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## “*Ut cum muliere*”

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A Male Transvestite Prostitute  
in Fourteenth-Century London

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Although legal records provide much valuable information on the practice of “sodomy” in late medieval Italy, such evidence is remarkably scant for other parts of Europe (Rocke 1989; Ruggiero 1985, 109–45). The document presented here stands practically alone for medieval England as a description of same-sex intercourse as well as male transvestism.<sup>1</sup> It thus helps assess how medieval English society viewed such behavior. Medieval ideas about what modern people call “sexuality” cannot be elucidated only from the writings of canonists and theologians (Brundage 1987; Payer 1993), but must also be sought from documents recording social practice. First-person accounts on which scholars might base a reconstruction of an individual’s sexual subjectivity are rare in the Middle Ages. When such accounts do appear, they are likely to have arisen in a legal context and to be subject to all sorts of problems of interpretation.<sup>2</sup> Nevertheless, as they reflect both the way individuals saw themselves and the way the legal system interpreted their behavior, such accounts are important avenues into medieval constructions of sexuality.

Read within the context of current understandings of the legal regulation and cultural construction of sexualities in the Middle Ages, this document indicates that gender distinctions, rather than those of sexual behavior or “identity,” were most crucial. Recognizing that there is no way of verifying the facticity of Rykener’s account, we base our analysis here on the premise that if the account is a fiction, it is a verisimilar one, and that what is important is not the actual behavior of this individual, but the construction of sexuality that his account implies (Strohm 1992, 4).

The document translated as the Appendix to this article (the first case on membrane 2 of Plea and Memoranda Roll A34, Corporation of London Records Office), describes the testimony of John Rykener, “calling himself Eleanor,” who was apprehended in women’s clothing having sex with another man in a London street one night in December 1394.<sup>3</sup> Rykener claimed that he had worked as a prostitute in

London, having been initiated by women who taught him to cross dress. He then worked in Oxford as an embroideress, having sex with several students, and in Burford as a tapster, again also practicing prostitution. His partners included priests, Franciscans, and Carmelites. He also reported having sex with many women, including nuns, but not apparently for money.

Unfortunately, the result of the case does not survive, if indeed any formal action was ever taken. It is not entirely clear why the examination of Rykener was entered on the roll, but the maintenance of "public order" may have been a reason, although Rykener's offense was never labeled prostitution (the main sexual offense that the courts treated as a threat to public order). Nothing in the document indicates that any sort of formal legal process was under way. What is clear—from the case's physical placement on the roll and the hand in which it is written—is that it is not a later interpolation.

It was rare indeed for a temporal court in England to deal with cases of sodomy, which is one way Rykener's case could have been legally classified. Sexual matters, in England as elsewhere in Europe, were within the jurisdiction of the church courts, and had been so since at least the twelfth century (although temporal authorities also regulated sexual matters when they deemed them relevant to public order). Though canon lawyers, the theorists of the law applied in the church courts, had a good deal to say about sodomy, in actual cases the charge of sodomy appears most often as a further accusation to hurl at heretics. Even so, it does not appear frequently in English church court records of the later Middle Ages; only one case, for example, turns up among the thousands of cases in the records from the London diocese for the late fifteenth century (Wunderli 1981, 83–84).<sup>4</sup> As no late fourteenth-century church court records survive for that jurisdiction, it is not possible to determine whether Rykener and his partner were prosecuted under ecclesiastical jurisdiction.

Despite the general rule that sexual offenses were matters for the church courts, in some cases the city of London took charge of these offenses. Prostitution and procuring, for example, involved public order, and the temporal courts dealt with them for that reason, so that the same people might be prosecuted in both jurisdictions for the same offense. Even a few adultery and fornication cases ended up in the city courts, most involving priests.<sup>5</sup> The city authorities seem to have been particularly eager to bring clerics' sexual transgressions to light, and this may be why they recorded the examination of Rykener. Indeed, awareness of their interest in rooting out clerical offenses may have prompted Rykener's concluding remark that he preferred priests to his other customers. The emphasis on priests does not explain why the authorities were interested in Rykener's cross-dressing in the first place—as we argue below, his gender transgression was the most important factor here—but it does explain why the details of his testimony were so carefully recorded.

Rykener's interrogation raises issues central to our understanding of the role of sexuality in medieval culture. These include the construction, or lack thereof, of specific sexualities; the deployment of the concept of sodomy to impugn the masculinity of a

celibate clergy, the relation between the grammatical subject/object relation and the social subject/object relation; and the medieval understanding of gender as performative and the issues of "passing" that arise from it. These questions are a heavy burden for John/filicor Rykener to bear alone, but the document is at least a starting point for considering them.

