

## The Beast with Two Backs

*Bestiality, Sex Between Men, and Byzantine Theology in the Paenitentiale Theodori*<sup>1</sup>

**ABSTRACT** Today, the comparison of male homosexuality to bestiality is unfortunately too well-known from homophobic polemics. Yet this comparison has a history in the Anglophone world, and it emerged in the early European Middle Ages seemingly not in order to dehumanize men who had sex with men but in order to make bestiality appear serious by comparing it to male-male sexual acts. The eighth-century *Paenitentiale Theodori*—which collects the judgments of the Byzantine-born Archbishop Theodore—is the earliest extant English text to connect male-male sexual acts with bestiality. This comparison does not occur in the previous penitentials, but, after its appearance in the *Paenitentiale*, this comparison traveled throughout Western Europe. No scholarship to date examines the global origins of such a comparison.

This paper argues that later medieval views of bestiality as perverse and as a serious sexual offense emerged from bestiality's early comparison to same-sex acts (rather than vice-versa). Prior to the *Paenitentiale Theodori*, European theologians described bestiality as a minor sin akin to masturbation. Theodore borrowed the comparison of bestiality and male-male sex acts from a Latin mistranslation of the 314 Greek Council of Ancyra and from the Byzantine theologian St. Basil the Great. Since the early penitentials accorded male-male sexual acts some of the most serious penances, the comparison of bestiality to these acts elevated bestiality for the first time in Western Europe to the status of a serious and unnatural sin. Through connection to effeminizing male-male sexual acts, bestiality gained a reputation as a serious, boundary-violating sin in its own right. **KEYWORDS** theology, bestiality, male-male sexual acts, penitentials, Byzantium, England, Theodore of Tarsus

The *Paenitentiale Theodori*—the eighth-century Anglo-Latin penitential collection of Archbishop Theodore of Canterbury's judgments—compares sex between men to bestiality for the first time in extant English or Anglo-Latin literature:

2. Qui sepe cum masculo aut cum pecude fornicat, X. annos ut peniteret iudicavit.

3. Item aliud. Qui cum pecoribus coierit, XV. annos peniteat.

[2. He judged that he who often commits fornication with a man or with a beast should do penance for ten years.

3. Another judgment is that he who is joined to beasts shall do penance for fifteen years].<sup>2</sup>

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2. *Councils and Ecclesiastical Documents relating to Great Britain and Ireland*, Vol. III, ed. Arthur West Hadden and William Stubbs (Oxford: Oxford at the Clarendon Press, 1871), 178. This is Book 1, Chapter 2, Canons 2–3. Translations are my own.

The comparison of bestiality and male-male sexual acts appears in many penitentials, canon law codes, and secular law codes after it first occurs in the *Paenitentiale Theodori*.<sup>3</sup> The early British and Irish penitentials were collections of the appropriate penances for sins.<sup>4</sup> The *Paenitentiale Theodori* was the first English penitential and expanded much of the traditional penitential focus on monastic sins. Before the *Paenitentiale Theodori*, the penitentials (all Irish or British in origin) treated bestiality as a minor sin and compared it to masturbation. After the *Paenitentiale Theodori*, penitentials regarded bestiality as an extremely serious sexual sin that they often linked to sex between men. Such a shift has repercussions for our historical understanding of bestiality: it unmoors the transhistorical myth that Europeans always “understood” that bestiality is wrong. But the shift signaled by the *Paenitentiale Theodori* also showcases how the ways that people have drawn the boundaries between human and non-human animals have shifted throughout history, and that policing these boundaries is entwined with gender, sexuality, and race. The *Paenitentiale Theodori* reveals just such a moment of change, influencing theology and legal traditions to adopt this comparison of bestiality and sex between men for centuries afterward.

In this article, I argue that Theodore borrowed the comparison both from the 314 Council of Ancyra and from the fourth-century Byzantine theologian St. Basil the Great. Though the penitential tradition emerged in Ireland and Wales and then traveled to England, the continent, and, eventually, to Rome, little scholarship considers the global origins of penitential theology.<sup>5</sup> Scholarship shows that early England maintained global connections, including with the Middle East and the Byzantine Church, and the English penitential tradition was no different.<sup>6</sup> The *Paenitentiale Theodori* reveals how much distant theologians influenced theology in the British Isles. A native of Tarsus (in what is

3. One early (500–525 CE) British document, *Excerpta quaedam de libro Davidis*, makes the comparison of bestiality with sexual acts between men: “Those who commit fornication with a woman who has become vowed to Christ or to a husband, or with a beast, or with a male, for the remainder [of their lives] dead to the world shall live unto God” (John T. McNeill and Helena M. Gamer, *Medieval Handbooks of Penance: A translation of the principal libri poenitentiales and selections from related documents* [New York City: Columbia University Press, 1990], 173). The comparison is broader than the one in the *Paenitentiale Theodori* and includes comparisons with adultery and sex with vowed virgins. There is no evidence that Theodore knew of this document, though, and his judgment is the first English judgment that directly compares bestiality and sex between men.

4. See Rob Meens (*Penance in Medieval Europe 600–1200* [Cambridge: Cambridge University Press, 2014], 40–45) on the probable identification of the earliest penitential documents (sometimes described as Welsh) as British.

5. The penitentials are perhaps the only theological movement to begin on the periphery of the Roman Church and move to the center (Larry Scanlon, “Sex and Sexuality,” in *The Oxford Handbook of Medieval Latin Literature*, ed. Ralph J. Hexter and David Townsend [Oxford: Oxford University Press, 2012], 447–464 at 456).

6. See, for instance, Katharine Scarfe Beckett, *Anglo-Saxon Perceptions of the Islamic World*, (Cambridge: Cambridge University Press, 2003); Michelle P. Brown, “The Eastwardness of Things: Relationships between the Christian Cultures of the Middle East and the Insular World,” in *The Genesis of Books: Studies in the Scribal Culture of Medieval England in Honour of A. D. Doane*, ed. Matthew T. Hussey and John D. Niles, (Turnhout, Belgium: Brepols, 2011), 17–49; Michelle P. Brown, “Imagining, Imaging, and Experiencing the East in Insular and Anglo-Saxon Cultures: New Evidence for Contact,” in *Anglo-Saxon England and the Visual Imagination*, ed. John D. Niles, Stacy S. Klein, and Jonathan Wilcox (Tempe, AZ: Arizona Center for Medieval and Renaissance Studies, 2016), 49–85; Krijnie N. Ciggaar, *Western Travellers to Constantinople: The West and Byzantium, 962–1204: Cultural and Political Relations* (Leiden: E. J. Brill, 1996); Mary R. Rambaran-Olm, *John The Baptist’s Prayer or The Descent into Hell from The Exeter Book: Text, Translation, and Critical Study* (Rochester, NY: D. S. Brewer, 2014), 79, 200;

