

1 Legislating Acts

The Limits of Buggery, Sodomy, and Copulation

In 1618, the Cambridgeshire barrister Michael Dalton published *The Country Justice*, a guide to legal practice for justices of the peace in England. It was a popular book, reprinted at least thirteen times before the end of the century. At the time, country magistrates were appointed from the local gentry and many were not experts in the law. While they did not have jurisdiction to try serious offences on their own, they could arrest the offenders and bind them over to appear before a higher court. This included people accused of buggery. Dalton's third edition, issued shortly before the centenary of the Buggery Act 1533, contained the following notes on that crime:

P.fel.9. Buggery committed with mankind, or beast, is felony (without
Exod.22.19. benefit of Clergie) 25. H.8.6. 5. Eliz.17. it being a sinne against
Leuit.18.23. God, Nature, and the Law. And in antient times such offenders
were to be burned, by the Common Law. *Fitz.* 269.*b.*

One describeth this offence, to be, *Carnalis copula contra naturam,*
& *hec per confusionem* { *Specierum, sc. hōe, ou fēe, ove brute*
beast.
Sexum, sc. hōe, ove hōe, fēe ove feme.

(Dalton 1626: 273)

The *Country Justice* was consulted not only by magistrates but by lexicographers. In 1652, when Edward Leigh published his law dictionary, *A Philological Commentary*, he converted Dalton's remarks on buggery into a definition:

There are two
Statutes for it,
25 H. 8. revived 3
Eliz. 17. [sic] Fitz.
Nat. brev. 269.B
Dalton.

Buggerie committed with mankind or beast is felony without benefit of Clergy, it being a sin against God, nature, and the Law, and in ancient times such offenders were to be burned by the Common Law.

One describeth this offence to be *carnalis copula contra naturam,* & *hæc vel per confusionem specierum, sc.* a man or a woman with a brute beast, *vel sexuum, sc.* a man with a man, a woman with a woman.

(Leigh 1652)

While Leigh duly cited Dalton in a marginal note, Thomas Blount would credit neither author when he incorporated their explanations into the 1661 edition of the *Glossographia*, his dictionary of hard English words:

Buggerie (Fr. *Bougrerie*) is described to be *carnalis copula contra naturam, & hæc vel per confusionem Specierum, sc.* a man or a woman with a brut beast, *vel sexuum*; a man with a man, or a woman with a woman. See *Levit.* 18.22, 23. This offence committed with mankind or beast is felony without Clergy; it being a sin against God, Nature, and the Law; And in ancient time such offenders were to be burnt by the Common-Law. 25. *Hen.* 86. 5. *Eliz.* 17. *Fitz. Nat. Br.* 269. My Lord Coke (*Rep.* 12. pag. 36.) saith, that this word comes from the *Italian, Buggerare*, to bugger. (Blount 1661)¹

As will be clear from Appendix II of this book – which includes definitions of *buggery* reprinted from forty dictionaries and arranged in chronological order – Blount was not the first hard-word lexicographer to define this word. Yet the *Glossographia*'s entry provides a useful starting point because of its expansiveness. Blount had trained as a barrister, and he drew special attention to his dictionary's treatment of 'Law-Terms' from its first edition onwards (1656: A3^r). Though *buggerie* is not in the first edition, its presence in the revision is therefore unremarkable. At 104 words, the definition is in keeping with the level of detail Blount affords to other legal terms, such as *bigamy* (156 words) and *divorce* (242 words). Yet it is more than twice the length of any other definition of *buggery* found in the hard-word and general dictionaries surveyed for this book. As such, Blount unites several features that are presented discretely, but repeatedly, by other lexicographers.

The most notable of these is the definition's covert and overt intertextuality. Apart from his uncredited sources, Blount invokes biblical and legal authority by citing the prohibitions against sexual misdeeds in the laws of the Israelites and the English: Leviticus 18: 22–23;² the Buggery Act of Henry VIII and its reenactment by Elizabeth I, under which buggery was a hanging offence; and the crime's early common-law punishment by burning, as reported in *La nouvel natura breuium* (Fitzherbert and Rastell 1609: 269^r). These authorities had already been set down by Dalton and Leigh, but Blount, writing as a hard-word lexicographer as well as a legal scholar, also provides an etymology of *buggerie* from the *Reports* of the jurist Sir Edward Coke (1656: 36). In his zeal for citation, Blount may not have noticed that Coke's tracing of *buggerie* to Italian contradicts Blount's own claim at the start of his entry that it derives from French.

¹ Elsewhere in the *Glossographia*, Blount does acknowledge his use of Dalton's *Countray Iustice* (s.v. *conjuraton*) and Leigh's *Philologicall Commentary* (s.v. *appeal*).

² In the 1611 King James Bible: 'Thou shalt not lie with mankind, as with womankind: it is abomination. Neither shalt thou lie with any beast, to defile thy selfe therewith: neither shall any woman stand before a beast to lie downe thereto: It is confusion.'

The entextualization of Blount's entry moves across genres, from specialist reference works to one aimed at a lay audience – showing how the hard-word dictionary could act as an intermediary in the diffusion of elite discourses to the wider public. While Dalton's *Country Justice* was for magistrates and Leigh's *Philologicall Commentary* for 'young Students in the Law, Justices of Peace, and other Country Gentlemen' (1652: A8^r), the *Glossographia* was 'chiefly intended for the more-knowing Women, and less-learned Men; or indeed for all such of the illiterate, who can but finde, in an Alphabet, the word they understand not' (Blount 1661: A6^r). Yet Blount's choice of usership creates a problem for his definition. Although the reader learns that *buggerie* is both a sin and a felony, the nature of the act itself is left mostly in un glossed Latin: '*carnalis copula contra naturam, & hæc vel per confusionem Specierum [. . .] vel sexuum*'. This learned formula may have been appropriate in Dalton's and Leigh's legal works, but it hardly suits a dictionary addressed to those who 'neither understand *Greek* nor *Latin*' (Blount 1661: A6^r). Still, it would be wrong to regard the formula's appearance in the *Glossographia* as a simple accident of Blount copying mechanically from his sources. Lynda Mugglestone (2007a: 24) points out that the use of Latin in ostensibly monolingual English dictionaries allowed lexicographers to conceal indecent material from the very audience their work was meant to aid. Of course, even if Blount had translated his learned description into something likely to be understood by a layperson – as, perhaps, 'fleshly coupling against nature, and this either by confusion of kinds [. . .] or of sexes' – that would still not have explained the physical means by which the coupling took place. The note in Coke's *Reports* (1656: 37) that a criminal conviction for buggery required evidence of 'penetration and the emission of Seed' would not be reproduced alongside Coke's etymology in the *Glossographia*.

A reluctance to explain the specifics of buggery is another discursive feature that will recur throughout this book. It is an example of the 'dictionary obscurantism' (Moon 1989: 82) that has plagued definitions of same-sex lexis for centuries. Implicit in Blount's (1661: A3^v) assurance that he would supply information he 'thought fit for the knowledg of many' was the proviso that he might withhold information he thought unfit for his readers, and other lexicographers would exercise similar discretion. Buggery, which was forbidden in word as well as deed – legal records habitually referred to it as a 'sin, amongst Christians not to be named' (Coke 1644: 58) – existed uneasily on the threshold between fit and unfit knowledge. It was a nebulous shadow that both threatened and defined the edges of lawful intercourse. However, when placed under a queer lens, it is precisely this liminality that makes buggery a useful focal point for understanding the construction of sexuality at large in the early modern period and after. The 'negative potential of the queer' (Halberstam 2011: 148) – its ability to rethink the cultural meanings of

exclusion and incoherence – allows us to trace the borders of ethical sex from the outside, uncovering their naturalizing discourses and exposing their own contradictions.

Discourses must be pluralized, for a juridical discourse was clearly not the only one informing the ethics of sexuality. Blount, following Dalton and Leigh, calls *buggerie* ‘a sin against God, Nature, and the Law’ simultaneously. This chapter will explore how the framework of these three discourses – the interlocking of divine, natural, and human law – undergirded the construction of same-sex intercourse in many definitions across the seventeenth and early eighteenth centuries. Despite substantial changes to the scope, target audience, and methodology of hard-word and general dictionaries between the appearance of Cawdrey’s *Table Alphabeticall* in 1604 and Samuel Johnson’s *Dictionary of the English Language* in 1755, the codification of *buggery* during this period largely remained static (if indistinct). So did the codification of *buggery*’s near-synonym, *sodomy*. After the mid-eighteenth century, dictionaries’ obscurantism grew more pronounced. Those that had entries for *buggery* and *sodomy* at all tended to explain them in ways that retained the old regulatory framework but offered even less detail on sexual specifics. Yet I will argue that the effect of this ambiguity was, ironically, to open *buggery* and *sodomy* up to an even wider array of erotic potentials. By the same token, reading *sodomy* and *buggery* against semantically ‘broader’ sexual terms – *copulation*, *coupling*, *occupying*, *fucking*, and so on – reveals how definitions of these words were founded on narrow assumptions of androcentrism and cross-sex normativity; however, it is the tacit and taken-for-granted nature of these assumptions that makes them vulnerable to subversive reinterpretation.

