

Title

The afterlives of Margaret Rany: Tracing the trial of an intersex person in early modern Scotland

Abstract

In 1653, Margaret Rany was indicted before a court in Edinburgh for having sexual intercourse with a horse. It was unusual for a woman to be charged with bestiality, but what made the case more unusual was that a forced examination of Rany's body caused widespread debate over the nature of Rany's 'true' sex: were they a woman, man, or 'hermaphrodite'? Conflicting accounts of Rany arose as reports of the trial spread from legal records to newspapers, and even to early English dictionaries. In attempting to do justice to Rany's life and the traces it left behind, this paper proposes *sexed trajectories* as one tool for analysing how a person's body can be discursively remodelled through successive texts and text-types. But the paper also attends to how the echoes of a body's sensations and affects might exceed, disturb, or slip away from the discursive structures that try to order it.

Keywords

queer historical linguistics, embodied sociocultural linguistics, text trajectory, sexed trajectory, bodily schema, intersex, early modern, Scotland, buggery

1. Introduction

This paper is a response to two rallying cries that have lately been issued for research in language and sexuality. The first is William Leap's (2020: 39) proposal of a 'queer historical linguistics'; the second is Mary Bucholtz and Kira Hall's (2016: 174) call for an 'embodied sociocultural linguistics'. The purpose of queer historical linguistics, Leap (2020: 40) explains, is to explore the 'relationships between language and the possibilities, messiness, and out-of-sync temporalities of sexuality in settings other than the immediate historical moment'. Embodied sociocultural linguistics, meanwhile, includes among its concerns how 'normative discourses of gender inform dichotomous understandings of female and male embodiment as well as the sexual acts that gendered bodies are expected or permitted to perform'—although, importantly, the discursive regimentation of the body is 'far from stable' and 'shift[s] across time and space' (Bucholtz & Hall 2016: 182–183). Both of these calls offer what might be called a *timely reminder* to queer linguists: that is, a reminder that normativities vary over time as well as space.

This is not a novel concept in the field. One of the founding texts of queer linguistics featured a range of studies on the discursive framing of sexuality across periods and cultures (Livia & Hall 1997). In the decades since, however, queer linguists have largely turned their sights away from the historical to focus on the contemporary. Understandably, the sexual and linguistic norms of the present day carry with them a greater sense of political urgency than those of earlier times. Yet we must remember that contemporary norms did not spring from nowhere: they are at once a continuation of, departure from, and reaction to what came before. Recently, several queer linguistic studies have started to recognize this again (Motschenbacher 2021: 25). In contributing to this historical turn, the current paper argues that we need to attend not only to diachronic differences (and similarities) between the past and the present, but to variation within the past—even within a single time and place. The

necessity of this will, I hope, be clear from the case study presented in this paper: the trial and execution of Margaret Rany in seventeenth-century Scotland.

On a Sunday evening in September 1652, John Donaldson, a farmer in the village of Culross, Fife, was driving his cattle in from the fields when he came across an ‘astonishing spectacle’ (*Dittay and Examinations* 1653: n.p.). Half-hidden between an embankment and a thornbush, a person was standing at the hindquarters of a grey mare, moving their body as if ‘in the extremity’ of passion. Donaldson would later swear before the village minister and other local worthies that the person was Margaret Rany, the daughter of a neighbouring farmer. Rany was detained, interrogated, and handed over to the Court of Session in Edinburgh. In February the following year, the court found Rany guilty of buggery and passed a sentence of execution. At the age of only eighteen, Rany was strangled to death and burnt. The mare was slaughtered, and Rany’s father was ordered to pay the value of the animal to its owner. That a woman should have been tried for sex with an animal was remarkable enough. In early modern Europe, most of those prosecuted for bestiality were men. But what brought the trial to national attention was that, upon being examined before sentencing, Margaret Rany was found to be intersex.

Intersex is obviously not a word that appeared in the court documents: my use of it is a deliberate anachronism. Scientists have applied *intersex* to people whose bodies have ‘ambiguous’ sex characteristics since the early twentieth century, but the word was reclaimed as a politically conscious self-identifier towards the century’s end (e.g. Chase 1998), and it has since been taken up in academic criticism that addresses the modern discursive regulation of the body (e.g. Holmes 2009, Malatino 2019, Reis 2021, Wolff, Rubin, & Swarr 2022). In addition, some scholars have recently argued that *intersex* ought to be deployed as an analytical lens in studies of earlier periods (Charmaille 2021, Whittington 2018). As Karl Whittington (2018: 245) observes, ‘One of the benefits of intersex as a framework for

investigating the history of sexuality is that it encourages the scholar to bring so many different theoretical concepts to bear [...] not just theories of gender construction, performance and disguise, social regulation, and identity, but also historical biology, anthropology, and medicine’.

Of course, there are hazards linked with applying modern labels retrospectively. Valerie Traub (2016: 14) has cautioned that scholars’ use of contemporary terms as ‘ready-to-hand, transhistorical rubrics’ can misrepresent past realities by leaving them ‘everywhere assumed, but rarely actually described’. Nevertheless, there is arguably little that is ‘ready-to-hand’ about *intersex* even today. As O’Rourke and Giffney (2009: ix) point out (echoing Sedgwick 1993: 8), bodies that are addressed as *intersex* are ‘bodies which refuse to “signify monolithically”’, which upset any tidy assumptions about sex. In this light, to apply *intersex* to historical figures is not to conflate past and present but to ‘[invite] the past to question our present, to trouble and unsettle our own sense of our bodies and the concepts we have of them’ (Charmaille 2021: 340).