now Turkey), Theodore studied in the Byzantine Empire in the Eastern Church, until eventually he came to Rome.<sup>7</sup> As Mary Rambaran-Olm argues, the foreign origins of Theodore and his companion, the Abbot Hadrian, “are often downplayed or ignored because they don’t fit the *Romantic* narrative that the early English kingdom was self-made by white people.”<sup>8</sup> Ignoring this Romantic narrative allows us to see that the *Paenitentiale Theodori* represents the first documented appearance of Byzantine theology in the British Isles, joining together bestiality and sex between men as sins against nature. In 669/670, Theodore and Hadrian arrived in England, where, according to Bede, Theodore served as Archbishop for twenty-one years and “isque primus erat in archiepiscopis, cui omnis Anglorum ecclesia manus dare consentiret” [was the first of the archbishops whom the whole English Church consented to obey].<sup>9</sup> Hadrian and Theodore acquired flocks of followers and students, who pressed them for judgments on many spiritual and secular matters. Scribes recorded Theodore’s judgments and formed them into a rough collection of judgments called the *Judica Theodori*, which was popular in England and on the continent.<sup>10</sup> Later, after Theodore’s death, a scribe calling himself the Disciple of the Northumbrians organized these judgments into the *Paenitentiale Theodori*, which survives in nineteen manuscripts.<sup>11</sup>

By conflating male-male sex and bestiality, Theodore suggests that sexual acts define the boundaries of the human and the Christian community and that such acts between men are “unnatural,” a categorization that becomes profoundly influential in later centuries. By the eleventh century, theologians often grouped bestiality together with sex between men as one of the sins against nature.<sup>12</sup> Scholars of sexuality tend to assume that bestiality was always seen as a serious sin: one scholar states with alarm that, in the *Paenitentiale Theodori*, “homosexuality was on a par with bestiality,” while another argues that a comparison of incest with bestiality in medieval Norway “shows how harshly this crime [incest] was assessed,” and a third notes that Columban’s *Penitential* “treats masturbation as seriously as bestiality” even though Columban’s *Penitential* assigns both

Erik Wade, “Pater Don’t Preach: Byzantine Theology, Female Sexuality, and Histories of Global Encounter in the ‘English’ *Paenitentiale Theodori*,” *The Medieval Globe* 4.2 (2018): 1–28.

7. Bernhard Bischoff and Michael Lapidge, *Biblical Commentaries from the Canterbury School of Theodore and Hadrian* (Cambridge: Cambridge University Press, 1994), 5–81.

8. Mary Rambaran-Olm, “Anglo-Saxon Studies [Early English Studies], Academia and White Supremacy,” *Medium*, June 27, 2018, <https://medium.com/@mrambaranolm/anglo-saxon-studies-academia-and-white-supremacy-17c87b360bf3> (accessed 15 February 2020).

9. *Bede’s Ecclesiastical History of the English People*, ed. and trans. Bertram Colgrave and R. A. B. Mynors (Oxford: Oxford at the Clarendon Press, 1969), 332–333. Theodore arrived in 669, but Hadrian was delayed until 670.

10. As Meens notes, Theodore’s own popularity likely came in large part from his work in the field of penance (*Penance*, 96). In the eighth century, Paul the Deacon described the *Paenitentiale Theodori* as Theodore’s greatest legacy: “archbishop Theodore has described, with wonderful and discerning reflection, the sentences for sinners, namely, for how many years one ought to do penance for each sin” (*History of the Langobards by Paul the Deacon*, trans. William Dudley Foulke [Philadelphia: University of Pennsylvania, 1907], Bk. V, Ch. 30, p. 235).

11. Though Theodore did not directly author the *Paenitentiale Theodori*, the presence of “*judicavit*” [he judged] in Canon 3 above shows that Theodore’s hand is at work in this judgment on bestiality and sex between men.

12. James Brundage, *Law, Sex, and Christian Society in Medieval Europe* (Chicago: University of Chicago Press, 1987), 207.

minor penances.<sup>13</sup> I argue that our contemporary views of bestiality as perverse and as a serious sexual offense may have emerged from bestiality's early comparison to male-male sexual acts (rather than vice-versa). By conflating bestiality with the gender violation of sex between men, penitential authors amplified bestiality into a more severe sin and may have made bestiality a sin that could be associated with women as well as men.

## THE EASTERN CHURCH AND OTHER POTENTIAL SOURCES

The Old Testament's strict condemnations of bestiality were not the immediate source for the *Paenitentiale Theodori's* stern treatment of bestiality. In Leviticus, God condemns bestiality and sex between men but does not compare them:

Thou shalt not give any of thy seed to be consecrated to the idol Moloch, nor defile the name of thy God: I am the Lord. Thou shalt not lie with mankind as with womankind, because it is an abomination. Thou shalt not copulate with any beast, neither shalt thou be defiled with it. A woman shall not lie down to a beast, nor copulate with it: because it is a heinous crime. (Leviticus 18:21–23)

This passage does not state directly that sex between men and bestiality are similar or deserve the same punishment. Leviticus 20:13–16 likewise includes bestiality along with other sexual sins, including sex between men and incest, but does not equate them. The Old Testament also repeatedly prescribes death for men who have sex with men, but it does not compare bestiality with sex between men.<sup>14</sup> Most Christians feared that bestiality would fill cradles with monsters and thus prescribed death to both human and animal participants.<sup>15</sup> Burial evidence from the early Christian period in England suggests that people and animals were executed for bestiality and buried together; one ninth-century burial contains a decapitated man with four neo-natal lambs placed across his knees, possibly because he was thought to have fathered them.<sup>16</sup> The death penalty remained the usual punishment for bestiality into the eighteenth century in Western Europe and colonial America; most extremely, between six and seven hundred people were executed for bestiality in seventeenth- and eighteenth-century Sweden.<sup>17</sup> In one

13. Quote are, respectively, Anthony Davies, "Sexual Behaviour in Later Anglo-Saxon England," in *This Noble Craft . . . : Proceedings of the Xth Research Symposium of the Dutch and Belgian University Teachers of Old and Middle English and Historical Linguistics, Utrecht, 19–20 January, 1989*, ed. Erik Kooper (Amsterdam: Rodopi B.V., 1991), 83–105 at 83; Torstein Jørgensen, "Illegal Sexual Behavior in Late Medieval Norway as Testified in Supplications to the Pope," *Journal of the History of Sexuality* 17.3 (2008): 335–50 at 343; David Clark, "Discourses of Masturbation: The (Non)solitary Pleasures of the (Medieval) Text," *Men and Masculinities* 20.4 (2017): 453–481 at 458.