Sex and the Laws of God, Nature, and Humankind

The first English definition of *buggerie* predates the English dictionary. In 1596, Edmund Coote published *The English Schoole-maister*, an educational manual which features, among other learning aids, a table giving the spellings of words, many accompanied by concise definitions. One of these is *buggerie*, or ‘coniunction with one of the same kind’. Eight years later, when Cawdrey released *A Table Alphabeticall*, he borrowed Coote’s entry and added a second sense: ‘*buggerie*, cōiunction with one of the same kinde, or of men with beasts’. Interestingly, neither Coote’s monosemous definition nor Cawdrey’s polysemous one shows any disapproval of the acts alluded to, but then neither is explicit about what the acts involve. They don’t clarify that ‘one of the same kind’ means a member of the same sex. By contrast, Cawdrey’s explanation of *sodomitrie* (a word not in Coote’s table) as ‘when one man lyeth filthylye with another man’ is not so indefinite or dispassionate.

Coote's spelling list had about 1,500 words; Cawdrey's dictionary had just over 2,500. It may seem curious that *buggerie* (or *sodomitrie*) should appear in works of such small scope, not least when we consider that Coote aimed his writing at 'Scholers, of what age soeuer' (1596: A1^r), and Cawdrey aimed his chiefly at 'Ladies [and] Gentlewomen' (1604b: A1^r). Yet the title pages of both works also explain that they wished to aid their users' understanding of 'words, which they shall in the Scriptures, Sermons, or elsewhere heare or reade' (Coote) or 'wordes, vvchich they shall heare or read in Scriptures, Sermons, or elswhere' (Cawdrey) – and an audience of any age or gender might hear of the sin of sodomy when it was denounced from a pulpit. Cawdrey himself, an outspoken Puritan, had served as a priest before being defrocked in 1591 and becoming a teacher. In his religious writing, he suggests the utility of instilling virtue by cautioning against vice. His *Short and Fruitfull Treatise, of the Profit and Necessitie of Catechising* – a revised edition of which appeared in the same year as the *Table Alphabeticall* – begins by impressing on its readers the necessity of 'training vp their children & seruants in the feare and seruice of the Lord', for 'God himselfe highly commendeth *Abraham* for this dutie [...] and saith that hee would not keepe from him that which he ment to doe to the Sodomits, for that hee did know that *Abraham* would commaund his sonnes, and his houshold after him, to keepe the way of the Lord' (1604a: v^r–v^v). It is appropriate to pass on some knowledge of sinful acts in order to warn against them. In light of this, Cawdrey's (1604b) entry for '*sodomitrie*, when one man lyeth filthylie with another man', becomes as much a prohibition as a definition.

It is reasonable to think that sodomy and buggery, due to their respective associations with the biblical destruction of Sodom and the Buggery Act of 1533, might belong to separate discursive traditions in lexicography: one painted as a sin against the law of God, the other a crime against the law of humankind. A simple means of investigating this is to conduct a quantitative analysis of all the definitions of *buggery* and *sodomy* and their variant spellings, as well as related word-forms, to be found in a survey of hard-word and general dictionaries. Tables 1.1 and 1.2 show the results of such a survey, for which sixty-eight entries were found in twenty-five dictionaries published before 1755. (The tables discount entries for the proper noun *Sodom* itself, as well as entries repeated verbatim across multiple editions of the same dictionary.) The definition of each entry was read for terms that could be contextually interpreted as belonging to the semantic field of RELIGION (specifically religious ethics) or of secular LAW. Terms identified in the former category were 'chastity', 'filthylic', 'God', 'heaven', 'lust', 'sin', 'Sodom', and 'wickedness'. Terms in the latter category were 'Common-Law', 'crime(s)', 'criminal', 'felony', 'law', 'offence(s)', and 'offenders'. To this was added a third semantic field, NATURE, represented in the data by the terms 'nature', '*naturam*', and 'unnatural'. The number of entries

Table 1.1 *Semantic fields of sodomy entries in pre-1755 hard-word and general dictionaries*

Headword	Entries found	Semantic fields		
		RELIGION	LAW	NATURE
<i>sodomite</i>	14	7	0	1
<i>sodomitical</i>	13	5	2	2
<i>sodomiticalness</i>	2	0	0	0
<i>sodomitrie</i>	1	1	0	0
<i>sodomy</i>	16	13	2	9
Total	46	26 (56.5%)	4 (8.7%)	12 (26.1%)

Table 1.2 *Semantic fields of buggery entries in pre-1755 hard-word and general dictionaries*

Headword	Entries found	Semantic fields		
		RELIGION	LAW	NATURE
<i>bugger, v.</i>	4	0	0	2
<i>buggerer</i>	3	0	0	0
<i>buggery</i>	15	6	4	5
Total	22	6 (27.3%)	4 (18.2%)	7 (31.8%)

containing words from any of these fields is displayed in the tables, with two stipulations. First, a single entry may only be counted once within each field (that is, an entry that contained both ‘sin’ and ‘heaven’ would be entered once under RELIGION). Second, one entry may be counted multiple times across fields (so that an entry which contained both ‘sin’ and ‘crime’ would be entered under both RELIGION and LAW). The second column in each table indicates the overall number of entries found for a particular headword; because some entries contained multiple semantic fields while others contained none, the figures in the semantic columns do not equal the number of entries found.

The data suggest that within these fields, sodomy is indeed most often defined in religious terms (in 56.5 per cent of the entries) and least often in legal ones (8.7 per cent). Then again, an explicit legal discourse is also the field least attested for buggery (18.2 per cent), which is instead most often defined in terms of nature (31.8 per cent) – an association also well-evidenced in the sodomy entries (26.1 per cent). These findings, though based on a small dataset, complicate any clear-cut picture of sodomy as a spiritual sin and buggery as a secular crime.

In fact, the quantitative analysis obscures how much overlap exists between discourses of sinfulness, criminality, and unnaturalness in representations of sodomy and buggery. We have already seen evidence outside of lexicography that would trouble an absolute divide between religious and legal domains – in the law commentaries that proscribe buggery with Scripture as well as statutes (Dalton 1626: 273) or call it a ‘sin, amongst Christians not to be named’ (Coke 1644: 58). The words *sin* and *crime* themselves flit between legal and religious contexts within dictionaries. Blount’s *Glossographia* (1661) casts *buggerie* as ‘a sin against [...] the Law’ as well as against God and nature, and the transgressive breadth of *sin* is reiterated by John Kersey in *A New English Dictionary* (1702), which defines it as ‘the violating of Divine or Humane Laws’. Meanwhile, Kersey’s 1706 revision of Edward Phillips’s *New World of Words* explains that a *crime* is a ‘foul Deed, Offence, or Fault; great Sin’, so that the dictionary’s subsequent definition of *sodomitical* as ‘belonging to that hainous Crime’ may be read as a heavenly or earthly condemnation.

Such semantic overlaps abound in the lexicography of same-sex intercourse. One definitional term that was excluded from the above quantitative analysis for that reason was *guilt* and its derivatives. When Nathan Bailey’s *Dictionarium Britannicum* (1730) explains *sodomiticalness* as ‘Guiltiness of Sodomy’, and John Newbery’s *Pocket Dictionary* (1753) defines *sodomite* as ‘One guilty of sodomy’, the reader is left to decide whether the guilt in either case is ethical, criminal, or both. Further ambiguity is posed by the explanation of *to bugger* as ‘to copulate beastlily’ in the second, supplementary volume of Bailey’s *Universal Etymological English Dictionary* (1727). The supplement has no entry for *beastlily* or *beastly*, but it explains *beastliness* to be ‘the Being like a Beast, Beastiality’. Does ‘to copulate beastlily’ then mean that buggery is committed between human and beast? Or does it convey moral repugnance, implying that whether one or both participants are human, buggery is beastly because it spurns rational and ethical principles? It is humans’ capacity to reason, after all, that is supposed to distinguish them from the senseless figure of the ‘brute beast’ so often invoked in definitions of *buggery* (e.g. Blount 1661; Kersey 1708; Bailey 1721; Martin 1749).³

Allusions to sinfulness, criminality, and unnaturalness cannot be effectively severed in early English dictionaries because discourses of spiritual, temporal, and natural law were deeply imbricated in early modern thought. They form a trinity that has a long history in Western moral philosophy. In the *Summa Theologica* (I–II q. 91), Thomas Aquinas had written of three laws – divine (accessible through the Bible), natural (accessible through reason), and human

³ The association of the buggerer or sodomite with a brute animal was supported by spurious etymology. Theologians from St Jerome onwards had proposed that the Hebrew meaning of *Sodoma* might be ‘*Pecus tacens* [...] A silent beast’, as William Patten’s (1575) dictionary of biblical names attests (see further Puff 2003: 54).