Before discussing the information the document brings to bear on these questions, we need first to consider the discursive context in which the case was situated. In modern terms, Rykener would be described as a transvestite (because he cross-dressed) and a prostitute (because he took money for sex), and probably a bisexual. The relevance of the last term is the most problematic. According to his account, Rykener had sex with both men and women, but all his sexual encounters with men were for money, while those with women were not. This raises the question of whether his motivation for sex with men was more financial than libidinal; he may have been bisexual in his choice of partners but not in his desires. In medieval terms the question of bisexuality would not even have arisen. While people would certainly have been aware that there were some men who had sexual desire for both males and females, this was not seen as a fixed orientation, and did not define a particular type of individual.<sup>6</sup>

For that matter, transvestism would not have been seen as a sexual orientation. Medieval culture is full of stories of women who cross-dressed, but few such stories concern men, and when they did medieval authors did not see cross-dressing as a sexual preference, but rather as a means of gaining access to women (Bullough and Bullough 1993, 45–73). Rykener's case gives no indication that cross-dressing brought him any sexual gratification. We have no idea how he felt about it himself, although the fact that he named the woman who "first dressed him as a woman" indicates that someone else may have suggested the cross-dressing because of the earning opportunities it presented.

In medieval terms, then, what was Rykener? How would medieval culture have viewed his sexuality? Medieval texts, legal and literary, suggest two common cultural categories into which he might have fallen. First, he might have been a prostitute. That is certainly what the man with whom he was arrested took him for. Second, he might have been a sodomite, the common medieval term for a man who had sex with another man (although Rykener was apparently the "passive" partner and this term was sometimes used only for the active one) (Boyd 1994, 69–70).

Perhaps surprisingly, Rykener does not seem to have been treated under either of these two categories. The language used in the confession itself suggests that Rykener might have been seen as a woman, and that it was the gender-crossing, rather than the sexual behavior, that constituted his identity. The following discussion of the cultural categories of prostitution and sodomy will indicate why Rykener did not really fit into them, and we will then turn to an analysis of the document's focus on gender transgression.

It may seem somewhat strange to speak of prostitution in terms of a sexual identity or sexual orientation, because, to a modern sensibility, prostitution is an act, the

exchange of sex for money. Prostitution was until relatively recently a status offense (that is, one could be arrested for *being* a prostitute), but now—legally and in most people's minds—it is defined in terms of specific behavior.<sup>7</sup> In the Middle Ages, however, although prostitution was never clearly defined in the law, the offense for which women were presented and prosecuted in both church and temporal courts was that of being a prostitute (*meretrix*, *feme publique*, *gemeine frau*, common woman, and so on), rather than soliciting sex.<sup>8</sup> Prostitutes in many towns had to wear distinguishing clothing (Brundage 1987, 346, 351–52; Schuster 1992, 145–53; Karras 1996). Some municipalities had officially recognized brothels in order strictly to demarcate prostitutes from other women. Under these circumstances, it may not be pushing the evidence too far to argue that a prostitute was seen as a certain type of person rather than as a person who did certain things. In this sense, prostitution was a sexual orientation, an important component of personal identity.

The way prostitution was defined, when medieval writers did go to the trouble to define it, also indicates that it involved being a certain type of person, rather than engaging in sex for money. Medieval people were certainly aware that those they called “meretrix” commonly did engage in sex for money, but it was not that which distinguished them as a category. Indeed, “whore” is probably a better translation of “meretrix” than “prostitute,” because the term had a wider meaning. Although canonists certainly recognized that those they called “meretrices” operated commercially, they did not consider that this was what made them meretrices; rather it was the public nature of their sexual activity, or the fact that they did not refuse any partner, or the number of partners they had, that placed them in that category (Brundage 1987, 248, 389–90). The practice of the church courts followed the canonists’ analysis: while the fact of taking money was occasionally alleged as evidence that a given woman is a whore, the fact of her having sex with several men, or with one man who was a priest, could also be cited as evidence (Karras 1992, 6–8).

It is true that other medieval writers recognized financial exchange as one of the factors defining the category “whore,” but only one among many, and not the defining one. The early thirteenth-century moral theologian Thomas of Chobham, for example, cites several different meanings of “meretrix”: a woman who has sex outside marriage; a woman who has sex with many men; a woman who denies herself to none; a woman whose sin is public; and a woman who sells herself (Thomas of Chobham 1968, 346–47). The fourteenth-century English handbook for preachers, *Fasciculus Morum*, in discussing the types of lust, defined fornication as follows:

While fornication is any forbidden sexual intercourse, it particularly refers to intercourse with widows, prostitutes (*meretrices*), or concubines. But the term “prostitute” (*meretrix*) must be applied only to those women who give themselves to anyone and will refuse none, and that for monetary gain (Wenzel 1989, 669).