14. Exodus 22:19 sentences people who lie with animals to death, as does Deuteronomy 27:21.

15. See Book II, Chapter XI, Canon 9 of the *Paenitentiale Theodori*. Pierre Payer argues that the *Paenitentiale Theodori* canon draws on Leviticus 20:15 (Pierre J. Payer, *Sex and the Penitentials: The Development of a Sexual Code 550–1150* [Toronto: University of Toronto Press, 1984], 45). See Jonas Liliequist, "Peasants against Nature: Crossing the Boundaries between Man and Animal in Seventeenth- and Eighteenth-Century Sweden," *Journal of the History of Sexuality* 1.3 (1991): 393–423 at 408–10.

16. Andrew Reynolds, *Anglo-Saxon Deviant Burial Customs* (Oxford: Oxford University Press, 2009), 119, 155, 172, 243.

17. John D'Emilio and Estelle B. Freedman, *Intimate Matters: A History of Sexuality in America*, 2<sup>nd</sup> edition (Chicago: University of Chicago Press, 1988), 17; Liliequist, "Peasants against Nature," 394–95.

bestiality case in colonial Plymouth, sixteen-year-old Thomas Grazer was forced to point out the sheep he'd had sex with from a line-up; he then had to watch the animals be killed before he himself was executed.<sup>18</sup> Such executions drew directly on the Old Testament tradition. Despite this tradition, the first penitentials in the 600s in Britain and Ireland treated bestiality as a relatively minor sin, suggesting that we must look elsewhere for the source of the shift in attitudes towards bestiality.

Scholars credit the influence of the 314 Council of Ancyra, rather than the Old Testament, for the shift from early penitentials that treated bestiality as a minor sin to later penitentials that treated bestiality as a serious sin.<sup>19</sup> Pierre Payer, for instance, argues that the earlier penitentials' relatively mild penances for bestiality are "a sign perhaps that the penitentials had not yet come under the influence of canons 16 and 17 of the Council of Ancyra."<sup>20</sup> James Brundage argues that this shift occurred on the Continent:

Some early penitentials, particularly the Irish ones, treated bestiality as a rather minor offense, and frequently linked it with masturbation. The later collections, particularly those from the Continent, tended to associate bestiality with homosexuality and accordingly punished it with greater severity.<sup>21</sup>

However, the pivot actually occurred in England when the *Paenitentiale Theodori* first associated the two sins and treated them both as extremely severe. Joyce Salisbury suggests that the Council of Ancyra was the source of the Western penitential shift:

The ninth-century Carolingian capitularies directly quoted the Council of Ancyra, linking bestiality with homosexuality, and the English Bigotian Penitential, compiled no earlier than the late eighth century and heavily influenced by the Continental material, completed the shift from treating bestiality like masturbation to treating it like homosexuality.<sup>22</sup>

Salisbury's chronology here is fraught, however. Salisbury implies that the Carolingian capitularies influenced the English *Bigotian Penitential*, even though the *Bigotian Penitential* may well have been written *before* the Carolingian capitularies. Both the Carolingian and Bigotian texts also come *after* the *Paenitentiale Theodori*, which is the first surviving penitential text in Northern Europe to conflate sex between men with bestiality and to assign them the same penance.

Evidence thus suggests that the *Paenitentiale Theodori* is the source of the penitential shift towards vilifying bestiality. The *Bigotian Penitential* cites Theodore as its source for the comparison and assigns both the same penalty: "De Fornicatione Non Naturali. I. Teodorus: Qui sepe cum masculo aut peccoribus coierit, .x. annis peniteat" [Of Unnatural Fornication. I. Theodore: One who has intercourse often with a man or with animals

18. D'Emilio and Freedman, *Intimate Matters*, 17.

19. Payer, *Sex*, 45–46; Joyce E. Salisbury, *The Beast Within: Animals in the Middle Ages* (New York: Routledge, 1994), 88–91.

20. Payer, *Sex*, 46.

21. Brundage, *Law*, 168.

22. Salisbury, *Beast*, 91.

shall do penance for ten years].<sup>23</sup> The *Bigotian Penitential's* conflation of bestiality and sex between men came directly from the *Paenitentiale Theodori*. But was the Council of Ancyra truly the source of the *Paenitentiale Theodori's* comparison?

Although scholars argue that the conflation of bestiality and sex between men comes from the Council of Ancyra, the original Greek text of the Council's decisions does not reference bestiality *or* sex between men:

*Canon 16.* Those who have done the irrational [ $\acute{\alpha}\lambda\omicron \times -\epsilon \acute{\alpha}\epsilon\sigma\theta \times \emptyset\iota$ ] or who even still do the irrational, as many as sinned before becoming twenty years old, after having been bowers down for fifteen years let them receive the communion of the prayers, then having fulfilled five years in that communion let them touch also the offering. [. . .] But as many as have passed this age and have wives and have become involved in these sins, let them be bowers down for twenty-five years and let them receive the communion of the prayers, then having fulfilled five years in the communion of prayers let them receive the offering. And if some both having wives and having passed the fifty-year term sinned, let them receive communion at the end of their lives.<sup>24</sup>

Sara Parvis argues that  $\acute{\alpha}\lambda\omicron\gamma\acute{\epsilon}\nu\epsilon\sigma\theta\alpha\iota$  (“to do the irrational”) likely refers to bestiality, given the canons and its early Latin translations.<sup>25</sup> However, the Greek text remains ambiguous, and there is no reference to sex between men.

The conflation of bestiality and sex between men comes instead from the *Latin* translations of the Council, which all translated  $\acute{\alpha}\lambda\omicron \times -\epsilon \acute{\alpha}\epsilon\sigma\theta \times \emptyset\iota$  as *both* bestiality and sex between men because, Parvis argues, they “hedged their bets” on the meaning of the Greek word.<sup>26</sup> The Latin translations of the Council of Ancyra thus accidentally conflated the sins of sex between men and bestiality in the Roman Church.<sup>27</sup> Theodore, a native speaker of Greek and a consummate theologian, would not have simply misunderstood the Greek canon, so he was likely working from a Latin translation.

Theodore likely consulted a Latin translation from Dionysius Exiguus's collection of canon law. Evidence suggests Theodore knew the Council of Ancyra well.<sup>28</sup> Paul Finsterwalder identifies the Council of Ancyra as among the sources for Book Two of the *Judica Theodori*, and the *Judica Theodori* was sometimes placed in manuscripts alongside Latin translations of selections from the Council.<sup>29</sup> Scholars believe Theodore brought

23. Ludwig Bieler, *The Irish Penitentials* (Dublin: Dublin Institute for Advanced Studies, 1963), 220–21. Translations my own.

24. Quoted in Sara Parvis, *Marcellus of Ancyra and the Lost Years of the Arian Controversy 325–345* (Oxford: Oxford University Press, 2006), 19, 25. Greek insertion is my own.

25. Parvis, *Marcellus*, 25–27.

26. Parvis, *Marcellus*, 26–27.

27. John Boswell notes that this conflation of the sins is the result of a mistranslation (*Christianity, Social Tolerance, and Homosexuality: Gay People in Western Europe from the Beginning of the Christian Era to the Fourteenth Century* [Chicago: University of Chicago Press, 1981], 178, 178n33, 211, 352n50).

