

CHRISTIANS AND PAGANS

1–565 CE

• The Gospels •

Christianity was born when Rome stood at the peak of its power and Greek culture still dominated the Mediterranean world. But Christianity was the child of Judaism and inherited much from the earlier faith. Its founder, Jesus, endorsed the Deuteronomic command to love one's neighbor and shared the prophets' passionate concern for the poor and downtrodden. In sexual matters, he mixed conservatism with compassion, condemning divorce but intervening to save an adulteress from stoning, the Mosaic penalty.¹ It has been suggested that the mysterious word *raca* in Matthew 5:22 may be an abusive term for an effeminate passive male: in the Sermon on the Mount Jesus warns his hearers not to use it.² But otherwise, on homosexuality Jesus, in the Gospels, is oddly silent. This is surprising, since male love must have been relatively common in the Greek communities of Palestine where he often preached. The Gospel of Mark, for instance, tells of his visit to the "country of the Gadarenes."³ Gadara belonged to the Decapolis (the ten Greek cities that dated from the age of Alexander) and was the birthplace of the exuberantly erotic Meleager. We are told that many of Jesus' followers came from Decapolitan Palestine.⁴

Could this silence have been influenced, some have wondered, by Jesus' own temperament? The notion that Jesus might have been attracted to men rests on Saint John's reference (four times repeated) to the disciple "whom Jesus loved."⁵ Several writers—Christopher Marlowe, James I, Denis Diderot, and Jeremy Bentham among them—have seen Jesus and John as lovers. Bentham, moreover, thought the naked youth in a "linen cloth" who alone stood by Jesus when he was seized at Gethsemane (Mark 14:51) was a boy prostitute and that his devotion was a consequence of Jesus' sympathy for his outcast status.⁶ But these are only speculations; so, as with David and Jonathan, we must suspend judgment. Since few men are uninfluenced by their culture and times, it is likely Jesus shared the traditional prejudices of his fel-

low Jews. As a sensitive man, he may have chosen silence so as not to provoke popular violence of the sort Philo encouraged. When he speaks of Sodom and Gomorrah, Jesus, like the Talmud generally, refers not to sexual sin but to inhospitality, as when he tells his disciples “it shall be more tolerable for the land of Sodom and Gomorrah in the day of judgment” than for any city that refuses them welcome.⁷

• Intertestamental Judaism and Paul •

We have seen with what ferocity Philo preached the extermination of homosexuals in the *The Special Laws*. References by Jewish writers of the intertestamental period are regularly as hostile, if not so violent.⁸ Most appear in the curious body of writings scholars have dubbed the Pseudepigrapha—various narratives, poems, and prophecies, usually in Greek, which, to gain authority, misrepresent themselves as the work of earlier teachers or prophets. To this class belongs the *Letter of Aristeas*, an account of the origin of the Septuagint, claiming contemporaneity but probably written at least a century after the translation was completed. Its Jewish author accuses the rest of mankind of intercourse with males, while boasting that Jews have been preserved from such behavior by the laws of Moses.⁹ An odder invention is the “Sentences of Pseudo-Phocylides,” gnomic verses in Greek hexameters but of Jewish provenance, supposedly by an Ionian poet who lived at the time of Theognis. Compiled about the time of Christ, the bogus “Sentences” include anachronistic warnings against the “intercourse of male with male.”¹⁰

Another series of pious forgeries, the so-called Sibylline Oracles, imitated the “official” Sibylline prophecies preserved as sacred books at Rome but are of Jewish origin. Much quoted by the church fathers, some of these prophecies have Christian interpolations. It is in their honor that Michelangelo placed majestic female sibyls beside his bearded prophets on the Sistine ceiling. The third oracle, composed shortly before 30 BCE, contrasts Jewish abstention from pederasty with the mores of the Phoenicians, Egyptians, Romans, Greeks, Persians, Galatians, “and all Asia.”¹¹ Jewish hostility at this point in history was a tiny island in a sea of relative tolerance.

Historically, members of one faith have routinely accused others of moral iniquities. Jews and Christians, like their pagan opponents, freely indulged in this unamiable practice and sometimes included charges of homosexuality. The so-called *Wisdom of Solomon*, written in Greek by an orthodox Jew about 100 BCE and included in the Apocrypha of the Roman Catholic Vulgate, ascribes a host of atrocities to Jewish apostates in Alexandria:

For either performing ritual murders of children or secret mysteries or frenzied revels connected with strange laws, they keep neither their lives nor marriages pure, but one either slays his neighbor insidiously or pains him by adultery. All is confusion—bloody murder, deceitful theft, corruption,

22. Christ and Saint John. German,
painted and gilded wood, c. 1320.

[To view this image, refer to
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treachery, tumult, perjury, agitation of decent men, ingratitude, soul defilement, interchange of sex roles [*geneseos enallage*] irregular marriages, adultery and debauchery. For the worship of the unspeakable idols is the beginning, cause, and end of every evil.¹²

The Greek phrase *geneseos enallage*, literally “change of kind,” has generally been taken to refer to homosexuality, and the context seems to support this interpretation. The Jerusalem Bible translates it as “sins against nature.”

From this prejudicial legacy derives the most influential of all Christian

denunciations of homosexuality, Paul's Epistle to the Romans. Paul's assault is not the terse condemnation we find in most earlier Jewish writings: in its expansive vehemence it is more akin to Philo. The context is significant: it comes at the end of the first chapter of the epistle, in which Paul excoriates all religious belief which is not Jewish or Christian. These "idolaters" are, in Paul's eyes, capable of every enormity. With fierce disdain he accuses them of a whole catalogue of moral delinquencies, beginning with lesbianism and male homosexuality: "For this cause [their idolatry] God gave them up unto vile affections: for even their women did change the natural use into that which is against nature: and likewise also the men, leaving the natural use of the woman, burned in their lust one toward another; men with men working that which is unseemly" (Romans 1:26–27).

There has been some doubt whether Paul, in speaking of women who have changed the "natural use," meant lesbians or women who engaged in "unnatural" heterosexual relations. Commentators who have argued for the latter interpretation have, however, been a distinct minority, and the passage has most often been read as the Bible's one unequivocal condemnation of lesbian love. When, in the Middle Ages, Christian jurists extended the Old Testament death penalty for male homosexuality to lesbianism, they regularly invoked Romans 1:26. Courts of law, when challenged, routinely supported this reading of Paul's words.

Another controversy centers on Paul's reference to "changing" or leaving the "natural use" of women. Some interpreters, seeking to mitigate Paul's harshness, have read the passage as condemning not homosexuals generally but only heterosexual men and women who experimented with homosexuality.¹³ According to this interpretation, Paul's words were not directed at "bona fide" homosexuals in committed relationships. But such a reading, however well-intentioned, seems strained and unhistorical. Nowhere does Paul or any other Jewish writer of this period imply the least acceptance of same-sex relations under any circumstances. The idea that homosexuals might be redeemed by mutual devotion would have been wholly foreign to Paul or any other Jew or early Christian.

Paul assumes that at some earlier time all men and women collectively possessed one true faith and morality, that is, a belief in the Hebraic creator God and a universal morality identical with that of the Hebrew scriptures. (Historically, of course, this is hardly a tenable theory.) Thus, anyone not a Christian or a Jew must have perversely abandoned ("changed") this faith for idol worship. In Romans 1:32 Paul turns on such apostates in a fury reckless of grammar and logic. After accusing them of homosexuality, he continues:

And even as they did not like to retain God in their knowledge, God gave them over to a reprobate mind, to do those things which are not convenient; being filled with all unrighteousness, fornication, wickedness, covet-

ousness, maliciousness; full of envy, murder, debate, deceit, malignity; whisperers, backbiters, haters of God, spiteful, proud, boasters, inventors of evil things, disobedient to parents, without understanding, covenant-breakers, without natural affection, implacable, unmerciful: who, knowing the judgment of God, that they that commit such things are worthy of death, not only do the same, but have pleasure in them that do them.

But what deeds does Paul here regard as “worthy of death”? Many of the sins Paul lists are so minor that it would be absurd to single them out for the death penalty. Nevertheless, the reference to those who not only “do such things” but approve them suggests that he is referring to Greek love. This is brought out more fully by the translators of the New English Bible: “They know well enough the just decree of God, that those who behave like this deserve to die, and yet they do it; not only so, they actually applaud such practices.” His words, confused as they are, may well be intended to endorse the death penalty for homosexuality as prescribed in the Mosaic code. They were so understood by the Council of Paris in 825.

But whatever Paul’s meaning, the rhetorical force of the passage is undeniable. About religious beliefs Paul was fiercely certain. Before his conversion, he had taken the lead, as a devout Pharisee, in persecuting Jewish Christians and had participated in the stoning of Stephen, Christianity’s first martyr, whom he condemned as an apostate. At the moment of his conversion, Paul was on his way to arrest Christians in Damascus and bring them to Jerusalem in chains. Paul was not a wholly unamiable man; his first letter to the Corinthians includes perhaps the most eloquent praise of love ever written. But conversion to Christianity did not soften his hatred of those who did not believe as he did, as the Epistle to the Romans, with its rhetorical vehemence, demonstrates.

Romans was Paul’s most influential epistle—it has been called “the most important theological book ever written.”¹⁴ More, it is said, has been written on it than on any other piece of prose. In the early church, Origen, Pelagius, Ambrose, and Augustine all wrote commentaries on it. Not only did it remain central to Catholic teaching but Reformation theologians found its doctrine of salvation by faith especially to their liking. Melancthon and Martin Bucer both published treatises on Romans; so did Luther, who thought it was the key to the scriptures. For homosexuals, this pre-eminence has been tragic, for it has enshrined an intemperate diatribe at the very heart, if not of Christianity, then at least of Christian theology.

• Moses and the Early Church •

Paul’s culture was Jewish, but his message was directed to a wider world. In the century following his death, Christianity spread swiftly among gentile

[To view this image, refer to
the print version of this title.]

23. Saint Paul. Mosaic, Baptistry of the Arians, Ravenna, sixth century.

converts, many of Greek heritage. What did these Hellenic believers make of the Mosaic and Pauline condemnations of same-sex relations? In fact, intolerance everywhere triumphed, as we can see in the writings of the convert who in this age had the most to say on the subject. This was Clement of Alexandria, an Athenian deeply read in the Greek classics who at the end of the second century headed the catechetical school at Alexandria.