Here the author seems to have an understanding similar to the modern understanding

of the prostitute. Yet it is noteworthy that this text does not have a category for single women who fornicate, other than widows, whores or concubines. Any sexually active woman who is not attached to a particular man is defined as a *meretrix*. The category of prostitute included more than just women who took money for sex.

This terminological conflation of all women who had sex with multiple partners and commercial prostitutes is the key to understanding the deployment of the concept of *meretrix* in medieval society. Those who had sex for money were a recognized group; but because of the way whoredom or prostitution was defined, any woman who was sexually deviant, or any woman who was not under the control of a man, could be placed in that group as well. The classification of sexually independent women as *meretrices* could thus be used as a warning, a tool to control all women (Karras 1989, 425–26; Karras 1996).

In this way, prostitution was intimately tied up with femininity. The whore was the extreme case of what all women could be, and any woman risked classification as a whore if she stepped out of line. For a man to be considered a prostitute, then, would have been an oxymoron. A whore was first and foremost a sinful woman, although probably one who happened to take money for her sin. A man who took money for sex did not fall into the same category. This may explain why Rykener was not accused of prostitution in the London court.

Men could, of course, be prosecuted for sexual offenses in the same way women could; they were also accused and convicted of fornication and adultery. There is, however, no case extant from the medieval English ecclesiastical courts (or in fact from any other medieval courts, as far as we know) in which a man was accused, let alone convicted, of prostitution. Men's other sexual offenses typically involved their control over women: they were pimps or procurers. Even if we look at common sexual defamations or insults directed at men and women, men are rarely called sodomites and never prostitutes; the sexual insults involved women under their control, as they were called cuckolds or whoremongers (Poos 1995; Karras 1996). Little wonder that once Rykener's biological sex had been determined, he was not accused of prostitution. He may have operated in the same way and in the same milieu as women who were accused of prostitution, but in medieval terms his offense was not the same as theirs.<sup>9</sup>

If Rykener cannot be considered a prostitute in terms of medieval understandings of the concept, then, to what extent can he be considered a sodomite? It is telling that he never referred to himself as a sodomite, or to his activities as sodomy, in his confession. The phrases “detestable, unmentionable, and ignominious vice,” “libidinous and unspeakable act” and “abominable vice” were used, however, and “unmentionable” and “unspeakable” are often connected with sodomy in medieval discourses about sex. These words may have been spoken by Rykener, who would have been familiar with them from the confessional (Rykener, who was not a cleric, almost certainly did not give his deposition in Latin, so the phrases must be the scribe's interpretation of what he said). Other European jurisdictions in this period were not afraid to use the term “sodomy,” and the hesitancy to do so here may signify indecision or confusion about the nature of Rykener's activity and, indeed, of sodomy itself.<sup>10</sup>

It is important to note that the legal crime of sodomy did not mean "having the status of being a homosexual" or "being attracted to men." Legally, it was an act, usually though apparently not always, the act of anal intercourse.<sup>11</sup> In discussing here whether or not Rykener was a sodomite, we are not discussing whether or not he was exclusively attracted to men; a sodomite convicted because of a sex act with a man could also have had sex with women, and in fact Rykener testified that this was so in his case.

But not every act of anal intercourse was necessarily considered sodomy. Alan Bray (1982, 67–69) has argued that, in Renaissance England, routine sex between men was taken more or less for granted and was not equated with sodomy, a vice connected mainly with the debauched court. If Bray is correct, it is also possible that this was true at an earlier period as well, and it may account for the lack of visible enforcement of the antisodomy law in England. This renders problematic any attempt to determine whether Rykener would have been considered a "sodomite."

The logic behind the condemnation of sodomy also problematizes Rykener's case. Is the problem of the unmentionable vice the vice itself or, rather, the disruption of social norms it represents? The more one reads medieval texts concerning sodomy, the more apparent it becomes that it was not the act of sodomy *per se* that constituted wrongdoing. Sodomy was only one of the manifestations of a more important issue subtending the denunciation of male homosexual contact in medieval culture: gender transgression and conflation (Boyd 1994). As we shall see, this gender transgression is precisely what is at issue in Rykener's case. The concern with homosexual behavior as gender disruption surfaces constantly throughout both Latin and vernacular writing, beginning as early as Ennodius' epigrams, which mark the way that sodomy disrupts a stable sex/gender system:

Vir facie, mulier gestu, sed crure quod ambo,  
Iurgia naturae nullo discrimine solvens,  
es lepus, et tanti conculcas colla leonis.