28. We know that Hadrian and Theodore's Canterbury school provided instruction in the canons of the Council of Ancyra (Bischoff and Lapidge, *Biblical Commentaries*, 149).

29. Bieler, *Irish Penitentials*, 20–24; Thomas Charles-Edwards, “The *Penitential of Theodore* and the *Iudicia Theodori*,” in *Archbishop Theodore: Commemorative Studies on His Life and Influence*, ed. Michael Lapidge (Cambridge: Cambridge University Press, 1995), 141–174, at 144; Paul Willem Finsterwalder, *Die Canones Theodori Cantuariensis und ihre Überlieferungsformen* (Weimar: Böhlau, 1929), 204–05. The *Judica* appears in two

a collection of canon law with him to England that included the canons of the Council of Ancyra, probably a copy of the second recension of a collection made by Dionysius Exiguus in the early 500s.<sup>30</sup> The collection, called the *Collectio Dionysiana II*, contained the Council of Ancyra in a Latin translation: “De his, qui fornicantur inrationabiliter, id est qui miscentur pecoribus, aut cu[m] masculis polluuntur” [Of those who fornicate irrationally, that is who are mixed with animals or are polluted with men].<sup>31</sup> Theodore’s source for the Council of Ancyra was a Latin translation of ἄλο × − ε ἴ ε ε σ θ × Ø ι as both bestiality and sex between men.

Theodore likely borrowed his comparison not only from the *Collectio Dionysiana II*, but also from St. Basil of Caesarea’s penitential letters. Basil was one of the most important theologians of the Eastern Church, and his three penitential letters served as origins for many of the *Paenitentiale Theodori*’s judgments.<sup>32</sup> Bernard Bischoff and Michael Lapidge argue that Theodore and Hadrian likely “had access at Canterbury to a corpus of Basil’s correspondence,” including the penitential letters.<sup>33</sup> Scholars disagree whether Basil or the Council of Ancyra is the source of the canon. Finsterwalder suggests that Basil’s penitential letters are the ancestors of the canon.<sup>34</sup> Payer, while noting Finsterwalder’s suggestion, argues that “the penance also reflects the heavy penances of the Council of Ancyra.”<sup>35</sup> However, the fifteen-year penance that the *Paenitentiale Theodori* assigns for bestiality/sex between men bears no resemblance to the Council’s penances (twenty years for sinners under twenty, twenty-five years for older sinners, and lifelong penance for those who commit the sin after fifty). It is St. Basil who prescribes fifteen years of penance for bestiality and sex between men. Basil’s penitential letters also equate sex between men with bestiality. Basil writes that

They who defile themselves with men and with beasts—also, murderers, poisoners, adulterers, and idolaters—have been considered deserving of the same punishment. Therefore, whatever regulation you have in the case of the rest, observe also in the case of these. But, those who have spent thirty years in penance for impurity which they committed in ignorance we should not hesitate to receive.<sup>36</sup>

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manuscripts with selections from Latin translations of the Council of Ancyra. Paris. Bibl. Nat. Lat. 3182 has selections from the Council following the *Judica* that include the Council’s canon on bestiality and sex between men (175). In Paris, Bibl. Nat. Lat. 12021, Ancyra is separated from the *Judica* by a page’s worth of the *Canones Adamnani*, but the excerpts from the Council again include the canon on bestiality and sex between men (f. 133v).

30. Bischoff and Lapidge, *Biblical Commentaries*, 148–50; Martin Brett, “Theodore and the Latin Canon Law,” in *Archbishop Theodore: Commemorative Studies on His Life and Influence*, ed. Michael Lapidge (Cambridge: Cambridge University Press, 1995), 120–140.

31. C. Justel, *Codex canonum ecclesiasticorum Dionysii exigui. Item Epistola Synodica S. Cyrilli, & Concilii Alexandrini contra Nestorium*, 2nd ed. (Paris, 1628), 54. Translation my own. See Brett on Theodore and the *Collectio Dionysiana II* (“Theodore,” 120–40).

32. Finsterwalder, *Die Canones Theodori*, 290; Meens, *Penance*, 93; Wade, “Pater Don’t Preach,” 1–28.

33. Bischoff and Lapidge, *Biblical Commentaries*, 151–52, 207.

34. Finsterwalder, *Die Canones Theodori*, 290.

35. Payer, *Sex*, 44–45. However, most Eastern clergy viewed bestiality as a serious sin, though they assigned less severe penances for younger men who committed the sin (Salisbury, *Beast*, 88–89).

36. *Saint Basil, Letters, Vol. II, 186–368*, trans. Agnes Clare Way (Washington, D.C.: The Catholic University of America Press, 1955), 16. This is Letter 188: the so-called First Canonical Letter, written to Amphilochius.

Basil compares men fornicating with other men to bestiality, as well as secondarily to murderers, poisoners, adulterers, and idolators.<sup>37</sup> Though he suggests thirty years penance will absolve a sinner who committed the sins in ignorance, he does not directly prescribe a penalty here, simply arguing that it ought to be the same penalty for all. Elsewhere, he prescribes fifteen years for a knowing commitment of the offense.<sup>38</sup> Basil thus makes a probable source for Theodore's penalty of fifteen years' penance for bestiality.<sup>39</sup>

Theodore interpreted Basil's comparison based on the evidence he had at hand and thus failed to import Basil's larger theological account of why Basil associated animals with sexual sin. Basil associated animals with irrationality and earthly sins. In one letter, he compared men who focus on the pleasure of the world to beasts: "Those who are excessively occupied by the cares of life, like very fleshy birds which have wings to no purpose, crawl along somewhere below with fatted beasts."<sup>40</sup> Basil saw animals as without reason and without immortal souls:

You will soon learn how the human soul was formed; hear now about the soul of creatures devoid of reason. [ . . . ] you will find that the soul of beasts is earth. Do not suppose that it is older than the essence of their body, nor that it survives the dissolution of the flesh.<sup>41</sup>

Basil argued that the souls of animals are material, being composed of earth. He compared beasts to sinners who focus on the material world. Basil took animals—which he perceived to be "devoid of reason"—to be an ideal analogy for sex between men. It is clear that Basil's larger theological framework did not all accompany Theodore to England. As with the canons of the Council of Ancyra, Basil's conflation of bestiality and sex between men changed in its transmission to western Europe. So why did this comparison cause theologians to suddenly regard bestiality as a serious sin?

## BESTIALITY AND SEX BETWEEN MEN IN THE WESTERN PENITENTIAL TRADITION

Bestiality in the Western penitential tradition changed from a remarkably minor offense to one of the most severe sins. The early penitentials all discuss bestiality, suggesting that

37. Basil's source for the comparison of sex between men and idolatry is probably Corinthians I 6:9–10 and Revelation 21:8. Neither mentions bestiality.

