



A painting (ca 1400) of Dominican theologian Thomas Aquinas by Gentile da Fabriano.

Sodomy

by Eugene Rice

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The Biblical inhabitants of Sodom and Gomorrah had long been notorious for their lack of hospitality, arrogance, idolatry, injustice, oppression, and neglect of the poor. The one sex-specific sin attributed to the Sodomites in Genesis was to threaten strangers with anal rape. God was so angry he rained down fire and brimstone, annihilating the city, its inhabitants, and all the vegetation on the ground.

It is only much later, in the works of the Jewish philosopher Philo (first century C. E.), then in those of the Latin church fathers, that the Sodomites' sin and God's fiery punishment begin to be understood as a well-deserved general condemnation of homosexual tastes and behaviors.

The earliest surviving use of the word "sodomite" in a sexual sense may be an exchange of letters in 395 C. E. between Saint Jerome and a priest named Amandus, who asks for advice on how to deal with a woman who has left her husband because he was "an adulterer and a sodomite." Neither correspondent mentions how or with whom the husband has sinned.

The Penitentials

Penitentials are lists of sins that priests used in confession to question their parishioners, coupled with a tariff of suggested penances. It is in these handbooks, the oldest of which date from the middle of the sixth century, that a sexual terminology derived from the name of the city of Sodom first abundantly appears. The noun "sodomite" (*sodomita*), in both its geographical and sexual meanings, appears often, as does the adjective "sodomitical" (*sodomiticus*).

The class noun "sodomy" (*sodomia*) was invented later, probably by a monk in one of the great Carolingian abbeys--inconclusive evidence points to the monastery of Bobbio, north of Genoa, early in the ninth century.

There would be no verb before variations of "sodomize" begin to appear in the civil legislation of the late Middle Ages and Renaissance. To express what sodomites *did*, early medieval people had to make do with euphemisms such as "to behave like a Sodomite" or "to fornicate in the sodomitical manner."

But Burchard, bishop of Worms (d. 1025), author of a widely diffused penitential popularly known as the *Medicus* or *Corrector*, tells us plainly how the ancient Sodomites fornicated: "Have you inserted your rod (*virga*) in the rear (*posteriora*) and anus of a male (*in masculi terga*) and in this way had intercourse with him like a Sodomite (*more sodomitico*)?" The action of male-male penetration has remained throughout its history the core meaning of the family of words derived from the Sodom story.

Sodomita denoted the active party. The male who took the receptive role was termed a *mollis*. There is a good example of the distinction in the early eighth-century penitential of Theodore of Tarsus, archbishop of Canterbury: "Sodomites shall do penance for seven years and the passive party the [same] penance as an

adulteress" (this was also seven years), a canon that luminously captures the contrasting sexual and gender roles of the two parties, actively masculine and receptively feminine. Like the priestly authors of Leviticus, Theodore penalized the partners equally.

It was obvious to some that if sodomy is anal intercourse, men and boys could as easily commit it with women and girls as with each other. Early in the tenth century, Regino of Prüm distinguished vaginal intercourse from the rear from anal penetration: "If any man has intercourse with his wife [vaginally] from behind (*retro*), he shall do penance for forty days; but if he has intercourse with her anally (*in terga*), he shall do penance for three years, for this is the sodomitical crime (*sodomiticum scelus*)."

Modern canon lawyers continue to distinguish "perfect" sodomy (male-male) from "imperfect" (male-female). Until a recent United States Supreme Court ruling, heterosexual as well as homosexual anal intercourse was criminalized in the statutes of some American states.

The Scholastic Theologians

Theologians and legal scholars of the twelfth and thirteenth centuries fit sodomy into a comprehensive taxonomy of sexual sin. Under the umbrella category of "lust" (*luxuria*), which they defined as an unbridled appetite for sexual pleasure, they divided sexual sins into two groups, "natural" and "unnatural." Natural copulations are adultery, fornication, the deflowering of a virgin, incest, and rape. They are natural because intercourse takes place between a man and a woman in the right vessel (*in debito vase*), making them potentially procreative acts (*actus generativae potentiae*).

A sin against nature occurs "when a man spills his semen outside the place designed by nature to receive it"--a formula easily remembered and frequently repeated. The four sexual acts commonly labeled "against nature" are: (1) masturbation, (2) heterosexual anal intercourse (as well as intercourse in postures believed to hinder procreation), (3) sodomy, and (4) bestiality.

This scheme contains innovations of classification and principle. Cross-sex anal intercourse, which in the penitentials was classified as a species of sodomy, has been reclassified as one of the irregularities of heterosexual intercourse, namely, abuse of the wrong vessel, while the principle of anal penetration that governed the definition of sodomy in the penitentials has been supplemented with the principle of same-sex object choice.

The Same-Sex Definition of Sodomy

In the medieval West, renewed attentiveness to the principle of same-sex object choice derived from Paul's epistle to the Romans 1:26-27, verses that conjure up images of women in unnatural pursuit of women and males burning with lust for one another.

Two great Dominican theologians at the University of Paris in the thirteenth century, the German Albert the Great and his Italian pupil Thomas Aquinas, propagated the same-sex definition.