Respice portentum permixtu jure creatum,  
communis generis, satius sed dicitur omnis.

Ludit in ancipiti constans fallacia sexu:  
femina cum patitur, peragit cum turpia, mas est.

Your face is masculine, your gestures feminine, but your thighs are both  
You resolve an opposition in nature by negating the difference.  
You are a rabbit and trample the neck of a great lion.

Look at this monster created by promiscuous rule  
Of common gender or, rather, of all genders.

There is a constant deception at play in his double sex:  
He's a woman when passive, but when active in shameful deeds, he's a man  
(Stehling 1984, 6–7).

That man can couple with man as with a woman threatens to obscure sharp distinctions between gendered bodies—and gendered cultures. From this perspective, it is little wonder that theologians such as Peter Damian found the flexibility of gender identity dangerous and in need of immediate disciplinary action: the male body under no circumstances should be feminized (Boyd 1994). Vernacular literary texts such as the *Romance of the Rose* and *Eneas* treat the issue of sodomy in similar fashion.

Similar concerns over sodomy as part of a larger issue of gender transgression also surface in fourteenth-century English poems, literary productions close to Rykener's cultural situation and to the textualization of his confession as a written document. Here the literary constructions of sodomy emphasize not the act itself but the feminizing subversiveness of the activity. In both *Sir Gawain and the Green Knight* and *The Miller's Tale*, the substitution of the male for the female (or a male orifice for a female one) becomes the focal point of transgression.<sup>12</sup> The concern with gender arises perhaps most clearly in *Cleanness*, also written by the author of *Sir Gawain*. Speaking to Abraham in *Cleanness*, God describes the activities of the Sodomites and condemns homosexual sodomy as both unclean and antithetical to heterosexual intercourse:

þay han lerned a lyst þat lykez me ille,  
þat þay han founden in her flesch of fautez þe werst:  
vch male matz his mach a man as hym seluen,  
And fyther folyly in fere on femalez wyse.  
I compass hem a kynde crafte and kende hit hem derne,  
And amed hit in Myn ordinaunce oddlydly dere,  
And dyzt drwry þerinne, doole alþer-sweettest,  
And 3e play of paramoretz I portrayed My seluen,  
And made þerto a maner mynest of oþer:  
When two true togeder had tybed hem seluen,  
Welnyge pure paradys mozt preue no better;  
Elles þay mot honestly ayþer oþer welden,  
At a styllle stollen steuen, vnstereþ with syzt.  
Luf lowe hem bytwene lasched so hote  
þat alle þe meschetez on mold mozt hit not sleke.  
Now haf þay skyfted My skyl and scorned natwre  
And henttez hem in helyng an ysage unclene  
(ll. 693–710).

They have learned a lust [pleasure] that ill-pleases me,  
That they have founded in their flesh the worst of faults:  
Each male takes for a mate a man as himself,  
And they join together lewdly as [a man] with a woman.  
I devised for them a natural [lawful] craft and taught it to them in secret,  
And esteemed it as singularly precious in my ordinaunce,

And ordained lovemaking therein, intercourse as the sweetest of all  
 And the play of paramours I fashioned myself,  
 And made the manner of it the merriest of all:  
 When two people joined themselves together,  
 Pure paradise might prove itself no better;  
 If they would honestly possess one another  
 At a private, secret rendezvous, undisturbed by sight,  
 The love-flame between them would burn so hotly  
 That all the mischief in the world might not quench it.  
 Now they have altered my devising and scorned nature  
 And contemptuously founded [in themselves] an unclean custom  
 (Andrew and Waldron 1978).

As an unclean usage of male bodies that feminizes one of them, homosexual activity scorns the sweet heteronormativity sanctioned by Nature and God, and disregards the proper, gendered use of male bodies. They, much like Rykener, act "*ut muliere*" ("as a woman").

Finally, the portrait of Chaucer's much discussed Pardoner in the *General Prologue* to *The Canterbury Tales* also privileges gender transgression over sodomy. When Chaucer describes this ambiguous and effeminate character, he expresses confusion over whether the Pardoner is a gelding or a mare ("mare" probably being slang for one who engages in homosexual activity while taking the passive role) (McAlpine 1980). But the Pardoner's uninterpretability does not dominate the description; rather, it appears as a way of proving, of explaining, the effeminacy already described in the Pardoner's features and the gender instability already expressed amply throughout the text. Perhaps even more telling is that the greatest hint of the Pardoner's sodomitical behavior comes in the Summoner's portrait, where we learn that the Summoner supplies the Pardoner with a stiff "burdoun"—a *double entente* possibly meaning both musical accompaniment and penis. By focusing on the ambiguous gender of the Pardoner—and on the ambiguity of his (male?) body—the *General Prologue* succeeds in highlighting the disruptive influence that gender transgression might have had on medieval culture's systems of order and interpretation (Burger 1992).