38. In the Third Canonical Letter, Basil states that unseemliness with men should receive the same amount of penance as adultery (fifteen years of penance) (*Saint Basil, Letters, Vol. II*, 109–10).

39. It is tempting to speculate about whether the scandal about the sixth-century Byzantine Empress Theodora influenced Theodore's views on bestiality, since the historian Prokopios claimed that—while working as an actress before her marriage—Theodora had famously performed a partially naked sexual scene with a goose, probably a reenactment of the rape of Leda by Zeus in the form of a swan (see Prokopios' *Secret History*, Chapter 9; Prokopios, *The Secret History, with related texts*, trans. and ed. Anthony Kaldellis [Indianapolis, IN: Hackett Publishing Company, 2010], 42–43). While one assumes Theodore knew of the scandal (which took place less than a hundred years before his birth) if it really occurred, we have only Prokopios' word for Theodora's theatrical turn as Leda.

40. St. Basil, *Letters, Vol. II*, 284.

41. Basil, *St. Basil: Letters and Select Works*, trans. and ed. Philip Schaff (Grand Rapids, MI: WM. B. Eerdmans Publishing Company, 1894), 333.

bestiality was one of the more commonly confessed sexual sins.<sup>42</sup> Both the early penitentials and the Germanic law codes often associated bestiality with boys and young men and thus assigned less severe penances.<sup>43</sup> Married men and older men were often given more severe penances, but these penances nonetheless were often less than for other sexual sins.<sup>44</sup> The Irish *Penitential of Cummean*, for instance, recommends one year's penance for bestiality and seven years for sodomy or repeated oral sex.<sup>45</sup>

The early penitentials associated bestiality with masturbation, a minor sin. The Irish *Preface of Gildas on Penance* groups masturbation and bestiality together:

II. Peccans cum pecode anno; si ipse solus, .iii. xlm̄as deluat culpam.

[II. One who sins with a beast shall cleanse his guilt for a year; if by himself alone, for three forty-day periods].<sup>46</sup>

Similarly, the *Penitential of Cummean*, a known source for the *Paenitentiale Theodori*, assigns a year for bestiality and associates it with masturbation.<sup>47</sup> The *Penitential of St. Columbanus* also compares bestiality and masturbation:

IO. Si quis per se ipsum fornicauerit aut cum iumento, ii. annis paeniteat, si gradum non habet; si autem gradum aut uotum, iii annis paeniteat, si aetas non defendit.

[IO. If anyone has committed fornication with himself or with a beast, let him do penance two years, if he is not in orders; but if he is in orders or under vows, let him do penance three years, if his age does not prevent].<sup>48</sup>

By comparing bestiality to masturbation, the early penitential tradition seemingly granted little agency or animacy to animals.

Early English Christianity inherited a secular literary tradition that portrayed animals as animate and with agency, but this tradition's fairly neutral ideas about bestiality had little influence on the early penitentials. In the Classical tradition, gods take the form of birds and animals to seduce or rape women and boys, while many other tales describe further sexual encounters between humans and non-human animals, such as the Cretan Queen Pasiphaë having sex with a bull that impregnated her with the Minotaur; likewise, in the Germanic and Norse traditions, many heroes had animal ancestors such as bears,

42. Payer, *Sex*, 44. Starting with nineteenth-century sexologists such as Havelock Ellis, many scholars have assumed that men commit bestiality when they live in a rural society with few women or in a predominately same-sex society (Brundage, *Law*, 168; Michael Camille, *Image on the Edge: The Margins of Medieval Art* [London: Reaktion Books, 1992], 70; D'Emilio and Freedman, *Intimate Matters*, 16–17; Liliequist, "Peasants Against Nature," 410–19; Payer, *Sex*, 46). Courtney Thomas critiques such arguments, pointing out that societies often considered bestiality to be worse than male homosexuality and that logically such situations would lead to men having sex with other men if lack of sexual partners was the only problem ("'Not Having God Before his Eyes': Bestiality in Early Modern England," *The Seventeenth Century* 26.1 [2011]: 149–173 at 155–57).

43. Salisbury, *Beast*, 89–90.

44. Salisbury, *Beast*, 89–90.

45. Bieler, *Irish Penitentials*, 114–15.

46. Bieler, *Irish Penitentials*, 62–63.

47. See Section II, Canon 6 of the *Penitential of Cummean* (Bieler, *Irish Penitentials*, 114–15). See Meens, *Penance*, 57–58, 88–89, 93, on *Cummean* as a source for the *Paenitentiale Theodori*.

48. Bieler, *Irish Penitentials*, 100–01.

had animal-doubles, or were symbolic animal-warriors like berserkers (literally, “bear-shirts”).<sup>49</sup> Medieval Irish literature contains many couplings of human and animal, including tales where birds have children with humans or where human lovers turn into animals in order to live together.<sup>50</sup> Irish kingship ceremonies might have sexualized the union of the king and horse or bull.<sup>51</sup> These early texts and ceremonies attributed agency to animals, but, like the early penitentials, they nonetheless expressed indifference about boundary disruption and did not represent bestiality as a serious sin. Christian authors frequently amputated such tales from Classical texts they copied, and instead asserted the Christian idea that, in the words of Salisbury, “humans and animals were, and should remain, separate.”<sup>52</sup>

When the later penitential tradition began to treat bestiality as a severe sin, it also ceased to associate bestiality with masturbation and instead associated bestiality with sex between men. After the shift, bestiality entered secular law, appearing as one of the few sexual sins covered in Alfred’s law codes: “7 se ðe hæme mid netene, swelte he deaðe” [and he who has sex with cattle, he shall be put to death].<sup>53</sup>

While Theodore planted the seeds of the shift in the conception of bestiality, they likely took root in England because of changes in English conceptions of animals. Salisbury argues that the earlier penitentials understood animals as inanimate masturbation aids, while the later penitential tradition saw animals as closer to humans and thus as potential sexual partners: “instead of being an inanimate, irrelevant object, the animal partner became just that, a partner in an ‘unnatural’ act, just as homosexuality was an act between two partners.”<sup>54</sup> Salisbury thus suggests that—while the comparison of both sins emerges from the Council of Ancyra—its adaptation in the later Western penitential tradition nonetheless reflects a *Western* shift in the understanding of animals as closer to humans and thus reflects a *Western* need to ensure that Christians avoided acts that

49. Eduardo Ramos, “Bear-Dreaming: Converging Animal Traditions in *Hrólfs Saga Kraka*,” *Comitatus: A Journal of Medieval and Renaissance Studies* 46 (2015): 57–73 at 60–65; Salisbury, *Beast*, 85–86, 94–95.