(accessible through civil governance) – which exist as emanations of the eternal law, or the ordering of creation by God. The links between these laws were reasserted in early modern legal writing (McCabe 1964). Dalton begins *The Countrey Iustice* by affirming that it is from ‘the Lawes of God, and Nature’ that the ‘Common Lawes of this Realme of England, receiu[e] principally their grounds’ (1626: 1). Within this mutually reinforcing framework, sodomy was not simply a sin against heaven and buggery a crime against humanity. To violate any law was to violate all three.

Buggery and sodomy were not alone in being understood as a breach of the ‘ordinance of the Creator and order of nature’ (Coke 1644: 58). Alan Bray (1995: 25) has argued that in early modern England, same-sex intercourse was ‘not a [discrete] sexuality in its own right, but existed as a potential for confusion and disorder in one undivided sexuality’. Anyone could fall prey to the vice of buggery or sodomy as much as to other acts that resulted from a ‘debauched’ or excessive carnal appetite. Still, not all transgressions were equally reprehensible, as we learn from the natural philosopher John Wilkins. In *An Essay towards a Real Character, and a Philosophical Language* (1668), Wilkins aimed to lay the groundwork for a universal philosophical language, and to this end he drew up a set of tables that classify the abstract and concrete entities of the world. The tables are thematically organized, but they are made more accessible through a reference guide, *An Alphabetical Dictionary* (1668), prepared by William Lloyd. In the table concerning ‘JUDICIAL RELATION’, which categorizes criminal offences according to the principles against which they offend, the crimes ‘against [...] Chastity’ are ‘SODOMY’, ‘BESTIALITY’, ‘ADULTERY’, and ‘FORNICATION’. Yet while sodomy and bestiality are classed as ‘CRIMES CAPITAL [...] such as are or ought to be punished with Death’, adultery and fornication are not (Wilkins 1668: 272–73). The reason for the distinction is hinted at by Wilkins’s explanation of ‘CHASTITY’ itself as the virtue ‘concerning the Moderating of our natural Appetites towards things which concern the Preservation of the [...] Species’ (208).

This ethical concern for keeping sexuality within its ‘natural’, procreative bounds would recur in later dictionaries. Phillips and Kersey (1706) reaffirm that *chastity* is ‘a Christian and Moral Vertue, in abstaining from the unlawful Pleasures of the Flesh, and using those that are lawful with Moderation’. The lawful channel for pleasure was marriage, which served as an outlet for lusts that might otherwise lead to immoderate or immoral acts. It was moreover a civic duty: as Dyche and Pardon assert in *A New General English Dictionary* (1735), *marriage* is an ‘honourable Contract that Persons of different Sexes make with one another, whereby they are obligated to live in Love and Harmony together, and from whence springs the true Benefit of Kingdoms and Commonwealths, by producing Children for their Continuance and Encrease’. Any sexual practice that departed from the marital ideal was open to criticism in divine, natural, and

legal terms. Thus, to *mastuprate* is ‘Dishonestly to touch ones priuities’ (Cockeram 1623) and *onanism* is ‘the Crime of self pollution’ (Bailey 1730). *Concubinage* is ‘the keeping a Whore for his own filthy use, an unlawful use of another woman instead of one’s wife’ (Blount 1656), and *fornication* is ‘The Act of Uncleaness or carnal Conversation between single or unmarried Persons of both Sexes’ (Dyche and Pardon 1735). *Incest* is ‘vnlawfull copulation of man and woman within the degrees of kinred [...] forbidden by gods law’ (Cawdrey 1604b), while *Polygamists* are ‘a sort of Christian Hereticks, who said it was lawful for a Man to have as many Wives as he pleased’ (*Glossographia Anglicana Nova* 1707). Taken together, definitions like these – with their grim evocations of dishonesty, uncleanness, unlawfulness, and heresy – circumscribe the legal, ethical, and natural bounds of sexual behaviour. In so doing, they implicitly conjure up a morally and semantically positive model of sexuality within those bounds: honest, clean, lawful, and orthodox intercourse is procreative, marital, monogamous, and non-consanguineous.

Nevertheless, as Don Kulick (2005: 622) points out, every admonition contains its own undoing. When a dictionary proscribes a sexual act, it also unavoidably draws attention to the act’s viability. To denounce masturbation and premarital or extramarital sex is to acknowledge that they are possible. These counter-models destabilize, in the very process of their construction, the norms enjoined by dictionaries. Can a sexual ideal be natural if it must be enforced by human intervention? Can it be inevitable if alternative behaviours exist? The same unsettling potential is inherent in definitions of *buggery* and *sodomy*. Yet while the above transgressions (excepting masturbation) are overtly framed as acts committed between the sexes, the participatory scope of buggery and sodomy – the subjects who had to be involved in an act for it to qualify as one or the other – proved an additional site of instability.

Delimiting Sodomy and Buggery

Randy Conner (1997: 131) once remarked that *bougrerie* and *sodomie* were open to ‘cornucopian interpretation’ in early modern France, and the same could be said of *buggery* and *sodomy* in Britain. They were variably used to signify sex between men, between women, between man and beast, between woman and beast, and between woman and man in an ‘unnatural’ manner. The capacity of these words to be read in a cornucopia of disruptive ways lies partly in a legislative reticence to state precisely what the terms meant.

When Henry VIII made buggery a felony, the law did not describe the nature of the act beyond that it was a ‘detestable & abominable vice [...] cōmitted with mankind or beast’ (*Anno. XXV. Henrici VIII* c1535: viii^v). The sex of the committer was not specified, and whether ‘mankind’ was meant to include women would be disputed for centuries. The Great Bible of 1539, authorized

by Henry, translated Leviticus 18:22 as ‘Thou shalt not lye wyth mākynde as wyth womankynde, for it is abominacion’, where the use of ‘womankynde’ implicitly restricts ‘mākynde’ to men. Likewise, when Sir Edward Coke (1644: 58) proposed that buggery could be ‘committed by carnall knowledge [. . .] by mankind with mankind, or with brute beast, or by womankind with brute beast’, he appeared to dismiss the possibility of buggery between women or between a woman and a man. Yet a century later, the justice John Fortescue Aland (1748: 94) called for a more expansive reading of the Buggery Act, noting that it stipulated ‘not *Man* but *Mankind*, which has a very different meaning [. . .] tak[ing] in, all the Species of Man, whether Male or Female, Boys or Girls’. He justified this by pointing to the Anglo-Saxon root of *mankind* in the *Dictionarium Saxonico-Latino-Anglicum* of William Somner (1659), which translated *Man-cyn* as ‘humanum genus’ [human race]. In 1716, Fortescue Aland had himself advised on a horrific case, *Rex v. Wiseman*, in which a man who had anally raped a girl was found guilty of buggery, though not all of the other judges consulted had agreed with the verdict (Fortescue Aland 1748: 91–92). Similar legal contests arose around the semantic range of *sodomy*, a word used in common law though not in the Buggery Act. The serjeant-at-law Sir Henry Finch (1627: 219) claimed that ‘Sodomitrie’ was ‘a carnall copulation against nature, to wit, of man or womā in the same Sexe, or of either of them with beasts’. Conversely, Coke (1656: 36–37) argued that while ‘Buggary’ might be committed ‘with Man-kind, or Beast’, ‘Sodomy is with Man-kind’ only. Fortescue Aland (1748: 95), who drew no distinction between the terms, ascribed to *sodomy* a diverse taxonomy: ‘Sodomy is the Genus, [which] with a Man is only a Species, and with a Woman, is another Species, and so with a Boy or Girl, is another Species, and with a Beast another Species’.

