is abhorrent will of course reject Bentham’s reading of the Gospels out of hand and with vehemence. Certainly the evidence he builds on is fragile and inconclusive, surprisingly so when we remember that Bentham was his age’s leading authority on legal evidence. But what people believe, especially in matters of religion and morals, is rarely determined by evidence. Personal or cultural bias is much more important. A Greek ignorant of Paul or Leviticus who read the Gospel of St. John in the first or second century might very well have interpreted it as a homosexual romance, just as, with little more evidence, he interpreted the story of Achilles and Patroclus in the Iliad as a homosexual love affair. Bentham’s interpretation is neither probable nor impossible. Most responses to Bentham’s theory, however, will be less a response to the evidence than an indication of one’s feelings about homosexuality or, for that matter, about ascribing sexual feelings of any sort to Christ.

64. November 29, 1817, box 161b, folio 497.
The unpublished portion of Not Paul but Jesus was only one manifestation of dissent from traditional sex ethics by an English writer in the last days of the Regency. Bentham broke off his notes on the New Testament in February 1818. This was the year Shelley published Leon and Cymhna, a poem, which, by making its revolutionary hero and heroine not just lovers but also brother and sister, challenged the taboo against incest. In 1819, the annus mirabilis of the younger romantics, Keats attacked sexual asceticism in "The Eve of St. Agnes," and Byron mocked moral hypocrisy in the first canto of Don Juan. Their elders, Wordsworth and Coleridge, now turned conservative, had, of course, never expressed radical views on sexual matters. But the contrast was not simply between an older and a younger generation. The seventy-one-year-old Bentham and the sixty-two-year-old Blake were, after all, the seniors of the Lake poets.1

Of the poets, Shelley was unique in challenging accepted sex mores in his prose as well as in his verse. Both his Godwinism and his deep immersion in Greek literature

1. Benjamin Robert Haydon, a somewhat hostile witness, commenting on Medwin’s Conversations of Lord Byron (1824), expressed the opinion in his journal that “Byron, Shelley, Hunt were but the fallen Pupils of Godwin—they felt they had incurred the contempt of the world by their attempt to shake the established principles of sexual intercourse.” They “would and might have produced a revolution had they not shocked the Country by their opinions on sexual intercourse.”—This forebears bustled up the virtue of the Country’ (Duncan Grey and Violet W. Walker, “Benjamin Robert Haydon on Byron and Others,” Keats—Shelley Memorial Bulletin 7 (1956): 23–24).