In light of this medieval focus on gender, it is less surprising that the account of Rykener's confession makes no explicit mention of sodomy, but rather employs words such as "unmentionable," "nefarious," and "vice"; focusing on sodomy itself might have taken away from the larger issue about gender that Rykener's case shares with the literature discussed above. We are thus left with a fascinating scenario: while Rykener might have engaged in prostitution, he was not identified as a prostitute; while he might have practiced sodomy, he was not clearly identified as a sodomite. He was identified as a man who had forsaken his gendered identity and had become a woman, engaging in sexual intercourse with men "as a woman." This is why his "confession" of what could have been called, but were not called, sodomy and prostitution, does not

seem to be of primary interest to the authorities in this case. That he prostituted himself and engaged in sodomy only confirm his gender loss and conflation. While "sodomite" is largely (though not entirely) a question of choice of orifice, "effeminate" is a question of transgression of gender roles. Hence, not only did his clients think that Rykener was a woman (at least he dressed as one, and never said that his clients knew otherwise), but he had in effect become a woman, allowing them to have sex with him "as with a woman." His "error," to use a medieval phrase, was not primarily, then, that he committed these "sins," but, rather, that he renounced his male body and the privilege that masculine morphology entailed, a renunciation that allowed these sins subsequently to take place.

Not surprisingly, then, the document repeatedly treats Rykener as a woman. He commits the sex act "*modo muliebri*" ("in a womanish manner") and men have sex with him "*ut cum muliere*" ("as with a woman") or "*ut cum femina*," ("as with a female"), while when he has sex with women, he does it "*ut vir*" ("as a man") or "*modo virili*" ("in a manly fashion"). It is not object choice that affects his sexual identity, but the role he plays. When he acts as a man, he is the subject of the verb "*concubo*" ("to lie with, to have sex with"), but when he acts as a woman, he is its object; his sexual passivity is inscribed in the Latin verbal construction. The text does not persistently stress the sinful or criminal nature of his behavior: on several occasions when he acts "as a woman," his partners alone are said to "commit that vice," as though the feminine partner has disappeared. A male who dressed as a woman provided the extreme case for the medieval habit of gendering any "passive" partner (the one who is penetrated) as female (Boswell 1989, 33–34).<sup>13</sup>

Rykener's case suggests that gender was seen as performative, that it was behavior and not intrinsic nature that made one a man or a woman. As Judith Butler (1990, 25) has argued, gender "is always a doing . . . [gender] identity is performatively constituted by the very 'expressions' that are said to be its results."<sup>14</sup> That gender is constituted by behavior can clearly be seen in this medieval case. The male-dominated medieval social order, built upon clearly delineated and constantly reenforced gender roles, naturalized and maintained these roles through a variety of practices: differences in dress, mannerisms, sexual positions and activities, social pastimes, occupations, familial roles, legal rights, and duties all functioned to distinguish the masculine from the feminine.<sup>15</sup> Male cross-dressing undermined the male dominance and status that these practices created, exposing gender roles as performative and constructed. It is also for this reason, among others, that sodomy, disrupting the "natural" order and use of male and female bodies and orifices, was condemned, for it turned men into women through the *performance* of sexual acts.<sup>16</sup> Thus, this disruption of masculine and feminine gender differences becomes an offence not only against nature but against the "natural" social order as well.

John Rykener, by describing himself in the terminology of gender transgression rather than sodomy or prostitution, represents such disruption in two interrelated ways. First, by dressing as female and naming himself Eleanor, Rykener's performance



as a woman marks him as a woman, so much so that periodically he is linguistically gendered feminine in the Latin document.<sup>17</sup> Second, as a male adopting a passive or feminine function with men during sex, he undermines the use of sexual performance and activity to construct masculine and feminine gender roles, and blurs the distinction between the male and the female. These roles are emphasized in the text as constructed behaviors: he learns his sexual behavior from a prostitute named Anna, and his transvestism from Elizabeth Brouderer. Hence, performatively gendered both through sexual activity and dress, Rykener is doubly feminized and disempowered through being perceived as a woman and used sexually by other males. What makes Rykener's case so interesting theoretically is not that he practiced transvestism or the unspeakable vice, but rather that he did both simultaneously. It is in the relationship between the two performances that the politics of medieval gender emerge.