Albert defines sodomy (*sodomia*) as voluntary intercourse with a person of the same sex (*ad similem sexum*), male with male and female with female. It is neither masturbation nor anal copulation with a woman, nor is it copulation with an animal. It is unnaturally disordered copulation with a person of the same sex (*coitus cum simili sexu*). The Sodomites practiced it and Paul condemned it in the first chapter of Romans. "Even today," Albert reports, "the same filth spills into the courts of kings and the rulers of the world, pollutes the holy dwellings of bishops and priests, and fills with iniquity the paradise of the religious" (that is, the monasteries).

What distinguishes sodomy from the other sins against nature are same-sex desire and the choice of a person of the same sex with whom to satisfy it.

(Among the competitors to the neologisms "homosexual" and "homosexuality" in the verbal flux of the late nineteenth century were "similisexual" and "similisexuality," both of which go back to the phrases *ad similem sexum*, *coitus cum simili sexu*, or *in sexu consimili* of Albert and his contemporaries.)

Thomas Aquinas (ca 1225-1274)

Later authorities quoted Thomas repeatedly. "When an orgasm is procured for the sake of sexual pleasure without intercourse, this belongs to the sin of uncleanness, which some call masturbation (*molities*). Second, by intercourse with a member of another species, and this is called bestiality. Third, by intercourse with a person of the wrong sex (*ad non debitum sexum*), that is, male with male, or female with female, as the Apostle [Paul] says in Romans, and this is called the sodomitical sin (*sodomiticum vitium*). Fourth, when the natural mode of intercourse is not observed, either because an illicit vessel is used [he means heterosexual anal intercourse] or because other monstrous and bestial modes of intercourse are practiced."

Sodomy: A Confused Category?

It is widely asserted that the word "sodomy" was used in so many different senses in the Middle Ages and early modern times that we can find in it no intelligible thread of common meaning. This is an unnecessary exaggeration.

Between the sixth century and the end of the thirteenth, the idea of sodomy was reasonably clear. Sodomy was same-sex intercourse--for males anal penetration, for females penetration with a dildo, though the orifice remained in doubt.

(The doubt would be dispelled by seventeenth and eighteenth-century theorists who defined sodomy as "intercourse between persons of the same sex in the improper vessel, a male with a male and a female with a female," and argued that a true female sodomy did indeed exist, but required one of the women, with a dildo or an enlarged clitoris, to "emit semen in the anus (*intra vas praeposterum*) of the other.")

There was, nevertheless, one source of real confusion. Hostility to homosexuality had long oscillated between moderates and rigorists. Moderates, like Albert and Thomas, tended to confine the definition of sodomy to the single act of anal intercourse in order to remove the stigma from sexual acts they judged to be of lesser consequence, such as masturbation or intercourse between the thighs. In contrast, rigorists wished to curb desire and subject irregular sexual behaviors to harsher punishments. They categorized *all* unnatural sexual acts as sodomy.

They reflect in this the darkening climate of the later Middle Ages: the criminalization of sodomy by secular governments and the introduction of the death penalty, the ritual association of sodomy with treason, heresy, and witchcraft, and the conviction that the plague, everywhere rampant, was God's judgment on a world forgetful of the prohibitions of Leviticus and Paul. In this scenario, the principle of potential procreation trumps those of anal penetration and same-sex desire.

The tactic is vividly illustrated in the *De justitia et jure*, published in 1605 by the Flemish Jesuit Leonard Lessius, professor of law and theology at the University of Louvain. He writes that sodomy is every sexual congress from which generation and the birth of offspring cannot follow. A procreative act requires these conditions: two people of the same species and of opposite sex who possess congruent sexual organs and who couple in the proper position. Five different sexual acts are species of sodomy because each of them prevents procreation in a particular way.

The five are: solitary masturbation; bestiality, which violates the human species; same-sex copulation, male-male and female-female; cross-sex anal intercourse; and intercourse with the woman on top, because this hinders conception.

He also is a sodomite who pollutes himself between the thighs or buttocks of a male or a woman; who inserts his member into a woman's natural vessel, but ejaculates outside in order to avoid conception; who inserts his member in the woman's anus for the more intense pleasure of this act but then withdraws and ejaculates in the proper vessel; or he who puts his member into the mouth of a boy or a woman, "a practice," he remarks, "very common in antiquity, as we learn from Martial, Juvenal, and Suetonius."

Although the mainstream view of sodomy remained the narrow one of the high scholastics, the elision of the categories "sodomy" and "sin against nature" spawned a multiplication of acts labeled sodomitical. Sex with animals was called sodomy by some. American legislators after 1900 included oral sex in their sodomy statutes.

Other authorities were foolishly extravagant: sodomites might include males who provoke an orgasm by looking at a picture or touching a statue, have sex with a Muslim or a Jew, an incubus or succubus, or a woman's corpse, or who spill their seed in a hole in the ground. This will help explain why Michel Foucault famously found sodomy a confused category.

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Eugene Rice, who died on August 4, 2008, was Shepherd Professor of History Emeritus at Columbia University. His last book, *Saint Jerome in the Renaissance*, was awarded prizes by the American Society of Church History, the American Catholic Association, the American Academy of Religion, and the American Historical Association. A member of the American Academy of Arts and Sciences and the American Philosophical Society, he instituted Columbia University's first "Seminar on Homosexualities" and served as an adviser to Columbia University Press for its series on gay and lesbian studies. At the time of his death, he was working on a history of Western homosexualities.