In addition to asking what *intersex* can do for historians, we should be asking what historians can do for *intersex*. While Whittington, Charmaille, and others have championed the use of *intersex* in historical studies, other scholars continue to describe early modern and premodern people as *hermaphrodites*—a term that requires as much, if not more, critical scrutiny. Caution about neologisms should not blinker us to the damaging effects of keeping pejorative paleologisms in circulation. *Hermaphrodite* sensationalizes and dehumanizes its subjects.¹ It values (apparent) historico-discursive precision over the human experience of being intersex in the past, and it severs that experience from the realities of being intersex today. For one thing, laying down a temporal divide between *hermaphrodite* and *intersex*

¹ While some intersex people have reclaimed *hermaphrodite*, the word—with its connotations of the preternatural and the pathological—remains irrevocably stigmatizing for others (Reis 2021: 171–173).

risks obscuring the fact that the state violence inflicted on sexually ambiguous bodies in earlier periods continues, under various medical and legal guises, in the twenty-first century (see Reis 2021). For another thing, though it may appear historically accurate, calling early modern people *hermaphrodites* overlooks how that label was contested by the early moderns themselves.

In the seventeenth century, the labelling of Margaret Rany's body was no more consistent than the spelling of their name. At different times and in different texts, Rany (or Raynny, Raine, Rain, or Rayne) was proclaimed to be a woman, a 'hermaphrodite', or a man. By referring to Rany as *intersex* and with the pronoun *they*, I hope to avoid adjudicating between the terms that were historically applied to them. *Intersex* does not pinpoint an objective 'truth' about Rany any more than *man*, *woman*, or *hermaphrodite*, but nor does it oversimplify or spectacularize who Rany was. Instead, *intersex* affords us a space to stand back from those labels and assess their significance in early modern Britain (as well as in our own time and place).

The next section will give a historical sketch of some of the ways in which 'buggery' and the erotic lives of intersex people were understood in seventeenth-century Scotland, England, and Wales. After that, the paper will elaborate a concept called *sexed trajectories* in order to analyse the instability that underlies perceptions of the sexed body (and, in turn, its sexual behaviour) across time. The rest of the paper will trace Rany's own sexed trajectory across a range of text types: legal records, news reports, and even early English dictionaries grappling with the question of how to define the 'natural' limits of sexual acts and anatomies. The discussion will show how retellings of Rany's life and death were shaped by conflicting forces as jurists, journalists, and lexicographers tried various means of fitting an intersex person into the logics of binaristic sex. It is a difficult archive to read, by turns callous, sanctimonious, and homicidal. Though my reading cannot defuse the violence of these texts, I

will also attempt to retrieve from them something of Rany's own understanding of their body, as much as this can now be recovered.

1.1 Sexual variance in early modern Britain

Margaret Rany's buggery trial was not the kind that is typically analysed by historians of sexuality—that is, intercourse between two humans of the same sex. But in early modern discourse about buggery, same-sex acts between humans and sexual acts between humans and animals were often spoken of (and condemned) in the same breath. In England and Wales, the Buggery Act 1533 had made both same-sex and cross-species copulation a hangable offence, but the act did not apply in Scotland, which had a separate legal code.² As the jurist Sir George Mackenzie explained in *The Laws and Customes of Scotland* (1678: 161–162), 'We have no particular statute for punishing either Sodomy, or Bestiality, for they are crimes extraordinar, and rarely committed in this Kingdom'. Although not subsumed under a single piece of legislation, sodomy and bestiality were still punishable as offences at common law, and they were closely linked by the Scottish courts. Either crime could be referred to as *buggery* in trial records; in fact, bestiality was sometimes also—confusingly—referred to as *sodomy* (Maxwell-Stuart 2002: 82). What was more, Mackenzie (1678: 162) noted that the two acts were punishable by death on the strength of the same biblical chapter, Leviticus 20, and that 'the ordinar punishment in both these, is burning'.

For the purposes of this paper, the slippage between bestiality and sodomy is of interest because of the historical association of same-sex activity with intersexuality. In Foucault's (1978: 38) words, intersex people were long perceived as 'criminals, or crime's

² Early modern jurists disagreed over whether the Buggery Act 1533 was meant to prohibit intercourse between women, or 'unnatural' intercourse between a woman and a man, as well as intercourse between men and between a human and an animal (Turton 2024: 38–40).

offspring, since their anatomical disposition, their very being, confounded the law that distinguished the sexes and prescribed their union'. Intersex people threatened the binary in a number of ways, not least of which was that if they were capable of performing the erotic roles of either sex, then any intercourse they had with another person was in danger of becoming a same-sex act. Historians have unearthed many instances of intersex people being accused of sodomy (between men or between women), and sodomites being suspected of intersexuality, in early modern and medieval Europe (e.g. Donoghue 1993, Daston & Park 1995, Whittington 2018: 237–239). However, the association of intersexuality with cross-species intercourse is not as well documented. While some early modern writers did believe that bestiality could lead to the conception of children with unexpected bodily differences (Park & Daston 1981: 41; Hehenberger 2007: 397–398), Rany's 1653 trial was unusual in that it was the differently bodied child themselves, not their parents, who stood accused of sexual deviance.