It was Clement who formulated the "Alexandrian rule" of sexual conduct, which held that "pleasure sought for its own sake, even within the marriage bonds, is a sin and contrary both to law and to reason."¹⁵ Here we see the triumph of Plato's anti-hedonism. To indulge in intercourse without the intent to produce children, Clement thought, was to "outrage nature."¹⁶ Given this stance, Clement's view of homosexuality is hardly surprising. His attack on paganism in his *Exhortation to the Greeks* incorporates a lengthy list of Greek gods who had male lovers as a way of discrediting Greek religion. Suppressing half the truth, he describes Plato as "excoriating" all male love in the *Phaedrus* and repeats Socrates' description of men who have surrendered to pleasure as "taking the bit in their own mouths like brutish beasts."¹⁷ Then Clement quotes in full Romans 1:26–27.

But Greco-Roman law in Alexandria, he complains, permitted such things and even recognized them as obligations.¹⁸ In his *Pedagogus* he achieves the marriage of asceticism and religious taboo Plato had hoped for in the *Laws*. At the same time, Clement reveals a keen anxiety about sex roles, deploring bright clothes, perfumes, and beardlessness as dangerous symptoms of effeminacy in men. Any well-groomed man is either a bisexual seeking to attract both sexes or an out and out *cinaedus* who will "prove himself a woman at night."¹⁹ Beards are de rigueur. Shaving is an unnatural act: the human male, like the male lion and the male boar, should be shaggy and bristly.²⁰

Clement was not the only early Christian apologist who looked to the Hebrew scriptures for guidance in sexual matters. Though it broke with Judaism over circumcision and rejected Mosaic law on diet, dress, and cleanliness, Christianity emphatically endorsed much of its sexual ethos. Clement's contemporary Tertullian, the most influential of the early Latin church fathers, declared that "God's ordinance . . . punishes with death . . . the portentous madness of lust against male persons."²¹ The eminent church historian Eusebius, bishop of Caesarea, in his *Preparation for the Gospel* (c. 320), quoted at length from the *Phaedrus* on the inspirational power of love between men, but then demurred: "Thus spoke Plato, but not Moses, who decreed expressly the contrary, proclaiming with a loud voice the penalty for pederasty: 'If a man lies with another man as one lies with a woman, both have committed an abomination: they shall be put to death: their blood shall be upon them.'"²²

The *Apostolical Constitutions*, a work purportedly deriving from Saint Peter and the apostles but in fact composed in Syria three centuries later, has

been called “a valuable witness to the religious practices and beliefs of its period.”²³ The *Constitutions* incorporate many Jewish taboos on sex into Christianity and endorse the death penalty, by appealing to Leviticus: “For the sin of Sodom is contrary to nature, as is also that with brute beasts . . . All these things are forbidden by the laws; for thus say the oracles: ‘Thou shalt not lie with mankind as with womankind . . . For such a one is accursed, and ye shall stone them with stones: they have wrought abomination.’”²⁴ Christian apologists, from the beginning, provided a warrant for the deadly persecutions that were to take place under Justinian and then, later, throughout Europe from the Middle Ages until the early days of the nineteenth century.

• Greek Love in Late Antiquity •

Three centuries were to elapse between the birth of Christianity and its triumph as the dominant religion of the Roman Empire. What, we may ask, were the attitudes toward homosexuality among non-Christians in this time of transition, especially in the Greek homeland and those parts of the empire predominantly Greek in culture? Some historians have seen Greek asceticism as sharpening Christian erotophobia.²⁵ But the reality was more complex: many Greeks reaffirmed ancient values, ignoring the anathemas of the new religion, if indeed, they were even aware of them. If we read Plutarch (c. 110) or Pausanias (c. 180) or Athenaeus and Aelian (both c. 200) or the Lucianic dialogue on love written about 270, or the later Greek romances, we are struck by the persistence of attitudes close to those of the sixth and fifth century BCE. When these writers speak of *paederastia*, we might well imagine ourselves back in the Athens of Pericles.

This is notably so with the poems contributed to Book XII of the Greek Anthology by Strato of Sardis in the age of Hadrian. Strato’s one hundred light-hearted epigrams are in fact the largest contribution of any poet to Book XII, substantial enough that when the Greek Anthology assumed its definitive form in the tenth century, the book was subtitled “Strato’s Boyish Muse.” Taking a cue from Meleager, Strato tosses off playful lyrics in the style of Alcaeus and Anacreon more than half a millennium after those poets’ favorites had moldered into dust. Nor were they the last. As late as the sixth century, two officials at the court of Justinian—Rufinus and Paul the Silentiary—provided more poems in praise of boys.²⁶

As for historical scholarship, our knowledge of Greek love in earlier ages comes mainly from the Hellenic revival of the second century CE, a time “dominated by the vision of a glorious Greek past.”²⁷ Without its antiquarian research, most of our information about male love from Solon to the Sacred Band would simply be lacking. Moreover, the way in which Plutarch, Pausanias, Athenaeus, and Aelian treat this past is revealing: they celebrate the homoeroticism of earlier Greek culture, citing its rich literature and memori-

alizing famous love affairs, usually in a sympathetic way. Some new elements enter the picture—Plutarch's praise of marriage would be an example. But Plutarch still retains a keen awareness of the Hellenic bias in favor of male love, a bias that had by no means disappeared, though it had now become debatable in a way it was not in Plato's day.

The Hellenic revival of the second century was marked by a passion for scholarship. Among its feats was the *Deipnosophists* or *Savants at Dinner* of Athenaeus, a conversational marathon which fills seven volumes in its Loeb Classical Library translation. Athenaeus wrote about 200 CE in Naucratis, a Greek trading post in the Nile delta that had been the chief cultural link between Greece and Egypt before the founding of Alexandria. The guests at his monstrous symposium quote more than 1,200 ancient authors, name a thousand Greek plays, and discourse on a multitude of subjects: philosophy, poetry, law, medicine, cooking—and love. Despite its title, Book XIII (“Concerning Women”) shows a surviving catholicity: “Altogether,” we are told, “many persons prefer liaisons with males to those with females. For they maintain that this practice is zealously pursued in those cities throughout Hellas which, as compared with others, are ruled by good laws. The Cretans, for example . . . and the people of Chalcis in Euboea, have a marvelous passion for such liaisons.”²⁸

Athenaeus repeats, with variations, Plutarch's catalogue of brave lovers who defied tyrants. Some tyrants, we learn, “even went so far as to set fire to the wrestling-schools, regarding them as counter-walls to their own citadels, and so demolished them: this was done by Polycrates, the tyrant of Samos.”²⁹ He quotes from the homosexual dramas of Aeschylus and Sophocles, provides saucy anecdotes about Sophocles and Euripides, and mentions comedies by Cratinus, Aristophanes' rival, and by Diphilus, a contemporary of Menander.³⁰ Besides the Cretans and Chalcidians, we are told that the Medes, the Tuscans, the Celts, and the citizens of Massilia (modern Marseilles) were enthusiastically given to same-sex amours.³¹ There is much more, chaotically assembled, but amounting, in sum, to a major contribution to the history of the subject.

Athenaeus' Latin contemporary, the sophist Claudius Aelianus, commonly known as Aelian, often borrows from him. A citizen of Praeneste, some twenty miles east of Rome, and a “pontifex” of a local cult, Aelian, like most educated Romans of his time, wrote in Greek. His *Historical Miscellany* is liberally sprinkled with homosexual anecdotes from Spartan, Theban, and Athenian history, from Ptolemaic Egypt and the royal circles of Persia and Macedonia. While Athenaeus is attracted to stories of clever intrigues, Aelian is more interested in the refinements of erotic psychology. When the Persian monarch Artaxerxes mourned for the eunuch Tiridates, “the most handsome and attractive man in Asia,” his mistress could only console him, Aelian tells us, when she dressed in the dead man's clothes.³² At the court of the Macedonian king Archelaus, we learn, Agathon kept Pausanias' love alive by staging

quarrels for the sweetness of reconciliation.³³ We note that Aelian, writing of male love for an educated Roman audience in this cosmopolitan age, adopts an essentially Greek point of view.

In the Hellenic revival that took place under the Antonines, Greek and Roman culture converged. In Greece, we see this phenomenon in Plutarch's *Parallel Lives*; in Rome, it manifested itself in the philhellenism of such emperors as Hadrian and Marcus Aurelius. Plato had at last routed Cato, as we may observe in the *Apology* of Apuleius. Apuleius, best known as the author of *The Golden Ass*, was involved in a lawsuit in North Africa in which his opponent cited his love poems to boys as throwing suspicion on his character. He replied by appealing to the *Symposium*:

I say nothing of those lofty and divine Platonic doctrines that . . . teach that Venus is not one goddess but two . . . The one is the goddess of the common herd, who is fired by base and vulgar passion and commands not only the hearts of men, but cattle and wild beasts also, to give themselves over to the gratification of their desires: she strikes down these creatures with fierce intolerable force and fetters their servile bodies in the embraces of lust. The other is a celestial power endued with lofty and generous passion: she cares for nothing but men, and of them but few . . . Her love is neither wanton nor voluptuous, but serious and unadorned, and wins her lovers to the pursuit of virtue by revealing to them how fair a thing is nobility of soul.³⁴

Apuleius' high-flown sentiments may have been mere oratorical flourishes, but they demonstrate what could pass as acceptable coin in public discourse in a colonial Roman town in the Antonine age.

• Plutarch's Dialogue on Love •

For our theme, the major document of the second century is undoubtedly Plutarch's *Eroticus*. This "Talk about Love" is arguably the fullest and most instructive treatment of love and sex to come down to us from antiquity. It has received far less attention than it merits—no doubt because Greek scholars have inevitably focused on the classical era. Kenneth Dover, for instance, makes only incidental reference to it. But the dialogue is of prime importance, first, because it tells us so much about Greek love in the archaic and classical periods we not would otherwise know and, second, because it shows how these early attitudes survived through five hundred years, even though they faced new challenges.

Like the symposiums of Plato and Xenophon, the *Eroticus* has a *mise en scène*. Plutarch and his friends, mainly fellow Boeotians, have gathered to celebrate the festival of Eros in the town of Thespieae. The mother of Bacchon, a handsome young man with many admirers, has asked a wealthy young

widow to find him a bride. Impressed “by the throng of noble lovers who courted him,” Ismenadora thinks Bacchon so desirable a catch that she decides to marry him herself. Her coup precipitates a quarrel between those who support the marriage and Bacchon’s “lovers” who oppose it. Their disagreement is so heated that, in another culture, we might expect a brawl. But since the parties are Greeks, we have instead a philosophical debate—gays versus straights, so to speak, on their rival lifestyles.