Rykener's position as a male who is gendered feminine cannot be taken as typical of all men at the time who engaged in same-sex relations; the fact that he dressed in women's clothing and that at least some of his partners thought he was a woman certainly contributed to his gendering as feminine. The medieval understanding of Rykener's behavior is much closer to a nineteenth-century concept of "sexual inversion" (a person born into the wrong sexed body) than a modern concept of "homosexuality" focused mainly on object choice (Chauncey 1982–1983). Yet it cannot be concluded that this would have been the way medieval culture understood all or most men who were involved in sexual relations with other men.

What, then, was Rykener in medieval terms? He was feminine, if not literally a woman; but this was not a crime. He was not a prostitute as medieval people understood that concept, and it was unclear whether he was a sodomite. Our perplexity as to where medieval culture would have classified him may well parallel that of the London civic officials. If, in fact, they did not prosecute him, but took his statement and released him, this may have been because they did not know quite what to make of him. He disrupted the traditional boundaries. There may not have been a category in medieval England for Rykener; as a gender-crosser, he was strange, unusual, queer.

Although arguing from negative evidence is always dangerous, it is interesting to speculate on why no further information about Rykener's case appears in the record. Was further action taken and recorded elsewhere, in a document that does not survive? Did the authorities release Rykener without any further action because they did not find his behavior criminal, at least not according to any of the established categories of criminal behavior? Did they not record any further information about him because his crime was so abominable and unmentionable it could not be publicly discussed? Or did they abandon the case out of confusion about what to do? What we can say for certain is that Rykener did not fit the expectations of normal masculine behavior (or even criminal behavior) in fourteenth-century English society and culture.

## APPENDIX

*Corporation of London Records Office, Plea and Memoranda Roll A34, m. 2 (1395)*

This case is found at the top of the membrane, and is followed by several unrelated cases in the same hand.<sup>18</sup> A transcription of the original Latin of this document can be found in *GLQ* 1 (1994), 461–62.

On 11 December, 18 Richard II, were brought in the presence of John Fresh, Mayor, and the Aldermen of the City of London John Britby of the county of York and John Rykener, calling [himself]<sup>19</sup> Eleanor, having been detected in women's clothing, who were found last Sunday night between the hours of 8 and 9 by certain officials of the city lying by a certain stall in Soper's Lane<sup>20</sup> committing that detestable, unmentionable, and ignominious vice.<sup>21</sup> In a separate examination held before the Mayor and Aldermen about the occurrence, John Britby confessed that he was passing through the high road of Cheap on Sunday between the above-mentioned hours and accosted John Rykener, dressed up as a woman, thinking he was a woman, asking him as he would a woman if he could commit a libidinous act with her. Requesting money for [his] labor, Rykener consented, and they went together to the aforesaid stall to complete the act, and were captured there during these detestable wrongdoings by the officials and taken to prison. And John Rykener, brought here in woman's clothing and questioned about this matter, acknowledged [himself] to have done everything just as John Britby had confessed. Rykener was also asked who had taught him to exercise this vice, and for how long and in what places and with what persons, masculine or feminine, [he] had committed that libidinous and unspeakable act. [He] swore willingly on [his] soul that a certain Anna, the whore of a former servant of Sir Thomas Blount, first taught him to practice this detestable vice in the manner of a woman. [He] further said that a certain Elizabeth Brouderer<sup>22</sup> first dressed him in women's clothing; she also brought her daughter Alice to diverse men for the sake of lust, placing her with those men in their beds at night without light, making her leave early in the morning and showing them the said John Rykener dressed up in women's clothing, calling him Eleanor and saying that they had misbehaved with her. [He] further said that a certain Phillip, rector of Theydon Garnon,<sup>23</sup> had sex with him as with a woman in Elizabeth Brouderer's house outside Bishopsgate, at which time Rykener took away two gowns of Phillip's, and when Phillip requested them from Rykener he said that [he] was the wife of a certain man and that if Phillip wished to ask for them back [he] would make [his] husband bring suit against him. Rykener further confessed that for five weeks before the feast of St. Michael's last [he] was staying at Oxford and there, in women's clothing and calling himself Eleanor, worked as an embroiderer; and there in the marsh three unsuspecting scholars—of whom one was named Sir William Foxlee,<sup>24</sup> another Sir John, and the third Sir Walter—practiced the abominable vice with him often. John Rykener further confessed that on Friday before the feast of St. Michael [he] came to Burford in Oxfordshire and there dwelt with a certain John Clerk at the Swan in the capacity of tapster for the next six weeks,<sup>25</sup> during which time two francs was one