50. In *The Destruction of Da Derga’s Hostel*, a bird impregnates a woman. The resulting son later finds his bird relatives and becomes a king. In *The Wooing of Étaín*, Mider remains passionately in love with his lover Étaín after she is turned into a scarlet fly. Later, both Étaín and Mider turn into swans to escape capture and remain together. Another pair of lovers, Óengus and Cáer Ibormeith, also turn into swans to remain together in *The Dream of Óengus*. The eleventh-century Welsh *Mabinogi* contains many bestial tales, including brothers punished by being transformed into animals of the opposite sex who mate with each other. I am grateful to Jeremy DeAngelo, Chelsea Narr Henson, Coral Lumbley, Thomas O’Donnell, Renée Trilling, and Kelly Williams for these references.

51. See Charles Doherty, “Kingship in Early Ireland,” *The Kingship and Landscape of Tara*, ed. Edel Bhreathnach (Dublin: Four Courts Press for The Discovery Programme, 2005), 3–29 at 16–22; Morten Warmind “Sacred Kingship Among the Celts,” *Proceedings of the Harvard Celtic Colloquium* 12 (1992): 196–206 at 199–202, 204. Celtic sovereignty was often, as Sioned Davies argues, “perceived as both equine and feminine” (“Horses in the *Mabinogion*,” in *The Horse in Celtic Culture: Medieval Welsh Perspectives*, ed. Sioned Davies and Nerys Ann Jones [Cardiff: University of Wales Press, 1997]: 121–140, at 129).

52. Salisbury, *Beast*, 87.

53. Old English is quoted from Todd Preston, *King Alfred’s Book of Laws: A Study of the Domboc and Its Influence on English Identity, with a Complete Translation* (Jefferson, NC: McFarland & Company, Inc., Publishers, 2012), 114, law 31. Translation is my own.

54. Salisbury, *Beast*, 90–91. Karl Steel argues that Gerald of Wales’ bestiality tales show that bestiality was a litmus test for the boundaries of the human and the animal (*How to Make a Human: Animals & Violence in the Middle Ages* [Columbus, OH: Ohio State University Press, 2011], 138–41).

blurred the differences between animals and humans.<sup>55</sup> The *Paenitentiale Theodori* thus appears as a seismic shift in Western ideas about the seemingly natural categories of human and animal, to paraphrase Karl Steel.<sup>56</sup>

Scholars generally assume that the two sins were conflated in order to dehumanize men who had sex with men; however, a careful examination of the penitentials suggests the opposite: bestiality became a serious sin because of its association with sex between men.<sup>57</sup> The penitential tradition *always* denigrated sex between men, but it was not until the *Paenitentiale Theodori* linked bestiality to sex between men that bestiality came to be regarded as a severe sin. Allen Frantzen argues that the penitentials in England before 1100 often treated sex between men more severely than sexual sins committed by men and women.<sup>58</sup> All Anglo-Latin and Old English penitentials prior to 1100 discuss male-male sexual acts; as Frantzen notes, the frequent references to male-male sexual acts in the penitentials suggest that “same-sex acts never ceased to concern the custodians of ecclesiastical discipline.”<sup>59</sup> The *Penitential of Cumméan* assigns seven years of penance for male-male sexual acts, more than for incest with one’s mother (three years), murder without premeditation (three years), or bestiality (a year).<sup>60</sup> Similarly, the *Excerpta quaedam de libro Davidis* assigns three years for bestiality, incest, adultery, or poisoning a man. However, when the *Excerpta* lists these sins again alongside sex between men, they all receive a lifetime of penance.<sup>61</sup> To the English audience of the *Paenitentiale Theodori*, the comparison between bestiality and sex between men ultimately does not mark *sex between men* as a particularly deviant sin by associating it with bestiality so much as the comparison marks *bestiality* as a serious sexual sin by comparing it to sex between men.

#### GENDER AND RACE IN THE PAENITENTIALE THEODORI'S AFTERLIVES

Theologians likely understood sex between men to be a severe sin because they saw it as disrupting gender boundaries. Indeed, later translators of the *Paenitentiale Theodori* interpreted Theodore as affirming that same-sex acts were always unnatural, whether committed by a man seen as otherwise very masculine or a man who was seen as unmanly (perhaps because of his sexual preference for other men).<sup>62</sup> The *Canons of Theodore*, the

55. Salisbury, *Beast*, 91–101.

56. Steel, *How to Make a Human*, 16.

57. Boswell, *Christianity*, 329–30; Allen Frantzen, *Before the Closet: Same-Sex Love from Beowulf to Angels in America* (Chicago: University of Chicago Press, 1998), 170.

58. Frantzen, *Before the Closet*, 170. Eileen Fradenberg-Joy and Dorothy Kim point out the troubling pattern of racism and sexism in Frantzen’s academic work (Eileen Fradenberg-Joy, “Building a Tribe Outside the System: Allen Frantzen, Jack Donovan, and the Neomedievalist Alt-Right” *lecture/YouTube*, 57:58, April 17<sup>th</sup> 2018, <https://www.youtube.com/watch?v=qWtoxdhLoeU> (accessed 15 February 2020); Dorothy Kim, *Digital Whiteness and Medieval Studies* [Minneapolis: University of Minnesota Press, forthcoming 2020]). Kim demonstrates the racist underpinnings of much of Frantzen’s work on sexuality (*Digital Whiteness*). I am grateful to Dorothy Kim for sharing her forthcoming work with me.

59. Frantzen, *Before the Closet*, 170.

60. Bieler, *Irish Penitentials*, 114–15, 120–21 (Chapter II, Canons 6, 7, and 9; Chapter IV, Canon 7).

61. Bieler, *Irish Penitentials*, 70–71 (Canons 5, 7, and 11).

62. Such an identity is unlikely to have constituted an identity like modern homosexual identity. As Michel Foucault argues, the homosexual as “*une espèce*” [a species] emerged in the nineteenth century (*La Volenté de savoir*

Old English translation of the original *Paenitentiale Theodori*, altered the canon to distinguish between various types of men who might have sex together:

6. Se þe bædlinge hæme, oþþe mid oþrum wæpnedmen, oþþe mid nytene, fæste tyn winter.

7. On oþre stowe hit cwyð, se þe mid nytene hæme, fæste fiftyne winter, and sodomisce seofon gear fæston.

[6. He who fornicates with a *bædling* or with another man or with cattle, {must} fast ten winters.

