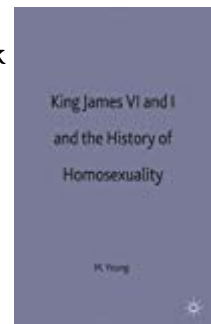




Cynthia Herrup. *A House in Gross Disorder: Sex, Law, and the 2nd Earl of Castlehaven.* New York and Oxford: Oxford University Press, 1999. xiv + 211 pp. \$25.00, cloth, ISBN 978-0-19-512518-4.



Michael B. Young. *King James and the History of Homosexuality.* New York: New York University Press, 2000. xi + 155 pp. \$40.00, cloth, ISBN 978-0-8147-9693-1.



Reviewed by James S. Hart

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Both of these books offer important new perspectives on a topic not often discussed in conventional Stuart historiography: the nature of sexual behavior and its attendant social and political consequences. Michael Young's book sets out to complete two separate but related tasks. The first is to examine the matter of James I's homosexuality – and to do so in the most direct and unambiguous way possible. This becomes, quite rightly, the centerpiece of the book. James' homosexuality had an enormous impact, first, in real political terms, as a source of on-going (and frequently destabilizing) factionalism and court intrigue, but also, and perhaps more importantly, as a source for raising public awareness of (and discussion about) homosexuality as a sexual and social phe-

nomenon. The former dimension of the subject has, of course, been well-covered, at least on one level. Historians have rarely failed to acknowledge the King's reliance on his male favorites or to measure their impact on his ability to govern effectively. But they have also tended to treat the subject of his homosexuality rather gingerly. When spoken of at all, it is usually referred to in imprecise language or with veiled allusions, and the relationships in question are assumed, in many cases, to be based on mutual affection and companionship rather than genuine sexual attraction.

Professor Young pulls no such punches here. He very carefully traces the history of James' relationships, beginning with his earliest affairs in

Scotland, in order to establish beyond any reasonable doubt that James I was actively involved in sexual relations with his young clients. Without direct first-hand evidence, of course, the case can never be proven to a legal certainty, but Young's argument and his thoughtful and careful use of evidence is certainly convincing. The second task evolves naturally from the first. Since the royal court was thought to be the apex of social and political life, James's errant behavior inevitably incited comment and criticism, and Professor Young sets out to measure that response, through private letters, dramatic and literary sources, and published pamphlets.

He does so, in large measure, to suggest that the seventeenth century's understanding of homosexuality was a good deal broader and more complex than has been assumed to date. Historians of homosexuality have tended to argue, to the contrary, that contemporary perceptions of intimate male relationships were limited to the physical act of sodomy, something considered so 'monstrous' that it was not to be spoken of or even acknowledged, pervasive as it may have been. Professor Young argues against this view, suggesting that while seventeenth century commentators may have lacked the vocabulary and the constructs necessary to articulate a sophisticated view of homosexuality, they were nonetheless well aware of its existence and were more than willing to comment upon it. He demonstrates convincingly that many of James' contemporaries, including members of his own government, not only recognized his behavior for what it was but were forthright in their condemnation of it, issuing what he calls a 'chorus of protest'. Moreover, their reasons for doing so, in Young's view, suggest that their perceptions of homosexual behavior involved more than just the sin of sodomy.

Young argues that James' intimacy with and affection for his favorites, his 'sodomitical relationships', were condemned not only because they sinful and because they violated social

norms, but because they bespoke weakness and effeminacy on the part of the King and his court. Sodomy and effeminacy became interchangeable. James' determined pacificism only fed into that perception and came to be seen as a by-product of his unmanly nature.

The evidence marshalled here about James I's homosexuality, and about the public response to it, is designed to refute the notion (articulated principally by Alan Bray) that our modern construct of homosexuality emerged suddenly, in revolutionary fashion, at the beginning of the eighteenth century. Professor Young wants to argue instead that modern notions of homosexuality developed slowly, in an evolutionary process, and began much earlier. In essence, he argues that the reign of James I was critical because the revelations about this king forced the public to come to terms with a much broader concept of homosexual relations -- one which took a variety of forms and which often transcended simple matters of sex to embrace notions of genuine love between two men. Professor Young is well aware that such a hypothesis is difficult to prove definitively, and his claims are tempered with caution. But this is a well-written and convincing account that will win many adherents.

Cynthia Herrup's long awaited study of the notorious case of the earl of Castlehaven likewise deals with public perceptions of aberrant sexual behavior. The second earl of Castlehaven was accused in 1631 of abetting in the rape of his wife and committing sodomy with his male servants, and the charges (initiated by his son and heir) and his subsequent trial became one of the most scandalous affairs of the early seventeenth century. Professor Herrup retells the story in considerable detail -- and, it must be said, with great flair. This is an extraordinary tale in its own right and the characters are brought to life in compelling fashion. Professor Herrup has recast the story as a very human one, reflecting the complex personalities and relationships involved and the compet-

ing and contradictory motivations which drove the events and animated the ensuing legal proceedings.

But her primary purpose here is not simply to explore the salacious charges (and counter-charges) or, indeed, to evaluate the legal merits or technicalities of the case against the earl. Castlehaven's guilt or innocence remains, throughout, a peripheral issue, and, in the event, indeterminate. It is, instead to use the case as a means to examine the matrix of values and beliefs -- about class, privilege, gender, religious affiliation, and the law which defined seventeenth century society. In fact, the legal case against the earl was not very strong and required considerable license on the part of the prosecution and the jury of his peers to make it work. The crimes for which he was indicted were effectively redefined in the course of the trial to fit the specific accusations made against him, rather than to meet the demands of statute. The witnesses marshalled against him included his own wife (contrary to standard legal practice), his menial servants, his dependents and Roman Catholic Irishmen. And, far from being taken for granted, his own credibility as a man of honor and aristocratic lineage was openly disparaged.

But, as Professor Herrup argues, that is where the real interest in the case should lie -- in the Crown's dogged pursuit of the case, despite its inherent weaknesses, and in his peers' determination to convict. What alarmed Crown prosecutors, the jury and subsequent commentators were less the specifics of the charges than what they revealed about a much broader breakdown of social order and personal discipline. The earl's aberrant sexual behavior was symptomatic of a loss of self-control, but was only made possible by a loss of control over his own household, over members of his family, his dependant clients and his servants. He was guilty of inverting proper social order and hierarchy and of abrogating his responsibilities as a member of the aristocracy. It was that, more than anything else, which determined his fate.

In historiographical terms, the book also makes a strong argument for a greater awareness of and interest in seventeenth-century law, not as a discrete discipline, but as part of a broader panorama of social and cultural history. Castlehaven's case provides a textbook example of the kinds of interactions that could take place, illustrating just how social constructs and cultural beliefs shaped and influenced legal proceedings, and how the law, in turn, could be used to define and maintain social norms. This is a compelling story, beautifully told. Professor Herrup is to be congratulated.

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