By contrast, early law lexicographers offer a surprising degree of consensus. While some law dictionaries – such as *The Interpreter* (Cowell 1607) and *Les Termes de la Ley* (Rastell 1624) – avoid the problem of definition by omitting entries for *buggery* and *sodomy* entirely, from Leigh’s *Philological Commentary* (1652) onwards, legal definitions of *buggery* that encompass ‘a man or a woman with a brute beast [. . .] a man with a man, a woman with a woman’ become standard. This interspecies and intragender range is repeated by Blount not only in the *Glossographia* (1661) but in his own law dictionary, the *Νομο-γερικον* (1670). It also appears in later revisions of *The Interpreter* by Thomas Manley (1672) and White Kennett (1701), and in the anonymous *Student’s Law-Dictionary* of 1740 – the last of which alone has an entry for *sodomy* (a simple cross-reference to *buggery*). The pattern is partly disrupted by Giles Jacob’s *New Law-Dictionary* (1729). Possibly in response to *Rex v. Wiseman*, Jacob’s definition of ‘*Buggery*, or *Sodomy*’ omits the pairing of a woman with a woman and replaces it with ‘Man with

a Woman'. Later, this cross-sex coupling was perhaps considered to be dangerously broad, because the dictionary's fifth edition (1744) amends the wording to 'Man unnaturally with a Woman'.

No such near-unanimous verdict is reached in the fifteen definitions of *buggery* collected from hard-word and general dictionaries of the time. Eight specify the same three potential pairings: men with each other, or a woman or man with an animal (Phillips and Kersey 1706; *Glossographia Anglicana Nova* 1707; Kersey 1708, 1713; Bailey 1721, 1730; Martin 1749; Newbery 1753). Lloyd's *Alphabetical Dictionary* (1668) points to Wilkins's philosophical tables (1668: 272), which state that *buggery* is committed 'with *Beasts* : or *Males*', but the gender of the one doing the committing is not given, opening the possibility of unlawful intercourse between a woman and a man as well as between men. (The problem of agentless sexual definitions is returned to below.) Cawdrey's (1604b) assertion that *buggerie* is a 'cōiunction with one of the same kinde, or of men with beasts' leaves it unclear whether 'men', without a contrastive use of 'women', should be read in a restricted male sense or in an ostensibly generic, genderless sense. A similar ambiguity is posed by the first part of Cawdrey's definition: 'one of the same kinde' could encompass sex between women as well as between men. If Cawdrey meant to include the former, he would be in the minority. Only two of the non-specialist dictionaries expressly place sex between women under *buggery*: Blount's (1661) and the second edition of Benjamin Martin's *Lingua Britannica Reformata* (1754), which expands the first edition's semantic range ('sodomy, or sin against nature, as one man having copulation with another; or a man or woman with brute beasts') to 'one man coupling with another; one woman with another woman; or a man or woman with brute beasts'. Of the three remaining definitions of *buggery*, John Bullokar's *English Expositor* (6th ed., 1663) and Kersey's *New English Dictionary* (1702) offer no explicit pairings, while the *New English Dictionary* of Benjamin Norton Defoe (1735) curtails the act to 'one Man's copulating with another'. *Buggery* in hard-word and general dictionaries thus covers a multitude of sins, but some more typically than others.

Conversely, the scope of *sodomy* appears to be more limited. None of the sixteen hard-word and general dictionaries that define it make mention of inter-species intercourse. When its human actors are explicitly gendered, they are male: *sodomy* involves 'Masculine Venery' in Bullokar (1663), 'Male venery' in Cocker's *English Dictionary* (1704), and 'men's lying with men' in John Wesley's *Complete English Dictionary* (1753). Elsewhere, *sodomy* is described as the 'unnatural coupling of one Man with another' (Dyche and Pardon 1735; Newbery 1753), where again 'Man' without a contrastive use of 'woman' could hypothetically also encompass 'unnatural' sex between a woman and man or between women. Nevertheless, the gendering of the participants in an act of

sodomy exists against the backdrop of the biblical story of Sodom, allusions to which are commonplace in dictionaries.⁴ Blount (1656) invokes Scripture to explain that *sodomy* was ‘so called from the City *Sodom* in *Judea*, which for that detestable sin was destroyed with fire from heaven. *Gen.* 19’. The same chapter of Genesis is cited in the fourth edition of Bullokar’s *English Expositor* (1654), where a *sodomite* is ‘One guilty of that filthy sin of Sodom, mentioned *Gen.* 19. 5. thence called *Sodomy*’. Dictionary-users who consulted the relevant verse would read – as the King James Bible tells – that the men of Sodom ‘called vnto Lot, and said vnto him, Where are the men which came in to thee this night: bring them out vnto vs, that we may know them’. Phillips and Kersey (1706) offer a summary of the passage under *sodomy*: ‘Buggery, a Sin of the Flesh against Nature, so call’d because it was notoriously committed by the Inhabitants of the City of *Sodom*’. This definition is repeated more or less verbatim by Kersey (1708, 1713), Bailey (1721, 1730), and Martin (1749). Maleness is not explicitly ascribed to Sodom’s inhabitants in any of these definitions, though attempted sex between men is at the heart of the tale in Genesis.

On the other hand, before Phillips and Kersey (1706) recount the story of Sodom, they equate *sodomy* with ‘Buggery’. If *buggery* can in turn be committed by ‘one Man with another, or [. . .] a Man or Woman with a brute Beast’, does it follow that any or all of these couplings could also be enacted under the name of *sodomy*? Or should the use of *buggery* in a definition of *sodomy* be read not as a synonym but as a genus term – a broader category of sexual acts of which *sodomy* is just one member? The latter seems to be the case in Lloyd’s dictionary as it cross-refers to Wilkins’s philosophical system, which classifies *buggery* twice, beside both ‘SODOMY’ and ‘BESTIALITY’ (1668: 272). Here, *buggery* appears to function as a hypernym for the two terms, whereas ‘SODOMY’ is only practicable with ‘*Males*’ and ‘BESTIALITY’ with ‘*Beasts*’. Yet other dictionaries do not conform to this hierarchical model. Bullokar (1663) and Kersey (1702) both gloss *buggery* simply as ‘sodomy’, and similar definitional uses of ‘sodomy’ recur in the *buggery* entries of Defoe (1735) and Martin (1749, 1754). These instances suggest that, for some lexicographers, *sodomy* and *buggery* were synonyms: both were capable of signifying a man biblically ‘knowing’ another man, a human ‘knowing’ an animal, and, sometimes, a woman ‘knowing’ a woman.

The Semantic Paradox of Copulation

As to how sex between women or between men physically took place, lexicographers’ aversion to giving out particulars (whatever their own knowledge of them) has already been noted. None of the surveyed dictionaries are as explicit,

⁴ The xenophobic implications of Sodom and sodomy are returned to in Chapter 2.

in Latin or English, as Fortescue Aland's (1748: 95) learned description of *sodomy* as '*rem veneream habere in Ano*' [to have a venereal affair (literally, thing) in the anus]. Instead, the dictionary-user is more likely to encounter semantic dead-ends and roundabouts. Phillips (1658) defines *sodomitical* as 'belonging to *Sodomy*, i. buggery, or unnatural lust', and Elisha Coles (1676) describes *sodomy* as 'buggery, the sin of *Sodom*', but neither dictionary has an entry for *buggery*. Bullokar's *Expositor* (1663) is not much clearer when it explains *buggery* to be 'Sodomy' and *sodomy* to be 'Masculine Venery, buggery'. Users who wish to escape the circularity by turning to the definition of *venery* are told that it means 'Hunting; sometime fleshly wantonness' – which, depending on the sense they choose, could leave them with a wildly inaccurate idea of what it is sodomites do. Yet this last definition also reveals that lexicographers' impasses over intercourse extend beyond its same-sex forms.

After calling *buggerie* a 'cōiunction with one of the same kinde, or of men with beasts', Cawdrey (1604b) defines *coniunction* only as 'ioyning together'. *Copulation* is likewise just 'ioyning, or coupling together', a definition that is partly or wholly reiterated by Bullokar (1616), Henry Cockeram (1623), Phillips (1658), and Coles (1676). Exceptionally, Lloyd (1668) equates *copulation* with 'Coition', which is cross-referred to Wilkins's tables and classified under '*Propagation of the Species*' (1668: 234). But it is not until the next century that the erotic sense of *copulation* becomes a standard part of its definition. In Phillips and Kersey (1706), *copulation* is 'coupling, or joyning together' but also more narrowly 'carnal coupling between Male and Female'. This phrase is repeated verbatim in entries for *copulation* in Kersey (1708), Bailey (1721, 1730), and Defoe (1735). Similar senses appear in other dictionaries: 'the Act of Generation between Male and Female' (Dyche and Pardon 1735; Newbery 1753), 'carnal copulation [*sic*] between male and female' (Martin 1749). Meanwhile, Phillips and Kersey (1706) explain *to couple* as 'to joyn together, to do the Act of Generation', and similar definitions are given by Kersey (1708), Bailey (1721, 1730), and Martin (1749). Thus, from the moment *copulation* and *to couple* are specified to be erotic acts in English lexicography, they are limited to cross-sex intercourse, either by their assignment to a male and female pairing or by their curtailment to reproduction. This does leave the terms broad enough to encompass certain deviant cross-sex acts, such as adultery and fornication, although references to procreation implicitly restrict the scope of intercourse to a penis entering a vagina.