It is hard to imagine anyone better placed to register Greek opinion on the issues than Plutarch. Born into a well-to-do provincial family, Plutarch had studied in Athens, traveled widely in Greece and Asia Minor, visited Rome repeatedly, and given lectures and acted as an ambassador there. Eventually he retired to his native Chaeronea, devoted himself to the education of the young, and served as a priest at Apollo’s shrine at Delphi, a highly honorific post, though the cult was in decline. His modern counterpart might be the head of a liberal arts college in a small midwestern town. A major speaker in his own dialogue, Plutarch had married young and had several sons and daughters. The debate is imagined as taking place shortly after his marriage, though the *Eroticus* was likely written near the end of his long life, perhaps around 110 C.E.

Bacchon, the ephebe whose bachelorhood hangs in the balance, leaves the decision whether he should marry to Daphnaeus, who advocates wedlock, and Protogenes, a lover of youths from Paul’s native city of Tarsus. Daphnaeus at once accuses Protogenes of opposing “true [that is, female] love” because it differs from his own preferences—didn’t he come all the way to Athens “to look over the handsome lads and make the rounds with them?”³⁵ When Daphnaeus defends marriage as a “sacred” fellowship, Protogenes replies testily:

Why, of course, since it’s necessary for producing children, there’s no harm in legislators talking it up and singing its praises to the masses. But genuine Love has no connexion whatsoever with the women’s quarters. I deny that it is love you have felt for women and girls—any more than flies feel love for milk or bees for honey . . . there is only one genuine Love, the love of boys. It is not “flashing with desire,” as Anacreon says of the love of maidens, or “drenched with unguents, shining bright.” No, its aspect is simple and unspoiled. You will see it in the schools of philosophy, or perhaps in the gymnasia or palaestrae, searching for young men whom it cheers on with a clear and noble cry to the pursuit of virtue when they are found worthy of its attention.³⁶

The pursuit of pleasure, Protogenes holds, is “base and unworthy of a free man”; hence, it is “not gentlemanly or urbane to make love to slave boys: such a love is mere copulation, like the love of women.”³⁷ Not surprisingly, this intemperate outburst provokes a counterblast from Daphnaeus, who

quotes suggestive lines by Solon and Aeschylus on the fascination of youths' thighs.³⁸ Relations with males, he claims, betray "weakness and effeminacy" and are "contrary to nature."³⁹ The love of boys is a "bastard love" introduced "only yesterday, or the day before [!]" after men had begun to practice a tantalizing nudity in the gymnasia. For good measure, Daphnaeus calls boy-lovers hypocrites who pretend to philosophy but in fact seek pleasure—"when night comes and all is quiet, 'Sweet is the harvest when the guard's away.'"⁴⁰ Inevitably, when we look at these polemics we are struck by a certain symmetry. Each argues that the other seeks physical gratification, and each presents his rival's preference as the more "feminine." Daphnaeus complains that boys are forced to play a female role; Protogenes, on the other hand, links the love of women with a luxurious boudoirs, enervating and effeminating milieu inferior to the athletic field or philosopher's study.

At this point a messenger brings startling news. Ismenadora and some male friends have kidnapped Bacchon, donned festive garments, and borne him off to her house to be married. The whole town is in an uproar, and a mob at Ismenadora's door is as hotly divided as Plutarch's company. Complaining that both sides have, in the heat of argument, traduced the high ideal of love, Plutarch himself now embarks on a lengthy speech in praise of Eros, akin to the panegyrics in Plato's *Symposium* but far richer in its historical references.

Plutarch has from the first presented himself as a defender of conjugal love. But his panegyric is in fact a paradox. Since he chooses to draw on episodes from traditional Greek history and myth and the commonplaces of popular opinion, the vast majority of his examples are inevitably homosexual. Whereas the first part of the *Eroticus* accorded equal time to two differing points of view, and though Plutarch will later defend matrimony, heterosexuality assumes a distinctly minor role in the panegyric. So strong was Greek tradition that to reconstruct the idea of love on a primarily heterosexual basis would have been extremely difficult, even at the end of antiquity, and Plutarch does not try. Nothing could be more revealing of the prestige male love still held in late Hellenic culture.

Plutarch's panegyric is a response to the skepticism of Pemptides, a bemused Theban who derides the idea that Eros is a god and love "a divine blessing."⁴¹ But if gods preside over such activities as war, hunting, agriculture, and even childbirth, should there not be a god, Plutarch asks, for boys and youths "when they are at the ripening and flowering season and are being shaped and educated"?⁴² Love reveals its divine power, Plutarch contends (echoing Pausanias in the *Symposium*), by inspiring lovers to resist tyrants. Forgetting for a moment that he is defending matrimony, Plutarch declares that men seeking favor "have shared their pleasure" with powerful rulers, even their mistresses and wives. "On the other hand, of all the throngs of lovers past and present, do you know a single one who sold the favors of

his beloved even to gain the favors of Zeus himself?"⁴³ Eros is strong even "in Ares' sphere," that is, on the battlefield. Plutarch reminds his hearers of Cleomachus and the Chalcidians, and the Theban Sacred Band whose leader, Pammenes, "changed the order of battle-line for the hoplites," placing lovers together, "for he considered that Love is the only invincible general."⁴⁴ "It is a fact," Plutarch maintains,

that men desert their fellow tribesmen and relatives and even (God knows) their parents and children; but lover and beloved, when their god is present, no enemy has ever encountered and forced his way through. In some cases, even when there is no need for it, they are moved to exhibit their love for danger, their disregard for mere life. This was what prompted Theron of Thessaly to place his left hand on the wall, draw his sword, and cut off his thumb, challenging his rival to do the same. [We shall encounter such theatrics again in Tokugawa Japan.] When another man had fallen in battle on his face and an enemy was about to kill him, he begged the latter to wait for a moment in order that his beloved might not see him wounded from behind.⁴⁵

Plutarch also reminds Pemptides that the shrine of the Heracles' beloved still stands in Thebes, where "to this very day lovers worship and honour Iolaüs, exchanging vows and pledges with their beloved at his tomb."⁴⁶ Plutarch does indeed cite one instance of heroic conjugal love—Alcestis was willing to sacrifice her life for her husband. Thus, though "women have no part at all in Ares, if Love possesses them it leads them to acts of courage beyond the bounds of nature, even to die."⁴⁷ Yet Plutarch follows Socrates by presenting these first "mortal reflections of the divine" as deriving from "young men radiant in the prime of their beauty."⁴⁸

Plutarch's speech is not complete in the single manuscript that has come down to us and breaks off abruptly at this point. When he resumes, he appears to be answering another speaker who has rejected married love from a materialistic Lucretian point of view. So this second speech, which takes up the final quarter of the dialogue, is an enthusiastic defense of marriage. Plutarch protests that even from an Epicurean perspective there is no reason why "visual shapes emanating from boys can, but the same from woman cannot, enter into the body of the lover."⁴⁹ But Plutarch the Platonist rejects Epicurus' physiological model: love is not caused by a chance concatenation of atoms; it is, rather, a recollection of the divine beauty of another world. And why, he asks, should such recollections "not spring from maidens and women, as well as from boys and striplings, whenever a pure and disciplined character shines through from within a beautiful and charming outward shape . . . or whenever the clearcut traces of a shining soul stored up in beautiful forms and pure bodies are perceived undistorted, without a flaw, by those capable of such perceptions?"⁵⁰

To those who hold women to be morally inferior to men, Plutarch replies with what may be the most winning feminist speech in ancient literature:

It is ridiculous to maintain that women have no participation in virtue. What need is there to discuss their prudence and intelligence, or their loyalty and justice, when many women have exhibited a daring and a great-hearted courage which is truly masculine? And to declare that their nature is noble in all other relationships and then to censure them as being unsuitable for friendship alone—that is surely a strange procedure. They are, in fact, fond of their children and their husbands; their affections are like a rich soil ready to receive the germ of friendship; and beneath it all is a layer of seductive grace.⁵¹

Marriage may at first entail painful adjustments, but it can lead to lasting friendship. The love of boys, he contends, is usually brief, though he thinks it “unjust to bring these charges against true and genuine lovers” of males, like the mature Euripides, who “observed upon embracing and kissing Agathon, though the latter’s beard had already grown, that even the autumn of the fair is fair.”⁵² But examples of lasting unions with women, he thinks, are much more common. Then, as Plutarch is paying tribute to a woman who defended her husband before an emperor even to the death, a messenger arrives with news that brings the dialogue to an end. All is now peace and joy in Thespieae: Bacchon’s lovers have at last accepted his marriage to Ismenadora.

Plutarch’s *Eroticus* is a work of serious intent and great charm, which cannot easily be summed up in a single formula. It has been hailed as signaling a turn in Greek thought away from the love of youths toward marriage as an ideal, though Plutarch’s pro-marital stance is hardly to be found in other Greek writers.⁵³ But the *Eroticus* also amply reveals the honor that was still accorded male love in Roman Greece. Indeed, it might be said that Plutarch’s point is simply that conjugal love can rise to the level of male love.

• The Lucianic “Affairs of the Heart” •

Plutarch was not the only Greek to compare the love of boys with the love of women. A century or so later, a second dialogue on this theme appeared, one in which Plutarch’s verdict is reversed. Traditionally ascribed to the satirist Lucian, it is now believed to postdate that Greek Voltaire. Historically, it has been known as the *Amores*, literally “The Loves.” (The Loeb editor translates the title as “Affairs of the Heart”; in the quaint style of classical scholarship, its author is often referred to as the “pseudo-Lucian.”) It would be helpful if we knew the date of this work, since it is the last formal defense of male love in the Greek world. Scholars have placed it as early as the reign of Septimius Severus (193–211) or as late as Constantine (312–337). A reasonable guess might assign it to the mid third century, about 150 years after Plutarch.⁵⁴

The *Amores* reads in many respects like a response to Plutarch's dialogue, though there is no specific reference to the earlier work. Once more we encounter a narrative frame: in a holiday mood the philosopher Lycinus is celebrating the feast of Heracles with his friend Theomnestus in an unnamed city in Asia Minor—possibly Tarsus, which had such a festival.⁵⁵ Theomnestus has been entertaining Lycinus with accounts of his amours with women and boys and justifying himself by the hero-god's example. As to which kind of love is better, Theomnestus declares he is balanced on a knife edge. He begs Lycinus to give his opinion; instead, Lycinus avoids a direct response by repeating a debate between two friends, Charicles and Callicratidas, each resolutely unisexual.

Charicles' household is made up of attractive women, Callicratidas' of handsome boy slaves. Charicles, a native of heterosexual Corinth, wears cosmetics—to attract women. Callicratidas is an athletic misogynist from Athens. Together they sail to Cnidus to view Praxiteles' Aphrodite, the most celebrated image of feminine beauty in the ancient world, which Charicles rhapsodizes over.⁵⁶ But the men's opinions clash so violently that Lycinus begs them to compose coherent speeches. (Like Plutarch, the author of the *Amores* invites us to smile at the antagonists' impassioned fervor.)