Significantly, Rany's case occurred just before a spate of prosecutions for bestiality in Scotland between 1654 and 1659. Maxwell-Stuart (2002: 89) attributes this rise to Scotland's occupation by the English under Oliver Cromwell, during which the traditional Scottish judiciary was suspended and the management of Scots law was given over to justices authorized by the English Parliament. Yet Rany's case in particular seems to have attracted widespread attention because of the intersex body with which they had committed their crime. Why should this be? Unlike sodomy, a charge of bestiality might seem to have little to do with the sexes of the bodies concerned. However, Susan Hehenberger (2007: 410) argues that while it was 'construed as a "crime against nature", bestiality was perceived within the heterosexual matrix'. The conventional model of sexual intercourse was a union between a man and a woman, in which the man took an 'active', penetrative role while the woman was 'passive'. These norms were carried over to bestiality: not only was it typically understood to

be an act between a penetrative male and a penetrated female, but it was assumed that the male was the human and the female was the animal. This gendered transitivity reflected the different levels of autonomy ascribed to the bodies involved. The human had agency; the animal was merely a tool used to commit the crime (Hehenberger 2007: 398). Maleness was thus assigned to the active human and femaleness to the objectified animal.

Although Hehenberger's (2007) study focuses on bestiality trials in Austria, the active male human/passive female animal paradigm has been found in Britain as well. Men were implicated in all the Scottish buggery cases discussed by Maxwell-Stuart (2002). Courtney Thomas (2011: 158) has uncovered a few instances of women in England being accused of bestiality with male animals, but she concurs that the prototypical crime was performed by a man on a female animal. Rany's case disrupted this pattern. If the human perpetrator of an act of bestiality was ambiguously sexed, this could subsequently throw into doubt the sex of the animal, as well as the precise mechanics of the act that had been committed. This no doubt added to the scandal of Rany's story, but it also meant that those who retold the story had to resort to various tactics to disarm the threat it might otherwise pose to the 'natural' hierarchical order of the sexes and the species.

1.2 Theorizing the sexed trajectory

The narratives that emerged around Rany's trial might usefully be understood as comprising a *sexed trajectory*. This term is a way of bringing together Jan Blommaert's concept of the *text trajectory*, discussed below, with Frantz Fanon's and Judith Butler's theorizing of the *bodily schema*. Butler is well known for their critique of the analytical division between sex and gender, whereby sex is seen as a static biological fact and gender as a cultural fabrication built on top. Butler maintains that we cannot just strip away the cultural in order to get at the biological. Anatomy is not 'a stable referent that is somehow valorized or signified through

being subjected to an imaginary schema’; rather, ‘the very accessibility of anatomy is in some sense dependent on this schema and coincident with it’ (Butler 1993: 65). In other words, rather than merely being imposed onto bodies that are ‘already formed’, cultural constructs are ‘regulatory ideals by which bodies are trained, shaped, and formed’ in the first place (54). This is not a denial of the physical existence of anatomy, but an assertion that anatomy’s existence is only made intelligible through social interaction. It is this interaction that decides what ‘counts’ as a human body and what does not, and what qualifies a body as female or male, healthy or unhealthy, normal or abnormal. This in turn has material consequences for the body by determining how it should conduct itself, which acts it can lawfully engage in, and which would lead to its imprisonment or destruction (see Bucholtz & Hall 2016: 181).

Butler’s perspective on the bodily schema is indebted to Frantz Fanon, who used the term decades earlier to explain the position of Black people in white-dominated societies. In fact, Fanon split the schema into two levels. He described his own ‘corporeal schema’ as a ‘slow composition of my *self* as a body in the middle of a spatial and temporal world’—but this self-composition took place against a ‘historico-racial schema’ which was composed of ‘elements [...] provided for me [...] by the other, the white man, who had woven me out of a thousand details, anecdotes, stories’ (Fanon 1967: 111). Although, according to Butler, a schema ideally works to give anatomy the semblance of a stable referent, Fanon’s remark that his self-perception was shaped by a myriad of externally imposed narratives suggests that the elements by which one’s body is made intelligible—whether to oneself or to others—may not actually be internally consistent.

Importantly, while discourse mediates how we know and feel what it is to inhabit a particular body, Fanon does not claim that those knowledges and feelings are entirely reducible to discourse. Fanon’s divide between the corporeal schema and the historico-racial schema finds a recent parallel in Joseph Gamble’s work on early modern sex lives. As

Gamble (2023) puts it, within the ‘discursive structures’ by which a culture creates broad concepts like race and sexuality, there remain ‘epistemological and phenomenological infrastructures’ (2) by which individuals navigate that culture as ‘particular bodymind[s] in space-time’ (10). These structures and infrastructures are interlocked, but they are not entirely co-extensive. Although, for the analyst of historical texts, a past person’s sense of their own body is only accessible through the discursive imprints they have left behind, the analyst should also be mindful of the extent to which a single life, in the messy echoes of its sensations and affects, might exceed, disturb, or slip away from the discursive structures that order it.

To highlight the instability of corporeal and historical schemata—not only in a particular moment and place but across time and space—we can turn to Blommaert’s concept of the text trajectory. This is, quite simply, ‘the shifting of texts between contexts’ (Blommaert 2005: 62) as a piece of discourse is produced, circulated, and reworked in different settings. As the setting changes, so do the sociolinguistic norms placed upon the text, its author, and its audience, entailing ‘issues of control and power in each of the phases of recontextualization’ (64).³ Transposing this into a narrower scope of analysis, in which the focus is trained on one element of discourse, I will use *sexed trajectory* to refer to the way that a person’s schematization as a sexed and sexual body is reiterated and reinterpreted across different texts.

³ Blommaert (2005: 62) acknowledges his debt to Silverstein and Urban, who refer to the ‘natural history’ of discourses to describe the transformation of texts between contexts, along with ‘the social conditions making possible such entextualization in the first place’ (Silverstein & Urban 1996: 15). Though some of my concerns overlap with theirs, I avoid the bioscientific metaphor here, where it would mean figuring human bodies as specimens and so reinscribing the medical objectification of intersex people.