named Brother Michael and the other Brother John, who gave [him] a gold ring, and one Carmelite friar and six foreign men committed the above-said vice with him, of whom one gave Rykener twelve pence, one twenty pence, and one two shillings. Rykener further confessed that [he] went to Beaconsfield<sup>26</sup> and there, as a man, had sex with a certain Joan, daughter of John Matthew, and also there two foreign Franciscans had sex with him as with a woman. John Rykener also confessed that after [his] last return to London a certain Sir John, once chaplain at the Church of St. Margaret Pattens,<sup>27</sup> and two other chaplains committed with him the aforementioned vice in the lanes behind St. Katherine's Church by the Tower of London. Rykener further said that he often had sex as a man with many nuns and also had sex as a man with many women both married and otherwise, how many [he] did not know. Rykener further confessed that many priests had committed that vice with him as with a woman, how many [he] did not know, and said that [he] accommodated priests more readily than other people because they wished to give [him] more than others.

## NOTES

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1. Boswell (1980) provides the most thorough treatment of the general subject; see also Goodich (1979), Bullough and Bullough (1993), in their chapter on the medieval period (45–73), generally do not associate male transvestism with homosexuality. They adduce instances of ritual transvestism but none of prostitution.
2. Such legal accounts may reflect the kinds of questions that were put and therefore the way the legal system constructed sexuality, rather than the way the individual experienced it subjectively. See the interrogation of Arnold of Vernioulles, translated in Goodich (1979, 89–123).
3. The modern editor of the Plea and Memoranda Rolls suppressed this case by omitting the details from the published calendar, which is in most cases very detailed and reliable. To describe this case he wrote just a single sentence: "Examination of two men charged with immorality, of whom one implicated several persons, male and female, in religious orders" (Thomas 1924–1932, 228). He thus made invisible the nature of the "immorality" with which they were charged, although he claimed that "care has been taken . . . to include all passages which seem to add in any way to our knowledge of the times" (vii). For fuller discussion, see the earlier version of this article in *GLQ* 1 (1994), 459–60.
4. For another example, see York Minster Library, Ms M2(1) (Dean and Chapter, Court of Audience Register of Comperta 1357–1420 with Chapter act material 1359–1485), fol. 32r.
5. See e.g. Corporation of London Records Office, Letter-Book 1, fols. 286r–290r. These date from the early fifteenth century.
6. A great many medieval writers assumed that males and females were in some ways fungible as sex partners. See Boyd (1994); Karras (forthcoming).
7. For example, Pennsylvania Consolidated Statutes §9002 provides that "A person is guilty

of prostitution; a misdemeanor of the third degree, if he or she: (1) is an inmate of a house of prostitution or otherwise engages in sexual activity as a business; or (2) loiters in or within view of any public place for the purpose of being hired to engage in sexual activity." The statute goes on to define several other terms ("inmate," "house of prostitution," "sexual activity"). See George (1962, 720), on the use of "common prostitute" in US law, for popular understandings of the term see Swatos and Klein (1978).