Of course, *implicitly* is the operative word: none of these definitions are frank about even penovaginal sex. It might be inferred, then, that the silence with which lexicographers met the physical mechanics of *buggery* and *sodomy* came not from a refusal to explain same-sex intercourse per se, but from a reticence to write openly about any form of sexual behaviour. This inference cannot be ruled out, but it can be complicated. Kersey showed no hesitation in observing

that the *ejaculatory vessels* ‘serve to discharge the *Semen* in the Act of Copulation’, or that the *uterus* is ‘the Matrice or Womb of a Woman [. . .] where the Acts of Generation and Conception are perform’d’ (Phillips and Kersey 1706). It is true that *uterus* and *ejaculatory vessels* belong to an elite medical register, which lexicographers often treated with a greater degree of candour than lay vocabulary. (Compare Bailey’s (1721) veiled glossing of *cunt*, *tutty*, and *tuzzimuzzy* as ‘*Pudendum Muliebre*’ [the genitals of a woman] with his definition of *vulva*, ‘the Womb or Matrix; also the Womb-Passage or Neck of the Womb’.)⁵ But *coition* and *copulation* could equally have been defined in medical terms. Is the fact that they were not necessarily a sign of discomfort? On the other hand, *sodomy* and *buggery* also belonged to an elite (legal) register – and as we have seen, authorities such as Coke and Fortescue Aland had indicated at least some of the ways they could be physically enacted. Could lexicographers not have done the same?

Perhaps the gaps that occur in definitions of *buggery*, *sodomy*, and *copulation* are different. As Foucault (1978: 27) remarked, there are ‘not one but many silences’. In dictionaries, there is the silence of prohibited knowledge: that which must not be spoken because it is unspeakable. But there is also the silence of what Valerie Traub (2016: 143) calls ‘presumptive knowledge’: that which need not be said because it goes without saying. Thus, Phillips and Kersey (1706) describe a *cloke* as ‘a well known Garment’ without naming the part of the body on which it is worn, and explain a *clock* to be ‘a well known Instrument, or Device to measure Time with’, without specifying the mechanisms of its measurement. Is the dictionary’s ensuing failure to explain the parts and mechanisms involved in *copulation* the result of obscurantism, or of the assumption that its penovaginal nature is so self-evident that it needs no explanation?

However such definitions of *copulation* are interpreted, when they are read beside definitions of same-sex intercourse, they become entangled in a conceptual crisis – one example of how sodomy, ‘that utterly confused category’ (Foucault 1978: 101), also ‘acts to confuse other categories’ (Salih 2002: 113). We saw that Phillips and Kersey (1706) describe *buggery* as ‘the Coupling of one Man with another, or of a Man or Woman with a brute Beast’. How is this to be interpreted in light of *to couple*, ‘to joyn together, to do the Act of Generation’? The procreative sense of *to couple* might be applicable to the union of a man or woman with a beast, at a time when monstrous births arising from cross-species intercourse were still seen as possible – though this belief was losing credence by the end of the seventeenth century (Bates 2005: 119). Yet the procreative sense of *to couple* does not allow for ‘the coupling of one Man with another’. Sex between men could instead be placed under Phillips and Kersey’s (1706) first, broader sense of *to couple*, ‘to joyn together’, but that would be a gross under-specification – one man

⁵ Contrasting definitions of medical and demotic terms are returned to in Chapter 4.

can join with another for any number of activities that don't count as *buggery*. It is also easy to find dictionaries in which there is even less leeway for interpretation. The *Glossographia Anglicana Nova*'s (1707) definition of *buggery* as 'a Copulation of Man or Woman with Brute Beasts; or of one Man with another' is controverted by the dictionary's bald declaration that *copulation* is 'the Conjunction of Male and Female'. Equally contradictory are Defoe's (1735) explanations of *buggery* ('one Man's copulating with another') and *to copulate* ('as in the Act of Generation [*sic*]').

In these definitions, sexual intercourse is the union of a woman and a man: the concepts are coextensive. As a result, *copulation* is paradoxically both the antonym and the hypernym of *buggery*. On the one hand, sexual normativity cannot prescribe one form of behaviour (generative cross-sex intercourse) without proscribing another ('degenerate' same-sex intercourse). A norm is given shape equally by what it encompasses and what it excludes. On the other hand, because cross-sex intercourse is naturalized, it becomes the default category, a universal lens through which all sexual behaviour must be made sense of. The consequence of these conflicting forces is to position *buggery* as simultaneously illegal – beyond the framework of divine, natural, and human law – and incoherent, because that framework is founded on and inseparable from a model of sex as penovaginal and reproductive.

Subverting Sexual Verbs

In tandem with its cross-sex normativity, the dominant paradigm of sex in dictionaries is markedly androcentric. This becomes evident when other terms for intercourse are considered. Cockeram (1623) obliquely defines *subagitate* as 'To sollicite, to haue to doe with a woman'; Phillips (1658) is a little more transparent when he calls *subagitation* 'a driving to and fro; also a solliciting, also a knowing a woman carnally'. To *subagitate* is still 'to have to do with a Woman' a century later in Bailey (1721, 1730) and Martin (1749), though both lexicographers resort to more formal diction when they note that the vulgar term *to swive* means 'to copulate with a Woman'. In addition, Bailey is the first general lexicographer to include the sexual sense of *occupying*, 'carnal Copulation with a Woman' (1727, 1730), and *to fuck*, sanitized in Latin as '*Fœminam Subagitare*' [to subagitate a woman] (1721, 1730). Taken together, all these definitions recall Catharine A. MacKinnon's (1989: 124) famous summary of the sexual and linguistic objectification of women: 'Man fucks woman; subject verb object.' Because the dictionary meanings are framed using infinitives and nominalizations, they have no grammatical subject, but a woman is the object of all of them. Subagitating, swiving, fucking, and occupying cannot, by definition, be performed upon a man.

These definitions are performative rather than reflective of how the verbs were always used in everyday language, as we know from the evidence of other text types. *Swive*, *fuck*, and *occupy* may not have been codified in legal treatises as *buggery* and *sodomy* were, but the law ironically provided a space for subversive uses of these words to be set down for posterity. Witness statements and criminal confessions include instances of men as the objects of sexual verbs whose subjects were women or other men. In the seventeenth century, testimonies given in church courts describe cases of women ‘occupying’ men (Foyster 1999: 73, cited in Traub 2016: 185). At the turn of the century, a sodomy trial pamphlet called *An Account of the Proceedings against Capt. Edward Rigby* reported that Rigby had asked another man in a tavern ‘if he should F – him’ (1698: [2]). Thirty years later, *A Genuine Narrative of All the Street Robberies Committed since October Last, by James Dalton*, alleged to have been dictated by Dalton while he was in prison, recalls his run-in with a secret club of sodomites; the club’s repertoire of bawdy songs includes the lyrics ‘We’ll kiss and we’ll Sw – e, / Behind we will drive’ (1728: 42). Such examples belie the semantic limits of these verbs in general dictionaries, and remind us that in lexicography, as in the legal system, citizens did not enjoy equal autonomy. The parallels between language and the law are aptly drawn by John Barrell (1983: 113), who remarks that ‘some members of the language community were enfranchised, and could use their voice in making the laws which bound them, and some were not’.

However, no regulatory system is without its loopholes. The lack of grammatical agency in dictionaries’ definitions of sexual verbs means that the person who does subagitate, swive, fuck, or occupy a woman remains ungendered. This is surely a side-effect of androcentrism: a tacit male viewpoint is assumed even when a male agent is absent. With the exception of the anonymous works, all of the pre-1755 dictionaries surveyed here are supposed to have been compiled by men. Yet even beyond the masculine bias of these particular texts, Ethel Strainchamps (1971: 248) has argued that androcentrism is so embedded in the words *fuck*, *swive*, and *occupy* that any lexicographer who does not define them as exclusively taking a male subject has misrepresented how these words have historically been used to objectify women. Without discounting that history, I want to consider how the lack of an explicitly gendered subject in these definitions could nonetheless allow for what Traub (2002: 125) calls a ‘potential for female erotic agency from within the confines of patriarchal ideology’, even if the potential is unintentional.