If we follow Gamble (2023: 10) in theorizing a sex life as the particular erotic, embodied experience of a ‘bodymind in space-time’, then a sexed trajectory is a textual afterlife: a trail left behind when a body is severed from its phenomenological moorings and turned into discourse, or more specifically into a series of discursive events. The basic narrative circumstances surrounding the body need not change (texts about Rany, for instance, could be said to invoke a consistent chronotope: a courtroom in Edinburgh during the English occupation).⁴ But as the story moves between texts and text-types, the meaning of the body itself is altered to meet different discursive demands.

This trajectory is not necessarily linear; it may alter or reverse course as different authors attempt to explain a body and its behaviour in different ways. One trajectory may even have multiple, smaller trajectories moving within it, like eddies in a current, as understandings of a person shift not only between but within texts. We will see all of these possibilities play out in the archive of Margaret Rany.

1.3 The textual corpus

Although Rany’s case has received little attention from present-day historians,⁵ the early modern records of Rany’s life and death make up a significant corpus. Reports of the trial feature in at least twenty-three texts produced within sixty or so years of Rany’s execution. Nine of the texts are manuscripts held in institutions in Edinburgh. The original judicial documents—consisting of two depositions, an examination, an indictment, a charge sheet, and a summary of trial testimonies, including one medical opinion—are preserved in the

⁴ See Leap (2022) for the relevance of the Bakhtinian chronotope to historical studies of language and sexuality.

⁵ The exceptions are Levack (2010: 178), who briefly summarizes the trial documents, and Capp (2012: 133–134), who takes notice of three news reports.

National Records of Scotland (*Dittay and Examinations* 1653). At the neighbouring National Library of Scotland, there are summaries of the trial given in three contemporaneous digests of Scottish legal decisions (Adv. MS. 24.6.16, Adv. MS. 25.2.9, Adv. MS. 25.4.8).⁶

The remaining texts are printed documents. The digital archive of news periodicals hosted by *Early English Books Online* (2003–) contains references to Rany in ten issues of seven periodicals, all of them printed in London: *The Perfect Diurnall* (1652, February 14, 21), *A Perfect Account* (1653, February, 16, 23), *Mercurius Democritus* (1653, February 16, 23), *Mercurius Politicus* (1653, February 17), *Severall Proceedings in Parliament* (1652, February 17), *The Moderate Publisher* (1652, February 18) and *The Faithful Scout* (1653, February 18).⁷ The final retellings of the trial that I have found occur, rather unexpectedly, in four editions of two English dictionaries: the *Glossographia* by Thomas Blount (1656, 1661) and *Cocker's English Dictionary*, attributed posthumously to Edward Cocker (1704, 1715). In the following discussion, I will consider how Rany's sexed trajectory moved across these texts as Rany was sentenced by jurists, diagnosed by a surgeon, sensationalized by journalists, and defined by lexicographers.

⁶ My transcriptions retain the manuscripts' original spellings, except that I have distinguished <i> from <j> and <u> from <v>, and altered long <f> to <s> and thorn <y> to <th>, for ease of reading.

⁷ Note that three of the periodicals make use of Old Style dating, in which the calendar year started on 25 March. According to this system, Rany's sentencing in February would have occurred in 1652.

2. Plotting Rany's trajectory

2.1 Legal records

The legal texts relating to Rany are too extensive to quote in full, but I will excerpt the passages that touch directly on Rany's sex. Among the court documents (*Dittay and Examinations* 1653), the earliest manuscripts are the depositions made by Rany and their accuser, John Donaldson, in the presence of several respectable men in Fife. Rany's and Donaldson's oral statements were of course mediated through the pen of a clerk, and the extent to which the depositions mirror their own words is unknowable. Reportedly, Donaldson described the accused at first glance as a 'creature [i.e. person] moving toe and froe upon the hinder parts of the [...] meare [i.e. mare] as a man'. Despite this uncertain beginning, Donaldson thereafter referred to Rany unhesitatingly as a 'woman', and the 'dochter' (daughter) of his neighbour, for the remainder of his statement—presumably because this was the social role in which he had always known Rany.

Rany's own deposition says nothing about their gendered self-understanding, although it does record their emotional distress during questioning. The scribe reports, with no traceable sympathy, that the 'deponent [...] with teares confessed to have been much grieved to have been found with a beast in such a posture upon the sabbath day'. The deposition gives more space to the opinion of the men who examined Rany, which they did physically as well as verbally. Their findings would sound the first explicit note of doubt over Rany's womanhood: though 'alwayes reputed and estimed to be a woman', Rany was 'in effect ane hermophrodite so far as can be discerned by These who have viewed hir bodie'. When Rany was brought to Edinburgh, they were made to confess again in a formal interrogation. I will quote this confession in full, as it is the clearest articulation of Rany's sense of self that remains to us:

This Examinat¹ sayth that shee is both man and Woman and that she did indeavour as farr as she could to have carnall Copulacion with a Mare as² she was a man but denyes that she entered into the bodye of the Mare or ever had the Custome of Women³ uppon her.