7. In another place it says he who fornicates with cattle fasts fifteen winters and the Sodomite fasts seven years.]<sup>63</sup>

Frantzen notes that the phrase “or with another man” implies a distinction between the figure of the *bædling* and other men.<sup>64</sup>

Several medievalists argue that the *bædling* may refer to men who were attracted to other men, possibly an identity associated with gender transgression.<sup>65</sup> R. D. Fulk suggests that “the term *bædling* . . . gives us reason to posit widespread recognition of a sexual type associated with male homoeroticism in Anglo-Saxon England.”<sup>66</sup> Frantzen argues that *bædling* referred to men who were “known to have sex with other men,” a category that had fewer connotations than the modern category of the homosexual but that nonetheless constituted “a kind of group identity.”<sup>67</sup> Frantzen suggests that the word might derive from “*bæddel*” [hermaphrodite] and could mean an effeminate man or that it might derive from “*ge-badd*” [oppressed] and mean “oppressed one.”<sup>68</sup> Frantzen adds that the canon implies that there are also men who have sex with other men but who are not known for that preference (*oðrum wæpnedmen*).<sup>69</sup> David Clark suggests that *bædling* means a man who was seen as “unmanly” due to his preference for taking the passive role in anal sex.<sup>70</sup>

Yet the textual evidence suggests that the translator was not simply distinguishing between sexual positions so much as distinguishing between “real” men and more

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[Paris: Gallimard, 1976], 59; available in English as *The History of Sexuality: Volume I: An Introduction*, trans. Robert Hurley [New York: Vintage Books, 1990; originally published 1978], 43). Historians of sexuality have argued for other early sexual identities, but most agree that the idea of the homosexual is a nineteenth-century invention.

63. *The Old English Canons of Theodore*, ed. R. D. Fulk and Stefan Jurasinski (Oxford: Oxford University Press, 2012), 15. Translation is my own. Frantzen suggests that a later canon was accidentally added into this one (*Before the Closet*, 180).

64. Frantzen, *Before the Closet*, 163–64.

65. David Clark, *Between Medieval Men: Male Friendship and Desire in Early Medieval English Literature* (Oxford: Oxford University Press, 2009), 64–66; Frantzen, *Before the Closet*, 163–67, 173–75; R. D. Fulk, “Male Homoeroticism in the Old English *Canons of Theodore*,” in *Sex and Sexuality in Anglo-Saxon England: Essays in Memory of Daniel Gillmore Calder*, ed. Carol Braun Pasternack and Lisa M.C. Weston (Tempe, AZ: Arizona Center for Medieval and Renaissance Studies, 2004), 1–34.

66. Fulk, “Male Homoeroticism,” 34.

67. Frantzen, *Before the Closet*, 163–65, 173–75.

68. Frantzen, *Before the Closet*, 164–65. The word *bæddel* only appears twice in the extant corpus and only as a gloss (Clark, *Between Medieval Men*, 63).

69. Frantzen, *Before the Closet*, 165.

70. Clark, *Between Medieval Men*, 66.

androgynous men. Clark notes that *bedding* might imply a third gender but suggests that there is not enough evidence for this.<sup>71</sup> The translator of the *Paenitentiale Theodori* contrasts *bedding* with *oðrum wæpnedmen* [another weaponed-man]. The term implies that the sinner is a *wæpnedmen* and also invokes one of the central metaphors for maleness in Old English literature: one’s masculinity represented as a phallic weapon.<sup>72</sup> As Stacy Klein notes, there was a “pervasive association between militancy and maleness” in Old English literature; King Alfred’s will, for instance, distinguishes between his male descendants, whom he called the “*wæpnedhealfē*” [weaponed-half] or “*sperhealfē*” [spear-half], and his female descendants, whom he called the “*spinhealfē*” [spindle-half].<sup>73</sup> The word *beddel* appears twice in the Old English corpus; in one instance, it glosses the Latin word *Hermaphroditus*; beside it in the manuscript, an otherwise unattested Old English word, *wæpenwifestre* [weaponed-woman?] serves as an alternate gloss for *Hermaphroditus*.<sup>74</sup> *Wæpenwifestre* suggests that a hermaphrodite—whether that mean an intersex person or a trans person—was seen as a woman with a “weapon.” The status of *wæpned* [weaponed] as metaphorical phallus seems clear. Scholarship on the *bedding* to date, thus, has perhaps been blinkered by assumptions about the nature of gender in the early medieval period. But the *bedding*’s possible representation of non-binary gender possibilities cannot be overlooked. As M. W. Bychowski and Dorothy Kim note, “medieval trans feminism calls on us to look at ourselves and our pasts in diverse ways if we are to perceive the trans lives that might be shown there.”<sup>75</sup> The *bedding* might signify a gender-nonconforming person who was assigned male at birth and seen to be unmanly (as in Clark’s reading), or who lived as a woman (in Fulk’s reading), or it might signify someone assigned female at birth who lived as a man, or it might signify an intersex person.<sup>76</sup> There is evidence to suggest that the word *bedding* implied a third gender or some form of gender nonconformity.

The fact that a *wæpnedmen* must perform the same penance whether he has sex with a *bedding* or with another *wæpnedmen* suggests that the Old English translator saw Theodore as affirming a simple truth: men who had sex with men violated gender norms, no matter the masculinity of the men they had sex with. After the *Paenitentiale Theodori* first compared bestiality with this violation of gender norms, bestiality became seen as a more serious sin. Certainly, as Fulk and Clark both caution, there was no uniformity of opinion on sex between men in early England.<sup>77</sup> While John Boswell has famously argued

71. Clark, *Between Medieval Men*, 63–65.

72. See Dana M. Oswald, *Monsters, Gender, and Sexuality in Medieval English Literature* (Suffolk, UK: D. S. Brewer, 2010), 93.

73. Stacy S. Klein, “Gender,” in *A Handbook of Anglo-Saxon Studies*, ed. Jacqueline Stodnick and Renée R. Trilling (West-Sussex: Wiley-Blackwell, 2012), 39–54 at 41.

74. Lowell Kindschi, “The Latin-Old English Glossaries in Plantin-Moretus MS 32 and British Museum MS Additional 32,246” (unpublished Stanford dissertation, 1955), 177. The *wæpenwifestre* has—to date—been almost completely unexamined by scholars, with the exception of Dana Oswald (*Monsters*, 93).

75. See M. W. Bychowski and Dorothy Kim, “Visions of Medieval Trans Feminism: An Introduction,” *Medieval Feminist Forum* 55.1 (2019): 6–41 at 7.

76. Clark, *Between Medieval Men*, 66; Fulk, “Male Homoeroticism,” 32. See M. W. Bychowski and Dorothy Kim, eds. *Medieval Trans Feminism. Medieval Feminist Forum* 55.1 (2019); Ruth Evans, ed. *Medieval Intersex: Language and Hermaphroditism. postmedieval: a journal of medieval cultural studies* 9.2 (2018).

77. Clark, *Between Medieval Men*, 19, 54–67; Fulk, “Male Homoeroticism,” 5.

that the early Middle Ages were accepting of homoeroticism, this canon and the evidence of the penitentials suggests that the church, at least, frowned upon male-male sex strongly.<sup>78</sup> The translator saw Theodore as affirming that there was no “manly” way for a man to have sex with another man. When the penitentials began comparing bestiality to the boundary violation of sex between men, they also began to treat bestiality as also violating boundaries: those between human and animal.