Despite the dominance of the ‘man fucks woman’ formula, we have already seen that it was possible for a sexual verb to take a female subject in the English of earlier centuries. Apart from court records, bilingual dictionaries sometimes acknowledged models of erotic agency that their monolingual counterparts did not. John Florio’s Italian–English lexicon *A Worlde of Wordes* (1598) glosses

the verb phrase *menar le calcole* as ‘to be a free whore, to occupye freely’, and the feminine noun *fottitrice* as ‘a woman fucker, swiuer, sarder, or iaper’.⁶ The Latin–English dictionary of Adam Littleton (1735) was not as bold in its translation of the verb *crisso*, leaving it half in Latin as ‘To wag the tail (*de muliere dic. in actu copulationis*)’ [said of a woman in the act of copulation]. Still, this was enough to strike the fancy of the Yorkshire gentlewoman Anne Lister when she consulted Littleton’s dictionary almost a century later. In 1820, Lister made a note of the *crisso* definition in her diary and confided that the thought of a woman ‘*bend[ing] herself impudently*’ had so excited her that she masturbated in bed that night.⁷

Lister’s personal papers occupy a unique place in the history of sexuality, brimming as they are with her thoughts about sex and her relationships with women – though the more explicit passages are ciphered in a ‘crypt hand’ of her own design. Classically tutored and erudite, Lister kept several volumes in which she wrote out extracts from the books she read. In one of these, she collated a short glossary consisting mostly of sexual entries taken from Bailey’s *Universal Etymological English Dictionary*, including his definitions of *buggery* and *fuck* (see Figure 1.1; a transliteration is provided in Appendix I). Lister did not annotate either definition, but how did she interpret the erotic potential of ‘*Fuck* [. . .] *fœminam subagitare*’? Could she – or anyone else with a certain frame of mind – have come across an agentless definition like this and chosen to read in a female agent instead of a male one?

The question is of special salience for dictionaries that directly addressed themselves to a female audience. Cockeram’s *English Dictionarie* (1623: A1^r) was intended for a readership that included ‘Ladies and Gentlewomen’, and Thomas Dyche and William Pardon’s *New General English Dictionary* (1735: A3^v) was ‘particularly recommended to those Boarding Schools, where *English* only is taught, as is the Case commonly among the Ladies’. What was a lady to make of the assertion that to *subagitate* is ‘To sollicite, to haue to doe with a woman’ (Cockeram 1623), or that to *swive* is ‘To be familiar with, or carnally know a Woman’ (Dyche and Pardon 1735)? She might bypass the question of agency and simply identify with the syntactic object, the passivized woman. Or she could adopt the perspective of the male lexicographers and construct a male subject – and subjectivity – for the verb, and in so doing ‘immasculate’ herself by empathetically crossing the gender divide (see Fetterley 1978: xx). Or she could

⁶ Traub (2016: 185) cites a similar quotation attributed to Florio (1598) under *occupy* in *OED3*: ‘A good wench, one that occupyes freely.’ *OED3*’s evidence is second-hand: it notes that the quotation was copied from an intermediary dictionary, Farmer and Henley’s *Slang and Its Analogues Past and Present* (1890–1904). Farmer and Henley do not say from where in Florio’s dictionary the quotation was taken, and I have been unable to find it in the original.

⁷ Lister, A. (1820, June 29). *Diary*. Calderdale Collections, West Yorkshire Archive Service (SH:7/ML/E/4/0066), Halifax. Lister’s diaries were first brought to widespread attention by Helena Whitbread’s ground-breaking editions of them in 1988 and 1992.

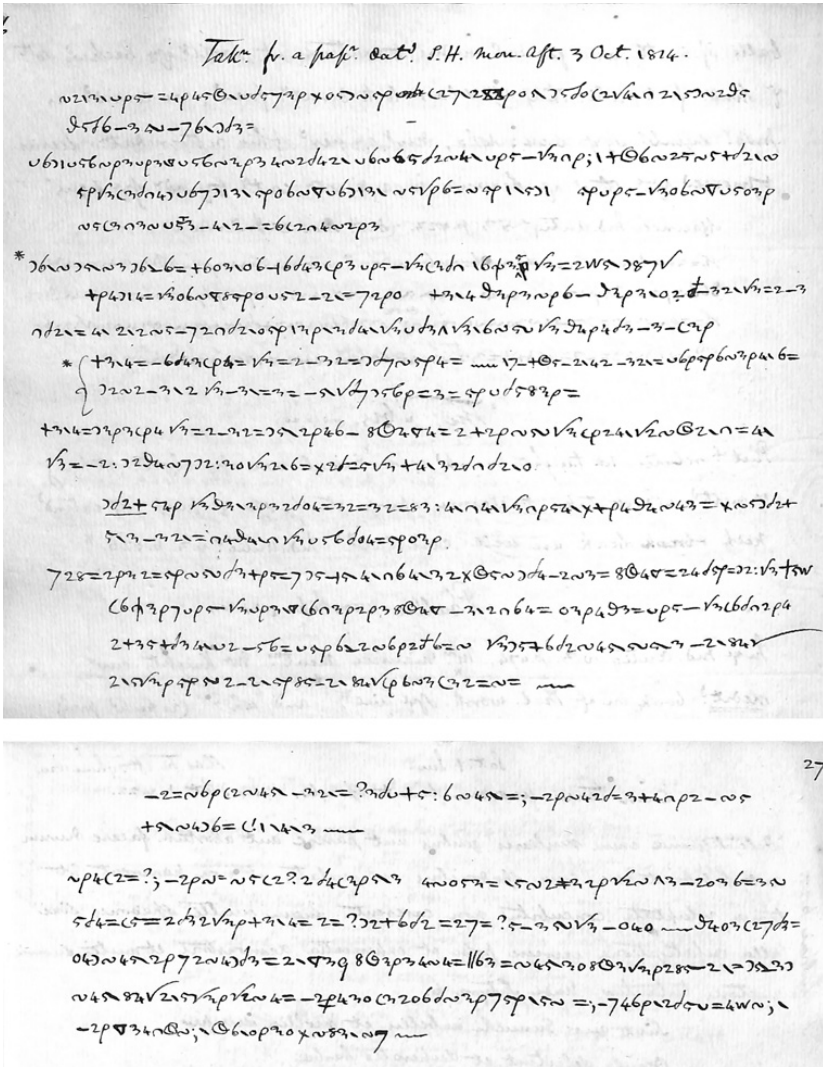


Figure 1.1 Anne Lister's erotic glossary, 1820. By permission of the West Yorkshire Archive Service.

read the unspecified agent as a woman and so transgress the bounds of lawful sexuality, even if only in her mind. Arguably, the cross-sex normativity and androcentrism underpinning these definitions must other or queer the female dictionary-user however she interprets them. Then again, as Lister showed, using

a dictionary queerly may be a self-affirming act. Sara Ahmed (2019) points out that sometimes *queer use* – ‘when things are used for purposes other than the ones for which they were intended’ (26) – is ‘the work you have to do to be’ (223).

Reading a definition is itself not a passive behaviour. Lexicographers cannot wholly control the new epistemic and erotic pathways that users might trace through their work. However, they can try to divert users from particular courses of discovery by concealing the points that might otherwise lead them there. This tack would increasingly be taken from the mid-eighteenth century onwards, as entries for demotic sexual verbs began to disappear from dictionaries and the obscurantism surrounding *sodomy* and *buggery* deepened.

Changing Legal and Lexical Norms after 1755

In his influential *Commentaries on the Laws of England*, Sir William Blackstone described ‘the infamous crime against nature, committed either with man or beast’ as ‘a crime not fit to be named’, for ‘the very mention of [it] is a disgrace to human nature’ (1769: 215–16). This act of preterition is similar to Coke’s (1644: 58) calling ‘Buggery’ a ‘sin, amongst Christians not to be named’ a century before – except that unlike his forebear, Blackstone followed his own advice. While *buggery* and *sodomy* are listed in the index to the *Commentaries*, neither word occurs in Blackstone’s description of the offence. In the following decades, this self-imposed censorship spread to the published proceedings of the courts. The sessions papers of the Old Bailey began to record cases of sex (or attempted sex) between men less as ‘sodomy’ or ‘buggery’, as they had regularly done before, and more under euphemisms such as ‘an unnatural crime’ or the filleted form ‘b – – y’.⁸ These textual absences did not correspond to any judicial lapse. Harry G. Cocks (2003: 24) has shown there was a steady increase in committals per capita for buggery and related offences in England from the 1780s to the 1850s (in line with a surge in prosecutions for other types of crime, owing to changes in the legal system’s ability to regulate the private sphere as well as the public). Gestures towards erasing the words *buggery* and *sodomy* thus went hand in hand with attempts at obliterating the act.