¹ *examinee*, ² *as if*, ³ *menstruation*

The confession, short and second-hand as it is, offers us a precious insight into the epistemic and phenomenological infrastructures by which Rany understood themselves. It also reveals the slippage that can occur between these infrastructures and the discursive structures by which one's body is publicly ordered (Gamble 2023, 7). Rany told the court something of what it felt like to live and move within their body, and at the same time they pre-empted any reflexive interpretations of those feelings. They stated they had never menstruated, and yet this did not stop them from asserting their womanhood. They acknowledged they had tried to have sex 'as [...] a man', and while they had not achieved penetration, this did not stop them from affirming their manhood. In fact, Rany called themselves 'both man and Woman'—without regarding this as a contradiction, and without resorting to the medico-legal category of *hermaphrodite*. In this short account—despite the scribe's relentless gendering of Rany as 'she' and 'her'—self-perception and self-knowledge are briefly able to disrupt discursive convention.

However, the court was no more willing to accept Rany's rejection of binaristic sex than to believe their assertion that they had not succeeded in committing the crime they were accused of. When the court addressed Rany in the indictment ahead of their trial, it interpellated them unequivocally as male:

[W]heras you being a man of great vigour and bodilie strenth you did all the tyme of your Lyf behave your self as a woman [...] which is a high abomination in the sight of god, and expresslie prohibit by his word deut. 22. 5. / And doubtless you had¹ continowed in that wiked posture² [...] had it not pleased our Lord [...] That your wikedness w[hi]ch was so long covered should somtymes be unmasked and discovered.

¹ *would have*, ² *imposture*

Rany was thus guilty of defying two biblical injunctions, the Levitical law against bestiality and the Deuteronomic law against men wearing women's clothing. The indictment's blunt refiguring of Rany as a vigorous young man would, nonetheless, be walked back a little in the formal charge brought at the trial, in which Rany was once again labelled a 'Hermophrodit'—though one in whom the male sex predominated:

[Y]e being Borne ane Hermophrodit having both Sexes male & female Bot mor particularie and Especiallie The use and strenth of the Masculine Sex [...] had Contrarie to nature Carnal Copulatione with ane grey Meir [...] as ane man hath with a woman in the act of Generatione[.]

The reason for the court's insistence that Rany was a man, or at least a masculine 'Hermophrodit', is hinted at by the charge sheet's final adverbial clause ('as ane man hath with a woman in the act of Generatione'). The same logic would shape the summaries of the trial that later appeared in three contemporary legal digests, which drew from the court records. All three digests reaffirmed that Rany was found guilty of 'committing bougerie of a mear she being a hermophrodite and haveing more par[ticular]lie the use of the Masculine

Sex' (Adv. MS. 24.6.16: 589).⁸ The statement of Rany's crime ('committing bougerie of a mear') is followed by a participle clause ('she being a hermophrodite') in a way that suggests the latter is meant to offer an explanation of the former. I noted earlier that bestiality tended to be made sense of through the gendered paradigm provided by human cross-sex intercourse. Just as the act of generation took place between an 'active' man and a 'passive' woman, so cross-species intercourse involved an 'active' man and a 'passive' female animal. Given this, the presence in Rany's case of a female horse and a human hitherto assumed to be a woman required some rationalization. This was why it was necessary to stress that Rany was not only a 'hermophrodite' but had 'more par[ticular]lie the use of the Masculine Sex'. In order for Rany to be found guilty of entering the body of the mare, Rany's own body had to be indisputably masculine, even if it did not exactly conform to binaristic norms.

At the same time, the law's efforts to avow Rany's masculinity did not entirely succeed. In spite of themselves, the authorities continued to refer to Rany by feminine pronouns. Rany's original deposition in Fife had incongruously declared them to be a 'hermophrodite' on the evidence of 'hir bodie' (a Scottish variant of *her*, even if by a pleasing coincidence it resembles a modern-day gender-neutral pronoun). In the later legal digests, the clause 'she [...] haveing more par[ticular]lie the use of the Masculine Sex' seems even more ludicrous. In this small way, the longstanding social perception of Rany's gender seems to have triumphed over their legal resignification. Still, the question remains: on what legal grounds did the court choose to resignify Rany as male?

⁸ The comments on the trial in the other two digests (Adv. MS. 25.2.9: 291; Adv. MS. 25.4.8: 415) are almost identical, with only minor syntactic and orthographic differences, so I have quoted one to stand for all. The digests' authorship and precise dates of composition are unclear.

2.2 Medical diagnosis

Early modern trials involving intersex people were not solely a socio-legal matter. Often there was a medical aspect too, as when a court summoned expert witnesses to help determine a person's 'true' sex—'disqualif[ying] the [intersex person's] own testimony and demand[ing] that of doctors, surgeons, and midwives instead' (Daston & Park 1995: 426). The same thing happened to Margaret Rany. In the summary of trial testimonies made against them, the statements of their accusers from Fife were accompanied by the opinion of a surgeon-apothecary working in Edinburgh, James Borthwick. Instead of reaching for the amorphous label *hermaphrodite*, as the men of Fife had done, the surgeon gave Rany a more specific diagnosis:

James borthwick finds the panell¹ to be ane man and ane hypospadian [who] cannot ejaculat as ane man in any sens[.], denyes penitratione if th[ere] be no emissione And sayth th[ere] can be no ejectione out of that place because th[ere] is no passag[.]