Charicles calls upon Aphrodite to "plead the cause of womankind, and of your grace allow men to remain male, as they were born to be."⁵⁷ As this invocation hints, his oration is more an assault on male love than a defense of heterosexuality and is much concerned with traditional sex roles. Mankind, he argues, was once entirely heterosexual; homosexuality is a late development that violates the laws of nature, since it is barren and sterile. This, of course, echoes Plato's *Laws*. Charicles' other arguments are no more novel: animals, birds, and fishes know nothing of same-sex matings; if they were universal, the human race would come to an end; those Platonists who affect a love for the soul are suspiciously insensitive to the virtues of older men, while "beauty in boys excites [in them] the most ardent fires of passion."⁵⁸ But Charicles does offer one new argument: if society condones male love, it should also tolerate lesbianism, a form of sexuality he regards as unspeakably obscene. Better, however, "that a woman should invade the provinces of male wantonness than that the nobility of the male sex should become effeminate and play the part of a woman."⁵⁹ Despite its engaging liveliness (and real historical interest), the *Amores* lacks the complexity, richness, and depth of Plutarch's dialogue. Nowhere is this deficiency more noticeable than in its treatment of women. Plutarch had tried to give women new dignity by praising them as selfless and devoted companions. Charicles can only recommend them as remaining attractive longer than boys, offering two options for enjoyment, and experiencing reciprocal pleasure in bed.⁶⁰

In his rebuttal, Callicratidas attacks even this limited view of women as dangerously pro-feminist. He is more concerned, however, to answer Charicles' charge that pederasty was a late and perverse development. He

turns the argument on its head—in early days the struggle for subsistence was so dire that men did yet know “the proper way to live.”⁶¹ Eventually, however, agriculture superceded the gathering of acorns, and marble mansions replaced rustic cottages. The love of males is another sign of the advance of civilization, the creation of divine philosophy. And why, he asks, make animals our models? “Lions do not have such a love, because they are not philosophers either. Bears have no such love, because they are ignorant of the beauty that comes from friendship.”⁶²

Callicratidas then makes the well-worn distinction between Heavenly and Common Love, relegating the love of women to the latter. With the extravagance typical of all the debaters in the *Eroticus* and the *Amores*, he denounces women whole-heartedly. “Let women be ciphers,” he declares, retained merely for child-bearing.⁶³ He deplores the spurious beauty of their dyed hair, their cosmetic artifice, and their luxurious jewelry. Against this he sets the sober simplicity of the male adolescent’s disciplined athletics, martial exercises, and studious efforts to learn “what hero was brave, who is cited for wisdom, or what men cherished justice and temperance.”⁶⁴

Mature lovers, Callicratidas thinks, will share an egalitarian relationship. “For, when the honorable love inbred in us from childhood matures to the manly age that is now capable of reason, the object of our longstanding affection gives love in return and it’s difficult to detect which is the lover of which, since the image of the lover’s tenderness has been reflected from the loved one as through a mirror.”⁶⁵ Callicratidas presents male love not as an “exotic indulgence of our times” but as the essence of things Greek, citing Solon, Socrates, and Callimachus as its revered exponents. He takes a Platonic view of pederasty: one must “love youths as Alcibiades was loved by Socrates who slept like a father with him under the same cloak” and be constant in one’s affections from boyhood to old age.⁶⁶

Lycinus, embarrassed to choose a winner in the debate, praises both men. But finally he delivers a verdict in favor of boy love: “Marriage is a boon and a blessing to men when it meets with good fortune, while the love of boys, that pays court to the hallowed dues of friendship, I consider to be the privilege only of philosophy. Therefore all men should marry, but let only the wise be permitted to love boys, for perfect virtue grows least of all among women. And you must not be angry, Charicles, if Corinth yields to Athens.”⁶⁷

This tactful pronouncement makes a polite bow to marriage, though Charicles, recommending women as sex partners, had had nothing to say for matrimony. Perhaps Lycinus means this as a concession to Plutarch’s point of view, though there is nothing else in the dialogue to suggest this, and his verdict explicitly denies women the moral qualities Plutarch had granted them. Theomnestus does not quarrel with the verdict but demurs at Callicratidas’ puritanism: “I must say I admired the solemnity of the very high-brow

speeches evoked by the love of boys, except that I didn't think it very agreeable to spend all day with a youth suffering the punishment of Tantalus, and, though the waters of beauty are, as it were, almost lapping against my eyes, to endure thirst when one can help oneself to water."⁶⁸ He emphatically denies that Socrates' love for Alcibiades was chaste and quotes the notorious lines in which Aeschylus portrayed the physical side of Achilles' love for Patroclus. In an age which historians have described as increasingly ascetic, his position is resolutely libertine. Lycinus does not argue with him. Ever the diplomat, he merely warns Theomnestus that if he says more they will miss the climax of the festival that evening.

Obviously Plutarch did not have the last word in this lively debate. Not everyone was willing to concede the superiority of heterosexual marriage. Indeed, the tactful Lycinus compliments Charicles for his "able defense of the more awkward cause," that is, the love of women, suggesting that, though defenders of pederasty might find themselves sharply challenged, the consensus among non-Christian Greeks of late antiquity still favored the classical tradition.⁶⁹ Plutarch's generous defense of women finds no place here. We can only be astonished at this cultural conservatism and marvel that so little had changed in six or seven hundred years—a span that in our time would stretch back to Chaucer.

• Two Romances and an Epic •

But if philosophical debaters may defend male love, we find that the love interest in popular fiction is predominantly heterosexual. This pattern had been set in the theater by Menander and the New Comedy. (Indeed, Plutarch took particular notice that no man ever fell in love with a boy in Menander.)⁷⁰ Subsequently, Menander's boy-meets-girl formula dominated a new genre that flourished in the second and third centuries, the Greek romantic novel. In these facile tales, hero and heroine meet, fall in love, and after a multitude of vicissitudes are reunited at the end of fifty or one hundred improbable pages.

Though these stories featured heterosexual pairings, classical Greek love was sympathetically treated in their subplots. Thus the love of the extravagantly beautiful Habracomes and Anthia is the basis of the plot of the *Ephesian Tale* by Xenophon of Ephesus. Captured by pirates, she attracts one ruffian, he another. After his escape, Habrocomes encounters the leader of a robber band, Hippothoos, who, weeping, tells the story of his own love. He had first seen Hyperanthes in the gymnasium in their native city, a town near Byzantium, where the pair shared "kisses and fondlings."⁷¹ But the boy's unscrupulous father sells him to a rich Byzantine rhetorician on the pretext of providing an education. Together they kill the man and flee, but Hyperanthes is drowned near Lesbos in a shipwreck. In the end, Habro-

comes and Anthia are reunited in the eternal bliss of prose romance. But Hippothoos joins them at the final curtain. For, “after raising a great tomb” for Hyperanthes in Lesbos, he settles with the couple in Ephesus along with a young Silician, “the handsome Clisthenes,” whom he adopts.⁷² Here is fiction that takes diversity for granted.

The plot of Achilles Tatius’ *Leucippe and Clitophon*, variously dated from 150 to 300, also fits the standard boy-loves-girl formula. (Perhaps Greek novelists found marriage as convenient a closure in romance as death in tragedy.) A dubious tradition made Achilles Tatius a bishop of the church, but his treatment of male love in the novel’s subplot shows nothing of Christian influence. Here once again, sentimental pathos is the keynote in the treatment of male love. Clitophon’s cousin Clinias loves a youth named Charicles, whose father orders him to marry an unprepossessing heiress. Distraught, Charicles goes riding on a horse Clinias has given him. It bolts, he is dragged to his death, and his father and lover compete in their lamentations.⁷³

Later in the novel we meet Menelaus, an Egyptian visitor who has suffered a like bereavement: Menelaus had accidentally killed a boy he loved with a javelin aimed at a boar that attacked him. Clinias is reminded of his own painful loss, and Clitophon, the novel’s hero, encourages the two men to embark “upon a discussion which would divert the mind by a love-interest.”⁷⁴ Provocatively, he wonders why “this affection for youths is now so fashionable.” This stirs Menelaus to defend the love of youths, and we have a miniature debate between them of the sort we find in the *Eroticus* and the *Amores*, though now there is no vehement antagonism. The speakers are content to wonder which sex Zeus favored, whether the fleeting beauty of boys is too short or all the more tantalizing for its brevity, and which sex’s kisses are the more enticing.

One substantial work remains from a later time, well after the triumph of Christianity—a sprawling epic in forty-five books by a poet who wrote in the Greek city of Panopolis in Egypt. Nonnus lived sometime in the fifth century—we do not know his dates or indeed any biographical details at all. His poem celebrates the triumphs of the god Dionysos, who, like Alexander, set out from Greece and, according to an ancient myth, conquered India. (We may assume that sometime after its composition Nonnus transferred his allegiance from Bacchus to Christ, since he also wrote a verse paraphrase of the Gospel of Saint John.)

The *Dionysiaca*, as it is called, is a huge baroque repository of late Hellenic legends which provides a final glimmer, in the twilight of classical literature, of the pederastic tradition. Nonnus devotes the greater part of three books to the story of Dionysos’ love for Ampelos, whom the god meets on the banks of the Pactolus in Lydia. He is immediately smitten with his boyish beauty: “What father begat you?” he asks. “What immortal womb brought you forth? / Which of the Graces gave you birth? What handsome Apollo made

you?” and so on, through a mythological litany.⁷⁵ The flattered youth is proud of the attention the god lavishes on him. Dionysos, for his part, pines when the boy is absent, listens eagerly to his talk, admires his flute-playing even when he blows wrong notes, and is jealous when he dances with the attendant satyrs, with whom he shares an anatomical detail. He is worried that an enamored Zephyrus may slay him as he accidentally slew Hyacinth, or that Zeus or Poseidon may steal him for Olympus. He is desperately infatuated:

He had a sweet dream on his dream-breeding bed,
Beheld the shadowy phantom of a counterfeit shape
And whispered loving words to the mocking vision of the boy.
If his passionate gaze saw any blemish, this appeared lovely to
 lovesick Dionysos,
Even more dear to him than the whole young body;
If the end of the tail which grew on him hung slack by his loins,
This was sweeter than honey to Bacchos.
Matted hair on an unkempt head even so gave more pleasure to his
 impassioned gaze.⁷⁶

When Ampelos rides the panthers, bears, and tigers that draw the god's chariot, Dionysos warns him of the danger, but the headstrong youth mounts a wild bull, is thrown, and is impaled.