Comparing bestiality to sex between men paradoxically made the sin of bestiality available to women. The early penitentials assumed that only men commit bestiality, but—after bestiality became the *doppelgänger* of sex between men—later texts accepted that women might also commit bestiality. The church considered same-sex acts gender violations, and through association with them, bestiality may have become perceived as “open” to more genders. Little evidence survives of women being condemned for bestiality in the early English period: Theodore does not condemn women who committed bestiality, despite the presence of such condemnations in Byzantine sources,<sup>79</sup> and both the *Paenitentiale Theodori* and the *Canons of Theodore* only discuss men committing bestiality. By the twelfth century, however, Gerald of Wales accused Irish women of many sexual acts with animals in his *Topographia Hibernica*.<sup>80</sup> The shift of bestiality to a severe sin—one associated with the gender violation of sex between men—may have opened the gates for women to become associated with bestiality.

The early penitentials compared bestiality with masturbation and thus treated it as a minor sin until the *Paenitentiale Theodori* paired it with the more serious sin of sex between men. From the late Middle Ages onward, theologians generally described bestiality as perhaps the most serious sexual sin and used it as a comparison in order to dehumanize men who had sex with men.<sup>81</sup> Such a connection led to sodomites being associated with animals such as pigs in the later Middle Ages.<sup>82</sup> But in the early English church, it was male-male sexual acts that first lent bestiality its serious reputation, rather than the other way around.

The comparison spread through the penitential tradition after Theodore’s judgment was first written down, reappearing in penitentials throughout Northern Europe, including in the twelfth-century Icelandic *Penitential of Thorlac Thorhallson*, which prescribed nine or ten years penance for men who practice “hordom” [whoredom] with other men or with animals.<sup>83</sup> In the thirteenth century, England elevated the comparison into law

78. Boswell, *Christianity*, especially 169–269.

79. See, for instance, the penitential attributed to John IV Neseutes (*The Oxford Dictionary of Byzantium*, Vol. I, ed. Alexander P. Kazhdan [Oxford: Oxford University Press, 1991], 286).

80. See the Second Part of the *Topographia Hibernica*, particularly Chapters 52, 56, and 57 (Gerard of Wales, *The History and Topography of Ireland*, trans. John J. O’Meara [New York: Penguin Books, 1982], 69–72, 75–76).

81. Indeed, sodomy’s flexible definition could, at times, include bestiality (Michael D. Barbezat, “Bodies of Spirit and Bodies of Flesh: The Significance of the Sexual Practices Attributed to Heretics from the Eleventh to the Fourteenth Century,” *Journal of the History of Sexuality* 25.3 [2016]: 387–419 at 389; D’Emilio and Freedman, *Intimate Matters*, 30; Thomas, “Not Having God,” 154, 158).

82. Robert Mills, *Suspended Animation: Pain, Pleasure and Punishment in Medieval Culture* (London: Reaktion Books, 2005): 96–98.

83. *Diplomatarium Islandicum*, Vol. I, ed. Jón Sigurðsson (Copenhagen: S. L. Möllers, 1857–76), 240. Translation is my own. See also McNeill and Gamer, *Medieval Handbooks of Penance*, 355.

and introduced an anti-Semitic component: those who had sex with the same sex, or with animals, or with Jews were to be buried alive.<sup>84</sup> Legal charges of bestiality were wielded as a truncheon to police minorities. In 1222, a deacon was burned at the stake in Oxford for bestiality because he married a Jewish woman.<sup>85</sup> This is a chapter in the story of how medieval Jews, as Geraldine Heng describes it, “entered into race” through a series of ideological frameworks and state institutions in thirteenth-century England.<sup>86</sup>

From the late Middle Ages onward, bestiality and sex between men were largely understood to be forms of sodomy until mid-twentieth century medical discourses differentiated them.<sup>87</sup> The global spread of the comparison of bestiality and sex between men continues into the modern day; opponents of gay rights and marriage equality in the United States, for instance, present bestiality and homosexuality as twin horsemen of a moral apocalypse, suggesting slippery-slope arguments that gay rights will lead inevitably to legalizing bestiality. The comparison also continued its global travels through imperialism and colonialism. In India, the British-imposed Section 377 (enacted in 1860 and only overturned in 2018) prohibited sex between men and bestiality as both being unnatural:

Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.<sup>88</sup>

As Jyoti Puri argues, in practice, authorities primarily used Section 377 to target racial minorities and Muslims, rather than homosexuals, a colonial echo of medieval European Christian laws that targeted Jews with the conflation of bestiality and sodomy.<sup>89</sup> The application of British colonial law in India furthermore demonstrates how much global textual transmission is always a global game of telephone: the meaning of the comparison shifted when it traveled to colonial India, just as the meaning of the Council of Ancyra’s canons shifted in the textual move from Byzantium to England. While the comparison of

84. Boswell, *Christianity*, 292.

85. Steven F. Kruger, “Conversion and Medieval Sexual, Religious, and Racial Categories,” in *Constructing Medieval Sexuality*, ed. Karma Lochrie, Peggy McCracken, and James A. Schultz (Minneapolis: University of Minnesota Press, 1997), 158–79 at 178–79; Joshua Trachtenberg, *The Devil and the Jews: The Medieval Conception of the Jew and its Relation to Modern Anti-Semitism* (Skokie, IL: Varda Books, 2001; originally published by Yale University Press, 1943), 187.

86. Geraldine Heng, *The Invention of Race in the European Middle Ages* (Cambridge: Cambridge University Press, 2018), 31, 55–109.

87. Jens Rydstrom, “Sodomitical Sins are Threefold?: Typologies of Bestiality, Masturbation, and Homosexuality in Sweden, 1880–1950,” *Journal of the History of Sexuality* 9.3 (2000): 240–76 at 244.

88. Quoted from Jyoti Puri, *Sexual States: Governance and the Struggle Over the Antisodomy Law in India* (Durham: Duke University Press, 2016), 52. See also Jyoti Puri, “Section 377: The Decriminalization of Homosexuality in India,” *Sahapedia*, 2018, <https://www.sahapedia.org/section-377-the-decriminalization-of-homosexuality-india> (accessed 18 February 2020).

89. Puri, *Sexual States*, 21–22, 74–98. In comparing medieval England and modern India, I am not saying that India or Indian law is medieval. Rather, I am arguing that this British-imposed, colonial-era law has a globalized history stretching back to the Middle Ages and that the conflation of bestiality and sex between men has been applied to racialized populations in particular since the Middle Ages.

bestiality and homosexuality has global reach in modernity, it likewise was globalized in the early Middle Ages. One can draw a line from St. Basil and the Council of Ancyra to Theodore and eventually to English discourse on sex between men in general. If we confine our gaze to the British Isles in the study of the penitentials, we overlook how much the penitential tradition participated in a global economy of theology. ■