8. In some jurisdictions—York, for example—the ecclesiastical courts did not prosecute women as *meretrices*; rather, they charged them with multiple acts of fornication or adultery, focusing on acts rather than on status but ignoring the issue of money. See Borthwick Institute for Historical Research, D/C AB (Dean and Chapter Act Book) 1 (1387–1494).
9. The case of Rolandino Ronchaia, from fourteenth-century Venice, suggests the same thing: he was a male transvestite working as a prostitute, but he was accused of sodomy, not prostitution (Ruggiero 1985, 136).
10. The confusion about whether Rykener's activity amounted to sodomy cannot be entirely resolved by modern scholars, for we do not know what the law of sodomy actually was. Thirteenth-century lawbooks prescribed the death penalty for it, but these are textbooks, not law codes, and actual legislation does not survive, nor do any examples of enforcement of such legislation (Richardson and Sayles 1955, 2:90; Nichols 1865, 1:42; Boswell 1980, 292–93). Examples do, however, survive from other parts of Europe of the harsh punishment of sodomy in the fourteenth and fifteenth centuries, including castration and death (Goodich 1979, 71–88; Roche 1989; Ruggiero 1985, 109–45; Pavan 1980; Chiffolleau 1984, 191–95; Krekić 1987; Labalme 1984). For a slightly later period, cf. Perry (1989) where the *pecado nefando* was clearly anal intercourse; Monter (1981).
11. This is not to say that there was in late medieval Europe no category of "sodomite" based on sexual preference rather than on discrete acts; this is not an issue that legal discourse alone can resolve. See Gaunt, this volume, 155–73.
12. Sir Gawain in particular has recently been subject of such analyses. See Dinshaw (1994) and Boyd forthcoming.
13. See Halperin (1989, 46–47, 50–51), on the ancient period. For a similar phenomenon in a rather different medieval society, see Meulengracht Sorensen 1983.
14. On the applicability of this notion to the Middle Ages, see the essays in *Medieval Feminist Newsletter* 13 (1992).
15. Medieval misogyny also enforced this distinction. See Kendrick (1990); Hanawalt (1987).
16. On sodomy as "unnatural," see Boswell (1980, 303–32). The passive role was typically understood as a type of "gender switch," or inversion from masculine to feminine, throughout the Middle Ages, as well as before and after the period.
17. For example, when Rykener describes being shown to his alleged customers by Elizabeth Brouderer, the record describes him as "pua" ("she").
18. For the cases that precede and follow, see Thomas (1924–1932, 3: 228–30).
19. We have put in brackets the places where the Latin pronoun used for Rykener is of indeterminate gender, or where we supply a pronoun that the Latin omits. Where we use an unbracketed masculine or feminine pronoun to refer to Rykener, this is because the Latin so specifies. The feminine is only used twice to refer to Rykener, both in indirect speech, so it seems reasonable and consistent to translate the indeterminate pronouns as masculine. We have indicated, however, where we have thus disambiguated the text.
20. Soper's Lane, in Cheap and Cordwainer wards, ran south from Cheapside. The name probably comes from *spann*, shopkeepers, not soapmakers (Lebel 1989, 94).
21. Since this language is stronger than that used to refer to prostitution in the legal records,

- it probably refers to sodomy here. See Karras (1996, Chapter 3), for the legal language employed in reference to prostitutes. On the unmentionability of sodomy, see Boyd *nd*.
22. This may not be a surname but a byname for an embroideress. She may be the same woman as Elizabeth, wife of Henry Moryng, who was convicted in 1385 of bawdry for taking on young women as apprentice embroideresses and then prostituting them. Elizabeth Moryng lived in Broad Street Ward, in the parish of All Hallows Next the Wall, and Elizabeth Brouderer ten years later lived nearby, outside Bishopsgate. Corporation of London Records Office, Letter-Book H, fol. 194; English translation in Riley (1868, 484).
23. In Essex, near Epping.
24. The title "Dominus" or "Sir" was commonly used for priests. No William Foxlee (or any other Foxlee at that date) is found in Emden 1957–1959.
25. Tapsters were often connected with prostitution, and indeed taverns were suspect places for this reason. See Goldberg (1988, 118).
26. Beaconsfield in Berkshire.
27. St. Margaret Patters in Tower Ward, between Fanchurch Street and East Cheap.

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# The Hermaphrodite and the Orders of Nature

## Sexual Ambiguity in Early Modern France<sup>1</sup>

Lorraine Daston and Katharine Park

In his 1614 treatise, *Discourse on Hermaphrodites*, the distinguished Parisian physician, Jean Riolan, professed himself quite unsurprised that a hermaphrodite should turn up in Paris "to inform the learned and the curious of the secrets of nature, the composition of Hermaphrodites"; after all, Riolan noted, Paris was "the précis of the universe, which contains in itself all the marvels, beauties, and imperfections of the world" (Riolan 1614, 3, 2). But Paris had no monopoly on hermaphrodites, as Riolan well knew, since his treatise was in large part inspired by the case of a hermaphrodite in Rouen. Judging from the frequency with which they appeared in the pages of both learned and popular works of this period, one might indeed conclude that hermaphrodites were ubiquitous. At least they were objects of intense interest and speculation: their causes, classification and status were much discussed, and accounts of particular cases greedily read.

In this essay we wish to argue for the singularity of this early modern fascination with hermaphrodites. The attention lavished on them by late sixteenth- and seventeenth-century authors differs quantitatively and qualitatively from both medieval and modern writing on the topic. Even within the restricted domain of medical and legal works that will be our focus here, hermaphrodites come to be lodged within new explanatory frameworks, and linked with new fields of gender associations during this period. Moreover, sixteenth- and seventeenth-century views and attitudes concerning hermaphrodites did not create the mold for later, more familiarly "modern" accounts, any more than they simply echoed medieval writings.

This early modern singularity complicates the conventional binary periodization of sexuality into "modern" and "premodern." We would like to complicate the situation still further by insisting on the heterogeneity within early modern accounts of hermaphrodites. Not only did medical texts not exercise hegemony over other literary, legal, and medical discourses, but the