The god grieves long and melodiously and is comforted by Eros, who recites to him the tale of Calamus and Carpos. Calamus, the son of the god of the river Meander, loves Carpos, a boy of his own age. When Carpos drowns, Calamus dies of grief and is turned into a reed. (Could Whitman, who made the calamus reed symbolize his “love of comrades” in the *Leaves of Grass*, have known this arcane legend?) Ampelos, like Hyacinth and Cyparissus before him, undergoes a vegetative metamorphosis and becomes a vine, source of the wine the Greeks associated with Dionysos. With this archetypal fantasy the bisexual mythology of the classical tradition reaches its bittersweet conclusion.

• Roman Law before Constantine •

After the third century, with the waning of paganism, the climate changes. In 313 Constantine promulgated the Edict of Milan, a dramatic turnabout in imperial policy which established toleration for Christianity, though fewer than one third of the citizens of the empire were as yet converts. From now on, except for the brief reign of the Emperor Julian, Christianity enjoyed imperial favor, becoming in time the official state religion. The consequence was a drastic shift in the moral climate. Love between men had been a significant element of Greek civilization—in civic and military life, in educa-

tion, art, and literature—at least since the time of Solon. From now on, Christianity, which first dominated and then suppressed paganism, would assert its anti-homosexual bias through imperial laws and in time reshape popular morality.

Male love, which had been memorialized, celebrated, and occasionally decried, was now redefined as something diabolical, forbidden, and unmentionable—"the love that dare not tell speak its name." The transformation was, above all, the consequence of the triumph of Christianity. John Boswell has suggested that the new morality sprang from the ruralization of the Roman Empire that took place during its decline.⁷⁷ But this argument rests upon the premise that rural societies are inherently "conservative" in nature. At this time, however, what would have been "conserved" were the old—that is, pagan—beliefs and practices. Indeed, the word *paganus* signified a countryman and emphasized the tendency for older faiths, rites, and morals to linger in rural parts. As we shall see, the severe new laws would originate in urban centers like Milan and Constantinople, the latter Europe's largest city, where the first savage persecutions took place.

Nor can we lay the blame for the waning of tolerance on the political and economic decay of Greco-Roman society. It has been an unexamined cliché that this decay fostered an ascetic spirit, as though people with little would naturally opt for less. What gave asceticism its weight and force in this era was not any intrinsic appeal it held in a world of diminishing expectations. Divorced from religious beliefs, asceticism has rarely been a social force. But linked to the conviction that the renunciation of pleasure—and especially sexual pleasure—was necessary for personal salvation, it exerted a wide and powerful influence. In an age in which the traditional rewards of industry and ambition were vanishing, the new religion promised eternal enjoyment in heaven and an escape from hell. These were potent incentives promoting an ascetic ethos.

We cannot exonerate the early church of blame for subsequent persecutions merely because some general social forces were at work. Though nationalism was a potent force in Europe before the rise of Hitler, its prevalence does not absolve the Nazis of blame for the deadly form it took at their hands. The tragedy is that, unlike Nazism, which thrived especially on hatred and oppression, Christianity preached brotherly love and compassion and was historically, on balance, an influence for good in the world. Both, however, promoted homophobia. But whereas Himmler's desire to annihilate homosexuals fit a typical Nazi pattern, one does not feel it was inevitable that Christianity would embrace the fanatical prejudice of early Judaism. Despite Paul, the spirit of the Gospels does not move in this direction.

This said, we may note that there were developments in Roman law regarding homosexuality before Constantine, some of which set the stage for

later punitiveness. Under the pagan Emperor Alexander Severus (222–235), the jurist Julius Paulus issued several pronouncements on the subject in his *Sentences*, formal judgments in criminal cases that were given the force of law in 426 under Theodosius II. Paulus ruled that the seduction of a freeborn boy under the age of seventeen was a “capital” crime, and an attempt at his seduction (as indicated, for instance, by the bribing of his attendants) could be punished by exile to an island.⁷⁸ Some commentators have assumed that “capital” meant the death penalty.⁷⁹ But in Roman law, “capital” punishment might also include such lesser sanctions as imprisonment, banishment, or loss of citizenship.⁸⁰

Other judgments by Paulus and his colleague Ulpian appear more ominous in the light of later legislation. As for adult passives, Ulpian held that they could be legally designated as “infamous.”⁸¹ This was a finding of disreputability of the sort gladiators, actors, and other public performers were subject to, limiting civil rights such as the right to vote or hold office.⁸² Paulus’ *Sentences*, in addition, denied passive men the right to practice as attorneys in courts of law, deprived them of half their patrimony, and prohibited them from bequeathing more than half of what remained.⁸³

• The Edicts of 342 and 390 •

With the coming to power of Christianity, legislation of a much harsher nature was to follow. Even before these new laws appeared, however, we can find evidence of persecution. Under Constantine and his successors, campaigns against non-Christian religions and against homosexuality went hand in hand. Thus the church historian Eusebius in his biography of Constantine praises the emperor for suppressing effeminate pagan priests whose homosexuality was taken for granted. Eusebius describes a temple at Aphaca in Phoenicia, on the remote summit of Mount Libanus, “dedicated to the foul demon known by the name of Venus . . . where men unworthy of the name forgot the dignity of their sex and propitiated the demon by their effeminate conduct.” (Here “Venus” is a generic term for eastern love goddesses such as Ishtar or Astarte.) We are told that Constantine took a personal interest in the matter and “gave orders that this building with its offerings should be utterly destroyed” by military force.⁸⁴ Did Constantine go beyond the destruction of buildings and votive offerings and act against persons? It would seem that in Egypt he did, for Eusebius tells us that “inasmuch as the Egyptians, especially those of Alexandria, had been accustomed to honor their river through a priesthood composed of effeminate men, a further law was passed commanding the extermination of the whole class as vicious, that no one might thenceforward be found tainted with the like impurity.”⁸⁵ We may recall that Philo had earlier wanted similar effeminate priests put to death. But

Philo had lived at a time when the civic authorities were unwilling to act on his Levitical prejudices. Now, three centuries later, imperial power was willing to back them.

Under Constantine's sons, the co-emperors Constantius and Constans, the dual campaign against homosexuality and paganism continued. We find this correlation clearly marked in such polemics as Firmicus Maternus' *The Error of the Pagan Religions*, written about 346. Firmicus was a Roman senator, who, after his own baptism, urged the brother emperors to enforce conversions and stamp out paganism by armed force, justifying this policy by citing the ferocious decrees of Deuteronomy 13.⁸⁶ Indeed, *The Errors of the Pagan Religions* has been called a "handbook of intolerance."⁸⁷ Firmicus repeatedly associates pagan cults with sexual immorality and especially with homosexuality.⁸⁸ But as with Eusebius, his chief ire is directed toward effeminate priests or holy men, as in his lurid description of the Carthaginian cult of the Punic love goddess Tanit, whose priests, he charges,

can minister to [her] only when they have feminized their faces, rubbed smooth their skin, and disgraced their manly sex by donning women's regalia. In their very temples one may see scandalous performances, accompanied by the moaning of the throng: men letting themselves be handled as women, and flaunting with boastful ostentatiousness this ignominy of their impure and unchaste bodies. They parade their misdeeds in the public eye, acknowledging with superlative relish in filthiness the dishonor of their polluted bodies . . . Next, being thus divorced from masculinity, they get intoxicated with the music of flutes and invoke the goddess with an unholy spirit so they can ostensibly predict the future to fools.⁸⁹

Here Firmicus makes an unequivocal claim that homosexual acts were an integral part of a pagan cult. Given the extremely hostile nature of the source, however, it is perhaps wise to regard the charge with some skepticism. In the inflamed rhetoric of the time, sensational charges were made by both sides. Pagan attacks on Christianity included the accusation that Christians worshiped their priests' genitals.⁹⁰ What is not in doubt is Firmicus' intense animus, which parallels Philo's in *The Special Laws*.

Firmicus Maternus, writing during the reign of Constantine's sons, mentions with satisfaction a recently passed law that punished homosexuality.⁹¹ It has been assumed he is referring to a curiously worded law issued by Constantius and Constans in 342:

When a man "marries" [*cum vir nubit*] as a woman who offers herself to men, what does he wish, when sex has lost its significance; when the crime is one which it is not profitable to know; when Venus is changed into another form; when love is sought and not found? We order the statutes to arise, the laws to be armed with an avenging sword, that those infamous

persons who are now, or who hereafter may be, guilty may be subjected to exquisite punishment.⁹²

John Boswell has argued that “marries” (*nubit*) here refers to the kind of gay marriages described by Juvenal and Martial.⁹³ But the consensus is that the term is merely a euphemism for sexual relations. (“Venus” here means simply “sexual intercourse,” a sense it bears in poets like Virgil and Ovid.) “Exquisite punishment” probably implies the death penalty, though the reference to the sword may be metaphorical.

What must strike anyone familiar with later English, American, or European laws is that this drastic measure punishes only the passive partner in the relationship but leaves the active male unscathed. Apparently the authors of this decree hesitated to break too suddenly with Roman tradition by punishing the “masculine” partner and felt that public opinion would more readily support strong measures against the despised adult passives.

Despite its obscure wording, the statute of Constantius and Constans was not ignored as a bizarre anomaly, for it played a crucial part in European legal history. In 438 it was incorporated into the Theodosian Code and later into the still more influential code of the Emperor Justinian. When these codes were revived in Italian law schools in the early Middle Ages, the law of 342, cited in traditional legal style by its two opening words as the *Lex cum vir*, was the statute regularly invoked in legal texts to justify the death penalty for both partners in male relations.

Was the law enforced in the years immediately after its passage? We do not know. Possibly, despite its vehemence, it was not. We know that statutes forbidding pagan worship and ordering temples closed were not regularly implemented: pagans were still a majority. But fifty years later, under Theodosius I, the situation was quite different. Where earlier emperors had hesitated to enforce laws against pagans, Theodosius, an ardent Christian and a formidable personality, took strong measures. In 381 an edict against sacrifices led to “an orgy of destruction and spoliation.”⁹⁴ Though Theodosius did not specifically decree the destruction of pagan temples, bands of monks and fanatics, encouraged by his new laws, roamed the countryside demolishing buildings in a way that has been compared to the Red Guards of China’s Cultural Revolution. The temple of Serapis in Alexandria, reputedly the most beautiful building in the world, was destroyed. The fire tended by the Vestal Virgins, which had burned for centuries as one of Rome’s most venerable cults, was extinguished, and the statue of Victory was removed from the Senate. Even the Olympic games, celebrated for more than eleven hundred years, were abolished in the last decade of the fourth century because of their association with pagan worship. It has been fittingly said that classical paganism died during the reign of Theodosius.

