

**HISTORY OF KING HENRY VIII, QUEEN MARY, QUEEN ELIZABETH,
AND THE BUGGERY ACT 1533**

1. Sodomy was first criminalised under the Buggery Act 1533 during the reign of King Henry VIII. The reason that the Buggery Act was passed is linked to a specific historical context.
2. Prior to 1533, sodomy was considered a crime only against the church, and only tried in the Ecclesiastical Courts. In other words, it was not a crime as defined by the State, but was an offence in a religious context, to be dealt with by the Church.
3. In 1533, King Henry VIII had an argument with the Catholic Church. He wanted to annul his marriage to Catherine of Aragon, and marry a new wife, Anne Boleyn.
4. However, the Catholic Church did not approve – it refused to annul his marriage to Catherine of Aragon. Without the annulment, he could not marry Anne Boleyn.
5. Henry VIII then decided to cut the link between the English Church and the Roman Catholic Church. He then started the Church of England, with himself as the head. The Church of England would approve his marriage to Anne Boleyn.
6. After Henry VIII cut the links with the Roman Catholic Church, he converted many of the Church's Canon Laws into secular laws.
7. He did this for a purely political reason: he wanted to reduce the influence of the Church, by ousting the jurisdiction of the Ecclesiastical Courts. In essence, this would stop the Church from dealing with laws as a religious matter, and make the Royal Courts deal with them instead – by making these offences normal, secular offences.
8. The Buggery Act was one such law that was brought over from the Ecclesiastical Courts.
9. It became a criminal law as a by-product of:
 - (1) The political struggle for supremacy, between Rome and Henry VIII, and

(2) Henry VIII's decision to reduce the role, power and influence of the Church.

10. It had nothing to do with wanting to criminalise sodomy as such.
11. The political nature of these actions can be seen from what followed.
12. In 1553, Queen Mary became Queen. She was the daughter of Henry VIII, and Catherine of Aragon. She succeeded Edward VI, who was Henry VIII's son.
13. Queen Mary was also an ardent Catholic. She was determined to restore the Catholic faith in England, and to reinstate the powers of the Ecclesiastical Courts. So, she repealed the Buggery Act, and moved the offence of sodomy back to the Ecclesiastical Courts.
14. This move was thus, again, a by-product of politics.
15. Queen Mary reigned for 5 years. She died in 1558. She was succeeded by another of Henry VIII's daughters: Queen Elizabeth.
16. Elizabeth's mother was Anne Boleyn: the second wife of Henry VIII, who incidentally had come to a grievous end (she was beheaded on Henry VIII's orders).
17. Because Elizabeth was the daughter of Anne Boleyn, there were questions over the strength of Elizabeth's claim to be Queen.
18. Elizabeth needed to establish her legitimacy, and took several steps to do so. One of these steps was that she had the Buggery Act re-enacted again in 1563, as a secular law. This was ten years after it had been repealed and moved to the Ecclesiastical Courts by Queen Mary.
19. In summary, the origins of the offence of sodomy in the Buggery Act show that it was introduced as part of a power struggle between Henry VIII and the Catholic Church.