⁸ Examples of censored forms may be found in the digitized archives of the Old Bailey Proceedings Online (2003–). For ‘an unnatural crime’, see 24 February 1790, trial of Joseph Bacon and Richard Briggs (reference number t17900224-76); 4 December 1793, trial of William Green and James Harrison (t17931204-52); 4 April 1836, trial of William Patey and William Houston (t18360404-1082). For ‘b – – y’, see 23 November 1846, trial of Henry Etherington (t18461123-138); 4 March 1850, trial of Thomas Morgan (t18500304-683); 8 June 1863, trial of Henry Lamb Pearce (t18630608-812).

By the time Blackstone (1769: 215) had called same-sex intercourse a crime unfit to be named, 'of a still deeper malignity' than rape, both *buggery* and *sodomy* had been omitted from Samuel Johnson's *Dictionary of the English Language* (1755). Johnson is the first general lexicographer to include neither term, though allusions to the act can be found elsewhere in his dictionary. Under *rape* (n.s. 1), a quotation from Milton's *Paradise Lost* reads: 'Witness that night / In Gibeah, when the hospitable door / Expos'd a matron, to avoid worse *rape*.' The worse rape in question was, as biblically knowledgeable readers would have known, that of a man by men (Judges 19:24). The sense of *rape* that the quotation is meant to illustrate in the dictionary, 'Violent defloration of chastity', is seemingly vague enough to encompass sex between men. Yet Johnson defines *defloration* (1) in turn as 'The act of deflouring; the taking away of a woman's virginity', which complicates the possibility of a male victim.

Johnson's four-word description of *rape* may be contrasted with the definition provided by the final dictionary surveyed for this chapter: Robert Hunter's seven-volume *Encyclopædic Dictionary*, published from 1879 to 1888. Hunter allocates 113 words to defining the legal sense of *rape*, explaining it to be 'Carnal knowledge of a woman by force against her will', and enumerating the various punishments for the offence depending on the age of the victim and whether an offender acts as the principal instigator or an accessory. *Sodomy*, by contrast, is dealt with by Hunter in seven words: 'An unnatural crime; carnal copulation against nature.' *Buggery* is simply 'Sodomy. (*Blackstone*.)'

Despite the *Encyclopædic Dictionary*'s antiquated reference to Blackstone, the 124 years between Johnson and Hunter were a time of significant change in the legal codification of buggery and sodomy in England. However, their treatment in English lexicography was not nearly as elaborate as it had been in the previous century and a half. Despite the burgeoning number of general dictionaries being produced from the 1750s onwards, definitions of *buggery* became rarer, definitions of *sodomy* more reticent. Table 1.3 tracks the statistical decrease in entries for these headwords in a survey of sixty-seven hardword and general dictionaries that began publication between 1604 and 1754 (twenty-two dictionaries in all) or between 1755 and 1883 (forty-five).⁹

Whereas 54.5 per cent of the dictionaries published before 1755 include an entry for *buggery*, the number drops to 15.6 per cent afterwards. Entries for *sodomy*, while increasing in raw numbers, nonetheless experience a slight decline in frequency from 63.6 per cent to 57.8 per cent. The decreasing documentation of same-sex lexis in general after the mid-eighteenth century,

⁹ Unlike Tables 1.1 and 1.2, Table 1.3 represents only first editions of dictionaries (except where these have been unobtainable) and later editions revised by different lexicographers (e.g. both Johnson's 1755 dictionary and Henry John Todd's 1818 revision of Johnson are included).

Table 1.3 *Frequency of buggery and sodomy in hard-word and general dictionaries, 1604–1883*

Entries	1604–1754 (22 dictionaries)	1755–1883 (45 dictionaries)
<i>buggery</i>	12 (54.5%)	7 (15.6%)
<i>sodomy</i>	14 (63.6%)	26 (57.8%)

and the reasons for this, will be explored at length in Chapter 3. For now, it suffices to note that when *buggery* and *sodomy* are defined in dictionaries from 1755 onwards, it is almost always in terms more evasive than those used in prior decades. The *Linguae Britannicae Vera Pronunciatio* by James Buchanan (1757), published just after Johnson's dictionary, conforms to the pattern of the earlier period by observing that *buggery* and *sodomy* both comprehend the 'unnatural' union 'of one man with another'. The anonymous *New English Dictionary* (1759) does the same for *buggery*. After 1759, none of the collected definitions of these terms refers explicitly to a same-sex pairing again until 1861.

In fact, during this century-long gap, definitions of *sodomy* do not afford it any clear sexual dimension at all. As in the court proceedings of the Old Bailey, *sodomy* is overwhelmingly euphemized as an 'unnatural crime' (Marchant and Gordon 1760; *A General and Complete Dictionary of the English Language* 1785; Earnshaw 1816; Maunder 1830; Clarke 1855), an 'unnatural sin' (Ash 1775), a 'sin of the flesh against nature' (Fisher 1773; Barclay 1774), or a 'crime against nature' (Knowles 1835; Boag 1848; Craig 1849; Ogilvie 1850). Similar framings of the act as a violation of spiritual, natural, and temporal laws were rife in pre-1755 dictionaries, yet while they sometimes defined *sodomy* without any overt mention of sexual content, its sexuality was made clear by cross-reference to *buggery*. After the 1750s, entries for *buggery* are few and far between. The next surveyed dictionary to include one is *The New and Complete Dictionary of the English Language* (1775) by the Baptist minister John Ash – incidentally the first general lexicographer to define *fuck* since Bailey (see Chapter 3). Ash dispatches *buggery* with a three-word definition: 'An unnatural intercourse.' The explanation of *intercourse* as 'Communication, commerce, exchange' offers little in the way of clarity.

Buggery surfaces again in 1831, the year in which the first volume of Noah Webster's *American Dictionary of the English Language* was printed in London. First published in the United States in 1828, Webster's is not a British dictionary (though *American* was dropped from the title of the reissue), but its influence on British lexicography was significant. Whereas Webster's explanation of *sodomy* follows the post-1750s tendency towards

non-sexual imprecision ('A crime against nature'), his definition of *buggery* recalls those of an earlier age by listing the potential participants in the act: 'The unnatural and detestable crime of carnal intercourse of man or woman with a beast; or of human beings unnaturally with each other. Sodomy. *Encyc.*' Curiously, while Webster specifies that buggery with a beast may be committed by 'man or woman', the gendered pairings that might be involved in non-bestial buggery are subsumed under the genderless phrase 'human beings'. Here, Webster departs from his cited source, the *Encyclopædia Britannica*, which had been reprinted in the United States in 1798. Although, in another case of bibliographic nationalism, the American reprint of the *Encyclopædia* had removed *Britannica* from its title, its article for *buggery* still refers to the statutory law of England and explains the crime to be 'unnatural copulation [...] either [by] a man or woman with a brute beast; or [...] a man with a man, or a man unnaturally with a woman' (Dobson 1798). By chance, this was identical to the scope of the post-revolutionary sodomy law in the state of Connecticut, where Webster had practised law as a young man and where he lived for most of the years he worked on his dictionary (Allen 1909: 2–4).¹⁰ Webster could thus have reproduced the *Encyclopædia*'s description of the human couplings possible under *buggery* – man and man, woman and man 'unnaturally' – without alteration. As such, his partial degendering of the entry does not live up to his claim that 'legal terms are defined, it is believed, with technical precision' in his dictionary (Webster 1831, I: A2^r). Ironically, by effacing the genders of the participants in human-only *buggery*, Webster's definition broadens the potential scope of the word to encompass acts that the *Encyclopaedia*'s entry did not, such as sex between women.

Still, Webster's *buggery* definition seems to have been too obscene for some of the British lexicographers who drew from his work. While John Boag simply duplicates the definition in *A Popular and Complete English Dictionary* (1848), James Knowles skips over *buggery* when he copies Webster's entries for *bugelugy* and *bugginess* in *A Pronouncing and Explanatory Dictionary of the English Language* (1835). John Ogilvie's *Imperial Dictionary* (1850) is virtually an illustrated reprint of Webster; David Micklethwait (2000: 276) says that 'aside from leaving out many of [Webster's] quotations, [Ogilvie] took scarcely anything away' – yet *buggery* is again among the losses. Ogilvie (1850) does not show a comparable reticence towards terms for cross-sex crimes. He updates Webster's definitions of *adultery* and *incest* to reflect the English and Scottish penal codes, and observes that *bigamy* 'By the law of England [...] is a felony, punishable, principal and accessory, with seven

¹⁰ Although *The Public Statute Laws of the State of Connecticut* (1821: 163) referred to *sodomy* rather than *buggery*, the terms were used interchangeably in the state's trial records (see Steenburg 2005: 124–25).

years' transportation, or imprisonment, with or without hard labour, not exceeding two years'. This observation shows that Ogilvie was familiar with the Offences Against the Person Act 1828, which had repealed the death penalty for bigamy in England two decades before.