In 390 Theodosius also issued a vengeful edict condemning homosexual-

ity. (The names of the co-emperors Valentinian II and Arcadius are joined with Theodosius in the proclamation, but since Valentinian was a youth of nineteen and Arcadius only thirteen, we may safely ascribe the initiative to the older man.) Though the language is less obscurely literary than the edict of 342, the rhetoric is similar in its masculinist passion. Now, however, it formulates a specific political concern: effeminacy will weaken the state and is an affront to Roman tradition.

The edict has survived in two forms. The earlier and much fuller version is the text preserved in a treatise entitled *Mosaicarum et Romanarum Legum Collatio* (*A Comparison of Mosaic and Roman Laws*), which may have been intended to teach Roman law to the Christian clergy. Its format would instruct anyone who wanted to enforce biblical codes how to use Roman law to this end. Title five, “Of Debauchers” (“De Stupratoribus”) begins by quoting, in Latin, Leviticus 20:13—“Moses says: If anyone hath intercourse with a male as with a woman, it is an abomination. Let them both die: they are guilty.”⁹⁵ After citing Paulus’ sentences making the rape of a free man a capital crime and condemning passives to the loss of half their property, the writer comments: “This is indeed the law [of Rome]. But a constitution of the Emperor Theodosius followed to the full the spirit of the Mosaic Law.” Since, however, the edict of 390 does not have anything to say about the active partners in homosexual relations, we must take “to the full” as meaning the *full* force of the death penalty as applied to passives.

Since translations of the *Collatio* have differed markedly, it may be best if we offer a more or less literal, if awkward, rendering of its contorted Latin: “The Emperors Valentinian, Theodosius and Arcadius to Orientius, Vicar [Vicerent] of the city of Rome. We will not suffer, dearest and most beloved Orientius, that the city of Rome, the mother of all the virtues, should be polluted any longer by the poison of shameful effeminacy, and that the rustic strength of our ancient Founders now enfeebled by a people weakened by such effeminacy should cast a reproach both on the age of those Founders and the present Empire.”⁹⁶ Where the Greeks thought love between men would inspire military courage, the Romans saw the presumed “feminization” of the passive partner as a hazard to the nation’s manhood. After this preamble, a directive followed:

Therefore your praiseworthy skill will punish all those whose criminal practice it is to condemn the male body to the submissiveness appropriate to the opposite sex (being in nothing different from women), and having seized them—as the enormity of their crime demands—and dragged them forth from the (shameful to say) male brothels, will purge them with avenging flames in the sight of the people, so that they will understand that the lodging of the male soul must be sacrosanct nor without incurring the severest penalty shall they shamefully renounce their own sex.

This turgid pronouncement is at least more explicit than its predecessor. Nevertheless, we may wonder who was exactly liable to its penalty of death by fire. We note that the rhetoric ignores the commercial side of prostitution but is entirely directed toward condemning passivity. Orientius is specifically ordered to seize male prostitutes, but whether he is to limit his arrests to this class or is merely to seize them first as the most easily identifiable criminals is unclear.

While it is uncertain if the law of 342 was enforced, it seems much more likely that Theodosius' edict was, since by 390 the imperial government was acting vigorously against violations of Christian norms. Men in brothels would be much easier to apprehend than men involved in private, noncommercial acts. Some of these wretches may indeed have been burned at the stake for the edification of a newly Christianized public. Since they would have come from the lowest and most scorned ranks of society, they could expect little sympathy.

If we accept 390 as a critical year in the history of Western legal attitudes toward same-sex relations—the moment after which classical tolerance can no longer be counted on in civic life—we may naturally ask, what did the pagan majority make of the new policy of persecution? One famous episode suggests a lack of willingness to go along with the new standards: the rebellion that took place in 390 in the city of Thessalonica in northern Greece. Gibbon gives a vivid account in his *Decline and Fall*:

The sedition of Thessalonica is ascribed to a more shameful cause, and was productive of much more dreadful consequences . . . Botheric, the general of [Theodosius'] troops . . . had among his slaves a beautiful boy, who excited the impure desires of one of the charioteers of the Circus. The insolent and brutal lover was thrown into prison by the order of Botheric; and he sternly rejected the importunate clamors of the multitude, who on the day of the public games lamented the absence of their favorite, and considered the skill of a charioteer as an object of more importance than his virtue . . . Botheric and several of his principal officers were inhumanly murdered; their mangled bodies were dragged about the streets; and the emperor, who then resided at Milan, was surprised by the intelligence of the audacious and wanton cruelty of the people of Thessalonica.⁹⁷

Gibbon makes it clear that the people of Thessalonica did not condemn the charioteer's conduct as seriously as Theodosius' governor did. But Theodosius took a terrible revenge for Botheric's murder. He invited the Thessalonians to games in the circus, then surrounded it with soldiers who massacred the spectators, citizens and casual visitors alike. By one account the dead numbered 7,000, according to others 15,000.⁹⁸ For ordering this deed, which shocked the empire, Theodosius did penance before Saint Ambrose in the Cathedral of Milan.

Along with the statute of Constantius and Constans, Theodosius' law found its way into the so-called Theodosian Code. This important code appeared in 438 in the reign of Theodosius' grandson, Theodosius II, from whom it derived its name. But there the law of 390 appears in an interesting revision. The compilers quoted only part of Theodosius' decree, keeping about a third, changing the grammar, and adding a phrase. Here is how their version appears in the standard modern English translation of the code: "All persons who have the shameful custom of condemning a man's body, acting the part of a woman's, to the sufferance of an alien sex (for they appear not to be different from women) shall expiate the crime of this kind in avenging flames in the sight of the people."⁹⁹ The revised version, omitting any reference to prostitution, now clearly and unambiguously condemned all passive males to death by burning.

• Sodom Transformed •

The fear of homosexuality was immensely increased in the early Christian period by a new development in biblical exegesis: a reinterpretation of the Sodom story. Ezekiel, Jesus, and the Talmudists had laid stress on the sins of inhospitality, arrogance born of wealth, and Sodom's mistreatment of aliens and the poor. Despite the threatened rape of the angels in Genesis 19, the doomed city was not generally associated in early Jewish tradition with sexual license or with homosexuality. This was now to change.

Sherwin Bailey has made a careful study of Sodom in Jewish religious writings later than the Hebrew Bible.¹⁰⁰ In books of the Apocrypha (inter-testamental Greek texts included in the Catholic bible) such as the Wisdom of Solomon and Ecclesiasticus, Sodom's sins are still pride and the abuse of foreigners. In the Pseudepigrapha (Greek texts of the same period purportedly by Old Testament worthies but in fact illicit forgeries), Sodom is occasionally associated with sexual misconduct in a vague fashion that hints only remotely, if at all, at homosexuality. The first work Bailey identifies in which Sodom is a city in which homosexual behavior flourished widely is Philo's *On Abraham*.

Like his predecessors, Philo makes wealth the root of Sodom's iniquity. But where they see the city's chief sin as the hoarding of its riches and neglect of the poor, the ascetic Philo deplores chiefly the luxurious enjoyment of food and sex. His commentary, much enlivened by a vivid imagination, must be quoted at length:

The land of the Sodomites . . . was brimful of innumerable iniquities, particularly such as arise from gluttony and lewdness . . . The inhabitants owed this extreme license to [their] wealth, for, deep-soiled and well-watered as it was, the land had every year a prolific harvest of all manners

of fruits, and the chief beginning of evils, as one has aptly said, is goods in excess. Incapable of bearing such satiety . . . they threw off from their necks the law of nature and applied themselves to deep drinking of strong liquor and dainty feeding and forbidden forms of intercourse. Not only in their mad lust for women did they violate the marriages of their neighbors, but also men mounted men without regard for the sex nature which the active partner shares with the passive.¹⁰¹

It was this last emphasis which was taken up by Christian exegetes. Increasingly as the centuries passed, Christian moralists came to identify homosexuality as *the* sin of Sodom. Eventually “sodomy” was to mean, primarily, same-sex relations, and someone who engaged in homosexual behavior became, simply and generically, a “sodomite.” This new interpretation had a fateful effect. For eventually homosexuality became the unique cause of Sodom’s destruction and hence a dire threat to any community that condoned it. To the homophobia of the Hebrew scriptures Christian superstition added a hysterical fear that was to justify much cruelty.

This development took place step by step in the new Christian era. Clement of Alexandria, at the beginning of the third century, followed Philo in characterizing the Sodomites as luxurious, adulterous, and driven by “frenzied passion for the objects of their lust.”¹⁰² More important, however, were the views of the two most influential fathers of the Latin and Greek churches respectively, Saint Augustine, bishop of Hippo in North Africa, and Saint John Chrysostom, who was to become the patriarch of the Eastern Church at Constantinople.

In *The City of God* (c. 412) Augustine follows Philo in making Sodom a place “where sexual intercourse between males had become so commonplace that it received the license usually extended by the law to other practices.”¹⁰³ Augustine’s crucial role in determining Western Christian attitudes toward sexuality has been widely recognized. Of the Latin fathers, Augustine speaks most directly and fully about sexuality, first in a personal way in the *Confessions* and then philosophically in *The City of God*. For him, concupiscence—that is, Adam’s lust for Eve—was the primal sin that made humanity liable to eternal damnation. But if the middle-aged Augustine, after he had committed himself to Christianity, condemned sex, Augustine the adolescent had participated enthusiastically. His sex drive was strong from puberty and involved him in much casual experimentation with lower-class prostitutes. Born in the North African town of Thagaste, he pursued his education in nearby Carthage, where, as he put it in his *Confessions*, “all around me hissed a cauldron of illicit loves.”¹⁰⁴

At least one of these loves, which had a strong emotional side to it, seems to have been homosexual, though Augustine only indirectly reveals the sex of his lover. So, in Book 3 of the *Confessions* he tells us: “To me it was sweet to

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24. The destruction of Sodom. Mosaic, duomo of Monreale, Sicily, twelfth century.

love and be loved, the more so if I could also enjoy the body of the beloved. I therefore polluted the spring water of friendship with the filth of concupiscence. I muddied its clear stream by the hell of lust, and yet, though foul and immoral, in my excessive vanity, I used to carry on in the manner of an elegant man about town. I rushed headlong into love, by which I was longing to be captured . . . My love was returned and in secret I attained the joy that enchains.”¹⁰⁵ Augustine’s reference to “friendship” tells us the lover was a male; in his society, friendship between a teenage boy and a teenage girl would have been unthinkable. In chapter four of Book 4 of the *Confessions* we hear the end of this romantic affair. The boy, he tells us, died after their friendship “had scarcely completed a year. It had been sweet to me beyond all the sweetness of life that I had experienced.”¹⁰⁶ Augustine gives a moving account of his loss: “My home town became a torture to me; my father’s house a strange world of unhappiness; all that I had shared with him was transformed into a cruel torment.”¹⁰⁷

Augustine's experience of this love affair did not, however, inspire him with any sympathy for male love after his conversion. Though he was willing to concede that some deeds of some biblical patriarchs might be moral or immoral depending on the time or place, he held that same-sex relations were universally to be punished. "Even if all peoples should do [such acts], they would be liable to the same condemnation by divine law, for it has not made men to use one another in this way. Indeed, the social bond which should exist between God and us is violated when the nature of which he is the author is polluted by a perversion of sexual desire."¹⁰⁸ Here is an early statement of the medieval notion that homosexuality is a direct affront to God the creator, a kind of *lèse majesty* against divinity.