¹ *accused*

In early modern anatomy, a *hypospadian* was a man with a penis whose urethra exited from the underside rather than the tip. As one medical manual explained, if 'the hole of the Nut [i.e. glans]' is 'crooked, it makes men [...] *Hypospadicos*; so that they cannot ingender [i.e. reproduce], because they do not cast their Seed directly into the Womb' (Riolan 1657: 75). The hypospadian's penis troubled the expectation that intercourse should culminate in ejaculation inside a vagina. In fact, this was enough to convince James Borthwick that if Rany could not ejaculate, then they were incapable of 'real' penetration—and thus, presumably, they could not commit 'real' bestiality with a female horse. It is telling that the

court snatched the surgeon's assertion of Rany's masculinity but ignored his provisos about Rany's sexual capacity. This, more than anything, suggests that the judges were not intent on uncovering an anatomical truth about Rany so much as on having a diagnosis to prop up a guilty verdict. If Rany was masculine, then they could bugger a mare; no more detail was required. Beyond his witness statement, the court documents make no further reference to Borthwick or indeed to the word *hypospadian*. However, these medical elements would be enthusiastically amplified when news of the trial reached England.

2.3 News reports

During and after England's Civil Wars—fought between supporters of the English Parliament and forces loyal to the king—journalism served both as a source of news and as a mouthpiece for political and religious propaganda. In 1649, after the Parliamentarians had defeated the Royalists, abolished the monarchy, and declared England to be a Commonwealth, they sought to regulate the press by revoking the printing licences of all existing newspapers and ensuring that those which were subsequently licensed were sympathetic to the new government (Capp 2012: 59). Authors and printers whose work was deemed to be seditious or profane were at risk of arrest. Journalists thus had good reason to voice their support for the government's invasion of Scotland in 1650, and for its puritanical attempts to curb public immorality throughout Britain. As such, apart from the dramatic value of Rany's trial, reporting on it in the licensed weeklies could be seen as a way of supporting Puritan English justice being meted out against unruly Scottish subjects.

Yet anti-government publications were not wholly suppressed. Some evaded censorship by hiding their political opinions behind comic verses and satirical tales (Capp 2012: 78). Only one of these periodicals—*Mercurius Democritus*, edited by the Royalist John Crouch—appears to have commented on Rany's trial. Crouch cites Rany in passing amid a

series of nonsensical predictions about the future state of the country, including that ‘Women will be more Masculine then men, taking on them to perform the *Male Kinde*, and be Arraigned for *Buggery* [as *Margaret Rayne* was lately at *Edenbrough*;]’ (*Mercurius Democritus* 1653, February 16: 351; brackets in original). The prediction is more concerned with Rany’s transgression of the divide between the sexes than the divide between the species; it does not mention the horse. The implication is that Rany is but an early symptom of the disorder that will grip the body politic under the Commonwealth. Its whimsical tone aside, *Mercurius Democritus* clearly registers the ideological threat that a woman ‘more Masculine then men’ could pose to the demarcation of patriarchal gender roles.

Conversely, the pro-government weeklies present Rany’s trial not as an omen of disasters to come but as a successful repression of vice by the state-appointed justices. Most of the periodicals agree on the basic facts: Rany was tried in Edinburgh for buggery with a mare. However, they diverge over how best to explain Rany themself. *Severall Proceedings* (1652, February 17: 2786) simply calls Rany ‘an Hermophradite’. *A Perfect Account* (1653, February 16: 874) and *The Moderate Publisher* (1652, February 18: 528) both flesh out this bare schema: Rany was ‘an Hermaphrodite’ who ‘wore womans apparell, was so reputed [i.e. to be a woman], but had more of man than woman (though imperfect)’. As in the court documents, a trajectory begins to emerge. Rany’s longstanding public perception as a woman is delegitimated by the revelation that they were ‘more [...] man than woman’, though neither sex was ‘perfectly’ present. *A Perfect Account* and *The Moderate Publisher* do not say who determined Rany’s sex, but the matter is taken up in other newspapers. One of these is *The Perfect Diurnall*, a well-connected publication written by Samuel Pecke and overseen by John Rushworth (who had previously served as the Commonwealth’s licenser of the press, as well as its army secretary). Seemingly, the *Diurnall* was the first newspaper to break the story of Rany’s trial, but its reporting was rushed and poorly edited. Its second issue of February

1652 contains two versions of the trial on separate pages. One version gives the expected story of Rany as ‘an Hermaphrodite [...] [having] more of man than woman’ (2506), but the other, longer version flatly contradicts this assessment:

From *Edenburgh*, Feb. 5. The Judges have sat severall time [*sic*] this week upon criminall cases; qne [*sic*] triall they met with such as I thinke ne’r came before any Judge on earth viz. *Margaret Rayne* (so called) of the age of eighteene [*sic*] years, who has constantly been reputed a woman till of late, that she was accused of that detestable abomination of Buggery with a Mare, who upon ordinary search was thought to be an Hermophradite, but now by an inquest of Chirurgions [i.e. surgeons] is found to be a man of that sort the Philosophers call Hyospadians, this creature by evidence of certain persons is convict of that beastly crime, and I believe will be burned, together with the beast, according to the Mosaoicall [*sic*] law.

(*The Perfect Diurnall* 1652, February 14: 2505.)

In this version of the story—which is repeated with minor alterations by *Mercurius Politicus* (1653, February 17: 2129–2130) and *The Faithful Scout* (1653, February 18: 821)—Rany’s sexed trajectory moves one step further. While initially ‘reputed a woman’, then ‘upon ordinary search [...] thought to be an Hermophradite’, they are finally ‘found to be a man of that sort [...] call[ed] Hyospadians’. Lay speculations are swept aside by (embellished) medical fact. The surgeon is multiplied into a team of ‘Chirurgions’, and though James Borthwick’s testimony had not commented on whether a hyospadian was a type of ‘hermaphrodite’ or not, the two are decisively treated as separate categories by the newspapers. This striking item of anatomical jargon would be picked up a week later in a

follow-up issue of *A Perfect Account* (1653, February 23: 883). Although its previous issue had simply called Rany a ‘Hermaphrodite’, the new issue reports that Rany had indeed been executed and that ‘the Chyrurgians begged [i.e. asked for] the body of the Hypospadian, to desect (for the improvement of other judgements) before it was burned’.⁹ In death, Rany’s body was callously reduced to an ‘it’, a medical specimen whose refusal to signify monolithically could be dissected in the interests of managing other wayward bodies in future.