Crucially, the 1828 Act had also replaced the archaic Buggery Act 1533, though it retained 'Buggery' or 'Sodomy' as a capital offence (*The Statutes of the United Kingdom* 1828: 105). The new statute would have ramifications beyond England. That same year, a version of it was implemented in the South Asian territories then under the control of the East India Company (456), one of many sodomy laws that would eventually be imposed on colonized peoples throughout the British Empire. The 1828 statute made convictions easier by removing the need to prove the 'Emission of Seed': 'Penetration' was now all that was required to show that 'carnal Knowledge' had taken place (105), though precisely what constituted such knowledge, and which body parts were admitted to be penetrative or penetrable, was unspecified. General dictionaries were no more informative than the law. Following Webster (1831–1832), Ogilvie (1850) explains *carnal knowledge* (s.v. *carnal*) to be 'sexual intercourse'. He has no definition of *sexual intercourse* but defines *sexual* as 'Pertaining to sex or the sexes; distinguishing the sex; denoting what is peculiar to the distinction and office of male and female'. *Sex* itself is 'The distinction between male and female; or that property or character by which an animal is male or female'. Other dictionaries offer similar definitional chains (Boag 1848; Craig 1849; Nuttall 1863; Longmuir 1864). Yet if *carnal knowledge* is, by extension, intercourse that pertains to 'the distinction between male and female', or intercourse that is 'peculiar to the [. . .] office of male and female', then the possibility of *carnal knowledge* between members of the same sex appears to be precluded in dictionaries – in opposition to the use of the term in the 1828 Act. Like earlier dictionaries' treatment of *copulation*, the conflicting meaning of *carnal knowledge* across these texts is a reminder of the plurality of knowledges (and the corresponding ignorances) that 'circulate as part of particular regimes of truth' (Sedgwick 1990: 8). Despite their contradictions, these knowledges need not work against each other. The naturalization of cross-sex normativity may be served at different times by overtly forbidding other forms of carnal knowledge or by proceeding as though they simply did not exist – as though there were nothing else to know.

Thirty-three years after the 1828 Act, the death penalty for 'Sodomy' or 'Buggery' was replaced with 'Penal Servitude for Life or for any Term not less than Ten Years' by the Offences Against the Person Act 1861 (*The Statutes of the United Kingdom* 1861: 439). The law was in effect catching up with the practice of the English courts, which had not executed anyone for buggery since 1835 (Cocks 2003: 203). Once the Empire had formally abolished slavery in 1833, the transportation of convicts to the colonies as a source of forced

labour had become more profitable than capital punishment. By chance, 1861 also saw the same-sex dimension of sodomy restored to a general English dictionary after an absence of just over a century. In words that seem to echo the mercenary interests of the times, Arnold J. Cooley's *Dictionary of the English Language* (1861) described *sodomy* as 'Sexual commerce bet[ween] males'. A decade later, *Chambers's English Dictionary* (Donald 1872) asserted that *sodomy* is 'Copulation between males', and also reinstated an explicit same-sex dimension to *buggery*: 'The copulation of men with each other, or of a man or woman with a beast: sodomy.' Copulation between women was once again absent, though the 1861 Act had retained the semantic ambiguity of the Buggery Act 1533 as well as its 1828 replacement: buggery or sodomy could be 'committed either with Mankind or with any Animal'.

Despite the coincidence of the 1861 Act with the re-emergence of sexualized definitions of *sodomy* and *buggery*, the changing legal status of the crime was not overtly attended to by lexicographers. References to the capital punishment of *buggery* in Blount (1661) and Phillips and Kersey (1706) do not recur in nineteenth-century general dictionaries before 1861; nor do allusions to the repeal of the death penalty appear in dictionaries thereafter. The few lexicographers who define *buggery* do so in the language of earlier centuries. Following Webster (1831–1832), Boag (1848) and James Donald (1872) note that *buggery* may be committed with a 'beast', though that word had been supplanted by 'Animal' in the Acts of 1828 and 1861.

Victorian law lexicons are hardly more attentive. The definitions of *buggery* in the *New Law Dictionaries* of James Whishaw (1829) and Henry James Holthouse (1839) take no notice of any legal authority later than Sir Edward Coke's seventeenth-century commentaries, while *A Concise Law Dictionary* (Mozley and Whiteley 1876), *The Students' Pocket Law-Lexicon* (Rawson 1882), and *A Dictionary of English Law* (Sweet 1882) have no entries for *buggery* or *sodomy*. John Jane Smith Wharton is an exception: the first edition of his *Law Lexicon* (1848) cites the Offences Act 1828 under *buggery*, and the third edition (1864) duly replaces this with the Act of 1861. Still, the definition does not otherwise change between editions: *buggery* remains a 'detestable and abominable sin, amongst Christians not to be named, committed by carnal knowledge against the ordinance of the Creator and order of nature'. More than two hundred years after Dalton's *Countray Justice* (1626), the discursive trinity of divine, natural, and secular laws persisted.

Having dwelt this long on the lexical and legal codification of buggery and sodomy in particular, it is worth stepping back for a moment to consider the wider symbolic relationship between the dictionary and the law. Analogies between the two have a long history. While Anne Fisher democratically asserted in the preface to her *Accurate New Spelling Dictionary* (1773: i) that 'Dictionaries are but vocabularies, or catalogues of the unconnected words of

our common language, to which we all have an equal right', other lexicographers took a more authoritarian view. The liminary poem that opens Thomas Blount's *Glossographia* (1656) suggests that if the biblical Tower of Babel had succeeded in 'center[ing] Mankinde in one joynt consent' then '*Language and Laws* had firmly held together' (A7^t), but in the absence of this harmonious state the dictionary must be relied on as a 'National *Interpreter* to Books and Men' (A8^v). One of Johnson's (1747: 33) early hopes for his dictionary was that it would go some way towards 'sett[ing]' the language 'under laws'. In recent times, scholars have continued to describe dictionaries past and present as 'linguistic legislators' (Gershuny 1974: 168), 'law-giver[s]' (Read 2003: 191), and 'arbiter[s]' (Béjoint 2010: 233), whose pages contain 'edicts to be obeyed' (Mugglestone 2016: 549) – at least in the eyes of some of their users.

The analogy between lex and lexis takes on new significance when dictionary entries are viewed as performative. Judith Butler (1993: 107) compares the utterance of a performative to the action of a judge: 'the judge does not originate the law or its authority; rather, he "cites" the law, consults and reinvokes the law, and, in that reinvocation, reconstitutes the law'. Like the judge, lexicographers exist 'in the midst of a signifying chain' (107), reciting discourses and reinforcing norms drawn from authorities that include statute books, legal treatises, the Bible, and – not least of all – other dictionaries. However, it is important to recognize that lexicographers do not enjoy the incontrovertible authority of a judge in the courtroom; nor do they necessarily adhere to dominant social norms in their personal lives. The Puritanical beliefs that led to Robert Cawdrey's defrocking by the Church of England in 1591 included an aversion to the Book of Common Prayer and a rejection of ring-giving in the marriage service (Strype 1701: 129–30). Nathan Bailey, also a Dissenter, was censured by his Sabbatarian church in the 1710s for 'frequent light and low conversation with two single women, he being a single man and a high professor' (Ball 2009: 94). Other lexicographers were disadvantaged because of their gender – such as Anne Fisher, who was ill-used by her rivals in the book trade in the 1770s (Rodríguez-Álvarez and Rodríguez-Gil 2006) – or because of their class – such as John Ogilvie, who worked as a ploughman before an accident in 1818 cost him a leg and turned him to scholarly pursuits (Bayne and Haigh 2004).

Moreover, as inconsistencies between dictionaries attest, the chain of meaning is not always stable and linear. It may break or branch off or circle back. To an extent, the first three centuries of monolingual English lexicography play up the notion of buggery and sodomy as confused and confusing categories, acts whose physicality is inexpressible and whose actors are often unclear. Same-sex intercourse is cast beyond the edicts of religion, nature, and humankind, or mired in paradox and rendered a contradiction in terms. Yet definitional hesitations and incoherencies can provide the dictionary-user with a space for alternative forms of reading. Edicts can be reinterpreted or disobeyed.

The social pressures exerted by dictionaries may be backed by such powerful institutions as the courts and the church, but lexicographers cannot ultimately predict or dictate how their models for self-regulation will be taken up by readers in private. While the codification of sexual acts forecloses certain queer possibilities, it nonetheless enables others.