• Saint John Chrysostom •

Augustine was a theologian and moral philosopher who speculated about free will and original sin. His contemporary, John Chrysostom, was before all else a preacher who aimed to rouse and terrify. (His epithet "Chrysostom" meant "golden-mouthed.") Born in Antioch, he lived as a hermit in the desert before he returned as a priest to his native city in 386. Called to be patriarch at Constantinople, he spoke with such fire and eloquence that the congregation frequently interrupted with applause. As late as the eighteenth century, Peter the Great, no model of piety himself, ordered that all Orthodox priests must possess and read his works. He ranks as the most influential of the Greek Fathers, second only to Augustine in his influence on Christendom as a whole.

Chrysostom was a courageous man whose outspoken criticism of the empress eventually led to his exile and death in the desert. But the rancor of his oratory was not reserved for the rich and powerful. Others also felt the scourge of his pulpit wrath, most notably the Jews, for whom he bore a special hatred. Indeed, his sermons mark an epoch in the history of anti-Semitism. In the eight sermons against Judaizing Christians which he delivered in Antioch in 387, Chrysostom denounced the Jews as "sensual, slippery, voluptuous, avaricious, possessed by demons, drunkards, harlots, and breakers of the Law" and condemned them as murderers of "the prophets, Christ, and God."¹⁰⁹ "Saint John Chrysostom," writes a modern commentator, "up to his time stands without peer or parallel in the entire literature *Adversus Judaeos*. The virulence of his attack is surprising even in an age in which rhetorical denunciation was often indulged with complete abandon."¹¹⁰ The effects of his preaching, we are told, "wielded a baleful influence not only on the clergy and populace of his time but on those of centuries thereafter."¹¹¹ Another Catholic scholar, looking at Chrysostom's discourses from the point of view of the modern Church, has concluded that they could not have been deliv-

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25. Saint John Chrysostom. Mosaic, Hagia Sophia, Istanbul, tenth century.

ered after Vatican II's "Declaration on the Church's Attitude toward Non-Christian Religions." "For these objectively unchristian acts he cannot be excused, even if he is the product of his times."¹¹²

But Jews and Judaizing Christians were not unique as objects of Chrysostom's wrath during the dozen years he preached in Antioch. If he gave a special impetus to anti-Semitism, he can also be said to have contributed uniquely to the development of homophobia. With far more to say on the subject than any other church father, he labored unrelentingly to create fear and prejudice. In a homily on the Epistle to Titus, he damned the pagan

world before Christ for its indulgence in murder, adultery, and “the love of boys,” attacking not only the gods of the Greeks but also their lawgivers and philosophers, from Solon on.¹¹³ In his discourse *Against the Greeks* he does not spare Socrates and Plato, accusing them of making pederasty “respectable and a part of philosophy.”¹¹⁴

In an early essay, *Against the Opponents of the Monastic Life*, Chrysostom had urged parents to immure their sons in monasteries to preserve them from this evil. In so doing he gives a picture of civic life which suggests that in fourth-century Antioch, at the moment when Christianity was enjoying its final triumph over paganism, there was widespread dissent from the new values:

A new [!] and lawless lust has invaded our life, a terrible and incurable disease has fallen upon us, a plague more terrible than all plagues has struck . . . Fornication now seems like a minor offense against forms of unchastity . . . and womankind is in danger of being superfluous when young men take their place in every activity. Even this is not as terrible as the fact that such a great abomination is performed with great fearlessness and lawlessness has become the law. No one is afraid, no one trembles. No one is ashamed, no one blushes . . . No benefit comes from law courts.¹¹⁵

These words, written about 380, taken along with the riot that erupted in Thessalonica a decade later, suggest some popular resistance to the church's efforts to impose a new morality. (In later centuries, ironically, monasteries would be portrayed as schools of homosexual lust by Protestant polemicists and anti-clerical satirists like Voltaire.)

Chrysostom made homosexuality not just Sodom's preeminent but its unique sin. “If any one disbelieves hell, let him consider Sodom, let him reflect upon Gomorrah, the vengeance that has been inflicted . . . Would you wish also to know the cause for which these things were then done? It was one sin, a grievous one, yet but one. The men of that time had a passion for boys, and on that account they suffered this punishment.”¹¹⁶

During his tenure in Antioch, Chrysostom preached a series of sermons on the Epistle to the Romans, including one entirely devoted to Romans 1:26. This sermon is, consequently, the fullest and most detailed ecclesiastical pronouncement on homosexuality in the first thousand years of church history. Liberal in his use of epithets, Chrysostom denounces male love as “monstrous,” “Satanical,” “detestable,” “execrable,” and “pitiable.” Those who speak in defense of Greek love he calls “even worse than murderers . . . For there is not, there surely is not, a more grievous sin than this insolent dealing.”¹¹⁷ He also attacks lesbianism and reads Paul's ambiguous language about women “changing the natural order” as an explicit reference to “women who abused women.”¹¹⁸ Moreover, he assures his hearers that “natu-

ral" intercourse is more pleasurable than sodomy; we are bemused to see this devout ascetic speak so knowledgeably.

Chrysostom also addresses the question of punishment. He follows Roman law in denouncing homosexuality chiefly as a contravention of ordained sex roles but prescribes the Jewish option of death by stoning: "For I should say not only that you have become a woman, but that you have lost your manhood, and have neither changed into that nature nor kept that which you had. You have been a traitor to both of them at once, deserving . . . to be driven out and stoned, as having wronged either sex."¹¹⁹ Finally, he makes his favorite point that Sodom was a type of hell, drawing on popular travelers' tales that fires still raged in that region of Palestine.¹²⁰ Above all, in these sermons homosexuality is no longer merely a detail in the story of the Cities of the Plain but the prime cause of their destruction. One more step remained: to convert this theological terror into legal terrorism. This step was taken by Justinian.

• The Persecutions of Justinian •

Justinian, who became Byzantine emperor in 527, was an ambitious and energetic ruler, passionately devoted to the study of theology and ruthless in suppressing opposition. His great achievement was the compilation of Roman law known as the *Corpus Juris Civilis* or the Code of Justinian. The new emperor commissioned the work in 528, and a final authoritative version was issued in 534. The *Digest*, a summary of the opinions of earlier jurists, and the *Institutes*, an official handbook for students, had appeared a year earlier.

Superseding all previous legislation, the Code of Justinian remained the law in the eastern empire until Constantinople fell to the Turks nine hundred years later. When Roman law was resurrected at the University of Bologna in the twelfth century with the encouragement of medieval rulers, who felt it would strengthen their power, it became the foremost influence on Western European law. As a result, it shaped legal traditions in the Holy Roman Empire and in such states as Italy, Spain, Portugal, and France—and eventually even in Calvinist Scotland. It remained a force until the Napoleonic age and was of prime importance in determining the status of Europe's homosexuals throughout the Middle Ages, the Renaissance, and the eighteenth century.

Justinian's code, like the Theodosian Code of 438, incorporated the *Lex cum vir* which Constantius and Constans had promulgated in 342. However, it omitted Theodosius' statute of 390, no doubt because it was now regarded as redundant, for the *Institutes* arbitrarily increased the scope of the *Lex Julia*, a law on adultery passed in the reign of Augustus, to include the death penalty for *stuprum cum masculis*—illicit sex with males.¹²¹ But now, under this

26. Justinian. Mosaic, San Vitale, Ravenna, c. 547.

[To view this image, refer to the print version of this title.]

revision, the *Institutes* effected a major change by following Mosaic law and penalizing the active as well as the passive partner.

Was this new development prompted by Justinian personally? It may well have been, for we have evidence that Justinian acted aggressively to persecute men for homosexual offenses from the very beginning of his reign. Though Theodosius may have executed passive males as early as 390, Justinian's reign provides the first incontestable evidence for the use of lethal punishments in the newly Christianized Greek world. A contemporary witness, the Byzantine historian John Malalas (c. 491–578), gives a brief but chilling account of an extensive persecution that took place a year after Justinian's succession, when the most notable victims were prominent churchmen:

At this time, bishops of divers provinces were prosecuted for the lustful act of sleeping with males. Among them were the bishops Isaiah of Rhodes, formerly the Nycteparchus of Constantinople, and Alexander of Diospolis

in Thrace. After they were brought to Constantinople by an edict of the Emperor they were examined by the prefect of the city, stripped of their rank and punished. After he had suffered severe torture, Isaiah was sent into exile. Alexander, on the other hand, had his male organ cut off, and was placed in a litter and exposed as a spectacle to the people. Shortly after, the emperor passed a law that the crime of sex with males should be punished by castration. And at that time many homosexuals [*androkoitai*, men who slept with men] were seized and their genitals were cut off. And a great fear ensued among those who suffered from the evil desire for males.¹²²

Justinian's reign of terror has received surprisingly little attention from students of the history of homosexuality. Canon Bailey minimized it in his *Homosexuality and the Western Christian Tradition* in 1955; indeed, he conjured it away. David Greenberg, in the *Social Construction of Homosexuality*, dismissed the subject of persecutions as one already well explored, though in fact research can scarcely be said to have begun. John Boswell's approach to Justinian is somewhat different. He quotes Malalas but argues that the emperor's pogrom could not have had the approval of contemporary "Christian" opinion. That "the emperor expressed his opposition to homosexuality in religious terms" is discounted on the grounds that "Byzantine emperors justified most of their enactments—and their very authority—with Christian rhetoric."¹²³ Boswell's argument is in accord with the central thesis of his book: that early Christianity was not "really" hostile to homosexuality, a view it is difficult to accept. But Justinian, however devious he might be as a politician, was devoutly pious, dwelt in his palace as a fasting ascetic, and was so engrossed with religious doctrine that he may be said to have lived and breathed theology. If Justinian is not an example of a statesman acting under Christian influence, it would be hard to name one.