2.4 Dictionaries

None of the journalists who invoked the term *hypospadian* explained precisely what it meant, and it is possible they were unsure. *Hypospadian* was a rare word in Early Modern English; in fact, I have not been able to find any instances of it earlier than Rany’s trial. A few years later, this made it a suitable addition to Thomas Blount’s dictionary. As its title page explained, Blount’s *Glossographia* was meant to interpret ‘all such Hard Words, Whether Hebrew, Greek, Latin, Italian, Spanish, French, Teutonick, Belgick, British or Saxon; as are now used in our refined *English Tongue*’ (1656: A1^r). This dictionary was not intended to be a record of common words—the sort which any literate person might already be expected to understand. Instead, Blount (1656: A5^v) aimed his book at readers who had not been classically educated and who needed an aid to deciphering terms borrowed from learned languages. Of course, Blount himself could be perplexed by obscure classicisms, as his entry for *hypospadians* shows:

⁹ There is some evidence that Borthwick taught dissection to apprentice surgeons in Edinburgh (Dingwall 1995: 72), so it is possible he did make this request, although the court documents do not mention it.

Hyospadians or *Hippospadians*, a sort of monstrous persons that abuse themselves with a Horse or Mare. In *Febr.* 1652. one of these (who went by the name of *Margaret Raine*) was convict before the Judges at *Edinburgh* in Scotland for Buggery of a Mare, or being buggered by a Horse; and both shee and the horse were burnt according to the *Mosaical Law*; this person by an inquest of Chirurgians, was found to be one of that sort (says the relation) whom the Philosophers call *Hyospadians*.

(Blount 1656: s.v. *hyospadians*.)

Blount repeats Rany's story as it had appeared in *The Perfect Diurnall*, which may have been his immediate source, but with a few departures. For instance, in his uncertainty over the meaning of *hyospadian*, he compounds the *Diurnall*'s epistemic hedge ('whom the Philosophers call') with a second hedge ('says the relation'). Blount's understanding of *hyospadian* seems to have depended wholly on what he had read about the trial. No longer an anomaly, Rany's crime is used to exemplify *hyospadians* as a class: according to the dictionary, *all* of them are 'monstrous persons that abuse themselves with a horse or Mare'. Working from this faulty assumption, Blount goes so far as to coin a variant spelling of the headword, *hippospadians*, from the Greek element *hippo-* 'horse'. Hehenberger (2007: 413–414) argues that bestiality was regarded as a disruption of the natural border between rational humanity and irrational animality; as such, people who committed it were often the targets of dehumanizing language. Blount's folk etymology enacts this dehumanization at the morphological level, reinforcing the link between bestial activity and 'monstrous' anatomy.

Nonetheless, exactly how Rany's body was 'monstrous' goes unsaid. Whereas *The Perfect Diurnall* presented the 'Hermaphrodite' and the 'Hyospadian' man as discrete categories, Blount seems less sure. Like the *Diurnall*, he initially refers to Rany as 'shee', but

where the *Diurnall* went on to reveal that Rany was really a ‘man’, Blount opts for the gender-neutral words ‘person’ and ‘one’. Blount’s equivocation over Rany’s sex in turn casts doubt on the sex of the animal. Whereas the newspapers (and legal records) reported that Rany had committed buggery with a mare, Blount changes this to ‘Buggery of a Mare, or being buggered by a Horse [i.e. stallion]’. In the earlier texts, the conclusion that Rany was in truth a man allowed Rany and the mare to be slotted into the normal gendered pattern of bestiality: active male penetrates passive female. But because Rany’s bodily ambiguity is not resolved in the *Glossographia*, it becomes uncertain whether Rany took the role of the penetrative male (in which case sexual norms dictate that the horse must have been female) or the role of the penetrated female (in which case the horse must have been male). The quandary of how to fit Rany into this transitive paradigm seems to have irked Blount again a few years later, when he came to revise the *Glossographia* for its second edition (1661), because there he replaces Rany’s conviction for ‘Buggery of a Mare, or being buggered by a Horse’ with the phrase ‘convict [...] for some bestiality with a Horse or Mare’. The new definition makes no claims about who did what to whom.

The next lexicographer to define *hyospadian* had a clearer grasp of the word’s anatomical significance. *An English Dictionary* by Elisha Coles (1676) concisely states that a *hyospadean* is one ‘whose water comes out of the middle of his yard [i.e. penis], an *Hermaphrodite*’, with no mention of Rany. Several decades later, both Coles and Blount would be drawn on in *Cocker’s English Dictionary* (1704). This work simply repeated Blount’s 1656 definition verbatim and then tacked Coles’s definition on at the end, leading to the ungrammatical conclusion that Rany was ‘found to be one of that sort, (says the Relation) whom the Philosophers call *Hyospadian*, whose water comes out of the middle of his yard, or *Hermaphrodite*’ (Cocker 1704). The insertion of ‘*Hermaphrodite*’ suggests that the hyospadian is indeed a masculine subtype of that category rather than a separate category

altogether. However, when Cocker's dictionary was revised for its second edition in 1715, the reviser seems to have decided that hyospadians—and Rany in particular—were not so masculine after all:

Hyospadeans, a kind of monstrous Persons that abuse themselves with Beasts. In 1652. a Woman named *Margaret Rain*, was convicted before the Judges in *Scotland*, for Bestiality, or being used by a Stone-horse, and both she and the Horse were burnt, according to the Law of *Moses*. This Person being viewed by the Surgeons, was found to be of that sort, (says the Relation) whom the Philosophers call *Hyospadians*, whose Water comes out of the middle of the Yard, an Hermaphrodite.