This neglect of Justinian's persecutions by twentieth-century scholars well disposed toward homosexuals has led to a paradox: we must turn to the eighteenth-century historian Edward Gibbon (who did not hesitate to denounce homosexuality as a "moral pestilence") for what is still the fullest modern account:

[Justinian] declared himself the implacable enemy of unmanly lust, and the cruelty of his persecution can scarcely be excused by the purity of his motives. In defiance of every principle of justice, he stretched to past as well as future offences the operations of his edicts, with the previous allowance of a short respite for confession and pardon. A painful death was inflicted by the amputation of the sinful instrument, or the insertion of sharp reeds into the pores and tubes of most exquisite sensibility; and Justinian defended the propriety of the execution, since the criminals would have lost their hands had they been convicted of sacrilege. In this state of disgrace and agony two bishops, Isaiah of Rhodes and Alexander of Diospolis, were

dragged through the streets of Constantinople . . . Perhaps these prelates were innocent. A sentence of death and infamy was often founded on the slight and suspicious evidence of a child or a servant: the guilt of the green faction, of the rich, and of the enemies of Theodora, was presumed by the judges, and paederasty became the crime of those to whom no crime could be imputed.¹²⁴

The Greens and Blues were political parties named after the colors they wore at sporting events in Constantinople: the green faction opposed the emperor. In this sweeping indictment Gibbon drew on the Byzantine historians Theophanes, Cedrenus, and Zonaras for his details. He was apparently unaware of Malala's account, which he does not mention.

When did the persecution take place? The *Chronography* of Theophanes, a Byzantine chronicler who wrote about 800, gives the date in the margin as 521; but since the event is placed in the second year of Justinian's reign, we may assume that this is a mistake for 528: "In that year the bishops Isaiah of Rhodes and Alexander of Diospolis in Thrace were deposed from office, as having been discovered to be lovers of boys, and were punished frightfully by the emperor, having their male organs cut off and being paraded through the streets with a public crier shouting: 'Bishops, do not insult your honorable station.' And the emperor instituted harsh laws against the licentious and many were punished. And great fear and caution arose."¹²⁵ (We note that Theophanes fails to differentiate the fates of the two bishops, and Gibbon follows him in this slip.)

Georgius Cedrenus, who wrote about 1060, gives a slightly fuller version of events, with some further details that Gibbon seized upon: "In the following year [after Justinian's accession] bishops Isaiah of Rhodes and Alexander of Thracian Diospolis and many others were arrested as corruptors of men. [The emperor] ordered some of them to have their male organs cut off, and others to have sharp reeds inserted in the opening of their genitals, and they were exposed to view naked in the forum. Many citizens and senators and not a few of the high clergy were [found] guilty, were castrated and exposed naked in the forum and died miserably."¹²⁶

We learn more from Procopius' *Secret History*. Procopius, Justinian's court historian, had lavished praise on the emperor and his wife in his official writings. But he also composed a more intimate account in which he painted both rulers in the blackest colors and gave vent to his personal animosity. It was these *Anecdota* ("things not given out") which revealed to Gibbon Justinian's dubious procedures as Cedrenus and Theophanes had documented his savage punishments. According to Procopius:

Afterwards [Justinian] also prohibited sodomy [*paiderastein*] by law, not examining closely into offences committed subsequently to the law but concerning himself only with those persons who long before had been

caught by this malady. And the prosecution of these cases was carried out in reckless fashion, since the penalty was exacted without an accuser, for the word of a single man or boy, and even if it so happened, of a slave compelled against his will to give evidence against his owner, was considered definite proof. Those who were thus convicted had their privates removed and were paraded through the streets. Not in all cases, however, was this punishment inflicted in the beginning, but only upon those reputed to be Greens or to be possessed of great wealth or those who in some other way chanced to have offended the rulers.¹²⁷

Later, in medieval Europe, impecunious monarchs were to use religious prejudice to extract money from wealthy Jews. Procopius tells us that Justinian used accusations of sodomy to the same end against citizens in sixth-century Byzantium.

We do not know exactly what law Justinian acted under. No text of the edict Malalas refers to has come down to us. We should note, however, that Cedrenus assumes that a sentence of castration was a sentence of death and that Gibbon makes the same assumption. This is attested not only by the historians we have cited but also by the preamble of a law prohibiting the making of eunuchs, which stated that “out of the great number upon whom this operation [castration] is performed only a very few survive, so that certain of them have stated in Our presence that of ninety who have been castrated, hardly three have escaped with their lives.”¹²⁸ We may find this rate incredibly high. But if there was so great a mortality in commercial operations where it was important to preserve lives, what can have been the result when they were performed as punishment?

Justinian’s work as a legislator did not end with his compilation of Roman law. Over the years new laws, or *Novellae*, were issued to the Byzantines not in the traditional Latin but in native Greek. Two of them deal explicitly with male homosexuality and demonstrate the ultimate wedding of imperial law and Christian theology, as colored by the myth of Sodom. The first law, Novella 77, appeared in 538 and was addressed to the people of Constantinople. It warned that homosexual acts would “incur the just anger of God, and bring about the destruction of cities along with their inhabitants.”¹²⁹ The death penalty endorsed by Leviticus, Tertullian, Eusebius, and Chrysostom is here defended on the theory that homosexuality can cause the destruction of entire populations in various ways: “Therefore We order all men to avoid such offences, to have the fear of God in their hearts, and to imitate the example of those who live in piety; for as crimes of this description cause famine, earthquake, and pestilence, it is on this account, and in order that men may not lose their souls, that We admonish them to abstain from the perpetration of the illegal acts above mentioned.”¹³⁰

It has been plausibly argued by Sherwin Bailey that a frightening series of

natural catastrophes in Justinian's time prompted this legislation. A violent earthquake had shaken Constantinople in 525. A year later thousands died in another quake that leveled Antioch. These calamities would have fed popular terror and provided a background of hysteria for the pogrom of 528. Before the rise of geological science, such phenomena were regularly interpreted as signs of divine wrath. Modern research has revealed that modern Turkey—occupying the site of the ancient Byzantine Empire—lies at the confluence of three tectonic plates, making it especially prone to shocks. What could be more natural than that the Byzantines, lacking any scientific explanation for these catastrophes, should have sought a scriptural explanation and found it in the tale of a city destroyed by God (as they had come to believe) for “unnatural” crimes? Today, we find it difficult to project ourselves back into the mentality of such a world. But these supernatural fears were to play a crucial role in the homophobia of the Middle Ages and still aroused anxieties in the eighteen and nineteenth centuries. They are not unknown today.

Novella 77 was not Justinian's last word on the subject. Twenty years later a further law seems to have been provoked by more natural disasters. In December 557 the earth shook in Constantinople, so that, according to one Byzantine historian, “many people and almost all the upper classes perished”—presumably their houses had heavier ceilings.¹³¹ Once again the Byzantines read the deaths as God's work, and the churches of the city reverberated with supplications. But it was in vain. A terrible plague broke out a few months later and claimed more victims.¹³² Who then was to blame for these new horrors? “Men-corruptors” were once again singled out as scapegoats in Novella 141, dated March 15, 559.

If Novella 77 was theologically inspired, this new legislation reads more like a pastoral letter than a criminal statute, demonstrating how closely church and state were allied in the eastern empire. Adopting a tone of paternal benevolence but threatening ferocious punishments, Justinian's jurists see no contradiction in calling their punitive deity kind, tolerant, and patient. The preamble reads:

As we are always in need of the benevolence and kindness of God, and above all, at this time, when we have provoked Him to anger in many ways, on account of the multitude of our sins, and although He threatens us with the penalties we deserve, He, nevertheless, manifests his clemency to us, and has deferred the exercise of his wrath to some future time . . . Wherefore it would not be just for us to treat with contempt His abounding kindness, His tolerance, and His infinite patience, lest, avoiding repentance, our hearts may become hardened, and we may accumulate His anger upon our heads, on the day of His vengeance. But . . . there are persons who are guilty of abominable offences, which are deservedly detested by

God. We have reference to the corruption of males, a crime which some persons have the sacrilegious audacity to perpetrate.¹³³

In later centuries, pious language of this sort routinely added a gloss of humaneness to the declarations of the Inquisition against heretics and Judaizers, in which the mercifulness of God and the persecutors was always insisted on. Moreover, Novella 141 provided that church and imperial prefect should work hand in glove. Failure to identify oneself to the patriarch of Constantinople as a sodomite was considered an aggravation of the crime. Men who did not confess their guilt were warned that they would face a “terrible chastisement.”¹³⁴

Procopius’s *Secret History* reveals another side to these persecutions; though breathing piety, officials used them for the venial purpose of extorting money. Justinian had exhausted his ample treasury by waging costly wars and building magnificent churches and palaces. But accusations of sodomy, paganism, and heresy could be used to mulct the wealthy: “No sooner had he thus disposed of the public wealth,” Procopius tells us, “than he turned his eyes towards his subjects, and he straightway robbed great numbers of them of their estates . . . charging some with belief in polytheism, others with adherence to some perverse sect among the Christians, or with sodomy [*paiderastias*].”¹³⁵ This routine of extortion was institutionalized through the appointment of two new city magistrates. One dealt with thieves; to the other, called the “quaesitor” (or inquisitor) Justinian “assigned the province of punishing those who were habitually practicing sodomy [*paiderastountas*], and those who had such intercourse with women as was prohibited by law, and any who did not worship the Deity in the orthodox way.”¹³⁶

According to Procopius, the quaesitor not only delivered up suspects to the emperor, but his underlings extracted money from others by threatening to charge them: “For the subordinates of [the quaesitor] would neither bring forward accusers nor submit witnesses of what had been done, but throughout the whole period the unfortunates who fell in their way continued, without having been accused or convicted, and with the greatest secrecy, to be murdered as well as robbed of their money.”¹³⁷

So men suspected of homosexual acts were the victims not just of the courts and magistrates but of a corrupt police, who used Justinian’s brutal statues to enrich themselves as well as the emperor. A millennium later, the Inquisition in Spain under Torquemada was to be marked by the same sordidness, so that an indignant Sixtus IV would reprove its officers for acting from “avarice and lust for gain” as much as religious zeal.¹³⁸

One last belated glimmer of classical civilization disappeared under Justinian. In 529 the emperor forbade non-Christians to teach and closed the ancient schools of Athens. Plato’s Academy, which had existed since 385 BCE, was abolished and its teachers offered positions by the more liberal shah of

Persia. An impressive work of legal scholarship, Justinian's famous code was marred by a similar intolerance. A modern historian has concluded that "it differs most from earlier codes in its rigid orthodoxy, its deeper obscurantism, its vengeful severity. An educated Roman would have found life more civilized under the Antonines than under Justinian."¹³⁹ Nowhere was the code harsher than in its treatment of homosexuals. With the laws of Justinian, the medieval world was inaugurated.