(Cocker 1715: s.v. *hyospadeans*.)

The revision truncates the entry, and in doing so broadens the accusation levelled against hyospadians at large: they are now 'monstrous Persons that abuse themselves with Beasts', the abuse no longer confined to horses (Cocker 1715). Nor are their bodies inclined to masculinity. The first edition's description of a hyospadian as a person 'whose water comes out of the middle of *his* yard' (Cocker 1704) is degendered—at least partly—to 'whose Water comes out of the middle of *the* Yard' (1715; emphases added).¹⁰ The prior, androgynous introduction of Rany as 'one [...] who went by the name of *Margaret Raine*' (1704) is replaced with 'a Woman named *Margaret Rain*' (1715). More surprisingly, Rany's crime shifts from 'buggery of a Mare, or being buggered by a horse' (1704) to 'Bestiality, or being used by a Stone-horse [i.e. stallion]' (1715). The mare from the legal records and news reports, made to keep pace with a stallion in the early dictionaries, abruptly drops out of

¹⁰ While *yard* typically denoted the penis in Early Modern English, it could be applied more broadly. Riolan (1657: 82) observes that the '*Clitoris*' was also 'called the *Womans Yard*'.

view. As Rany is newly feminized, so the horse is contrastingly masculinized. In trying to downplay the ambiguity of the previous definition, the reviser was pressed to choose between competing sexual norms. Although the gender reversal (female human/male animal) violates the typical paradigm of bestiality (male human/female animal), it does reaffirm the principle that bestiality should unequivocally be a cross-sex act. Ultimately, the reviser seems to have decided that Margaret Rany's name was a more reliable marker of their sex than an esoteric piece of medical jargon. And so, sixty years after their death, Rany's trajectory was brought full circle back to womanhood.

3. Conclusion

The efforts of witnesses, justices, a surgeon, journalists, and lexicographers to render Rany intelligible did not, in the end, establish a consensus on how to tell a male body from a female one. Rather, they called attention to how the discursive regimentation of the body (and the sex binary, and the binaristic sexual roles that depend on it) is an unstable process that is ill-equipped to handle the messiness of lived corporeality and sexuality. Attempts to parse this messiness through a coherent set of norms can ironically reveal the tensions that exist between the norms themselves.

This paper is by no means the first to observe that how a body will move through language cannot be accurately plotted beforehand. Bucholtz and Hall (2016: 184) observe that 'the body offers certain affordances that shape the trajectory of semiosis, even if a particular outcome cannot be predicted in advance'. Brian King (2019) concurs that the 'relationship between bodies and discourse is bidirectional and recursive [...] with the body shaping the trajectory of semiosis in unpredictable ways'. In his study of the memoirs of the intersex icon Herculine Barbin, raised as a girl and later forced to live as a man in nineteenth-century France, Vincent Crapanzano (1996: 107) notes that 'Barbin was quite literally

trajectile—thrown across an uncrossable border—and this [...] not only questioned the system of classification that created that border but its very assumption’. My reading of Rany’s trial is clearly in accord with these views. Still, in framing Rany’s archive as a *sexed trajectory*, with its particular echo of Blommaert’s (2005) work, I have tried to unite (as Blommaert did) an analysis of historical discourse with an awareness of the human lives enmeshed in it, particularly those whose own voices have been (almost) overwritten by the official record.

Rany’s life—like the lives of the ‘infamous men’ whose records were collected by Foucault—comes down to us only because of their ‘encounter with power; without that collision, it’s very unlikely that any word would be there to recall their fleeting trajectory’ (Foucault 2000: 161). The precise circumstances of Rany’s existence, and the events that cut it brutally short, are remote from the experiences of most people living today, whether intersex or endosex. However, Rany’s trial and its posthumous trajectory are not wholly disconnected from the present. While *hypospadian* as the descriptor of a person has fallen out of use, *hypospadias* still occurs in clinical literature to describe a certain penile formation that does not meet normative expectations of what a penis should look like and how it should function. Though hypospadias does not in itself pose a health risk, people who are born with it are often made to undergo ‘corrective’ surgery in early infancy (Mole, Nash & MacKenzie 2020), when they are too young to give or withhold their consent.

Intersex activists continue to campaign for medical practitioners to acknowledge the lifelong physical and psychological damage such operations cause, and to recognize the extent to which their medical protocols have been shaped by the legacies of European colonialism (Wolff, Rubin, & Swarr 2022: 147–148). The violence done to Margaret Rany was different; it took place in another time and for another reason. Yet one of the most disturbing aspects of Rany’s archive is the indifference with which that violence was

reported, even as the person it was inflicted on was sensationalized. Among other things, studying the past should lead us to reconsider which acts of harm are so routinized in the present that they pass unnoticed—at least by those who are not subjected to them. But the archive is also a record of resilience. Amidst the horror of Rany’s last days, their brief, simple declaration that they were ‘both man and Woman’—made in the face of legal and medical interrogation, made under threat of death—shows that while the persecution of intersex people is not new, nor is the struggle for self-determination.

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