# "'What am I, I wonder?
# Perhaps something new in the world'": Sodomy and Transmasculinity in C.J. Sansom's *Heartstone*

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*Abstract*
C.J. Sansom, a British historic crime novelist, utilises his protagonist, Matthew Shardlake, a sixteenth-century Lincoln's Inn lawyer, to critique the ways that Henry VIII's administration began to rigidly define various social and cultural 'norms'. Throughout the series, Sansom explores diverse groups of people who become marginalised and subsequently demonised by the quickly changing political landscape. As Henry VIII became more obsessed with producing a male heir to the throne, we see the establishment of a legal system that veers away from the purview of the Roman Catholic Church and the confessional to the criminalisation of Catholics, political dissenters, and sodomites, to name a few. Shardlake, himself, is consistently marginalised: he is a perennial bachelor who has a hunched back and is ridiculed for his disability; he originally works for Cromwell and Henry VIII to rid England of Catholics, and yet he also realises that the Reform movement is equally dangerous and dogmatic. Shardlake builds a community of 'freaks' around himself: his best friend is a homosexual ex-Catholic monk who is a Moor; his work colleague and friend is Jewish and working-class; Shardlake advocates for women's rights. With Shardlake, Sansom has devised an unexpected hero who creates safe spaces for Tudor society's 'rejects' wherever he goes. Sansom's fifth book in the series, *Heartstone* (2010), continues in this vein as it reveals the sham of carefully constructed notions of militarism, nationalism and their dependence on a rigidly defined gender dichotomy. Through the character of Hugh Curteys, a transmasculine figure, the reader must not only re-examine Henry VIII's codification of gender and sexual "norms", but we must also reconsider the ways that these laws and the subsequent stereotypes that have come with them continue to marginalise and criminalise queer people in the 21st Century.

*Key-Words*: transmasculinity, cross-dressing, sodomy, transgression.

I know I am not a man – about that much I'm very clear, and I've come to the conclusion that I'm probably not a woman either... The trouble is, we're living in a world that insists we be one or the other – a world that doesn't bother to tell us exactly what one or the other *is*. (Bornstein 1995: 8, emphasis in the text)

## 1. Introduction

C.J. Sansom's Matthew Shardlake mystery series, written in the first person, focuses on cultural worries in Tudor England; however, many of these issues continue to plague us today. The author deftly navigates between the twenty-first century in which he writes and his sixteenth-century crime stories. Sansom holds a doctorate in history, and he utilises his talents as an historian not only to conduct in-depth research but also to bring the tumultuousness of Henry VIII's reign to life skilfully and beautifully. His readership reaches well beyond fans of any one specific genre. Thus far, there has been little critical literary attention paid to Sansom or his Henrician crime series, although his work has been favourably reviewed in *The Guardian* and the *New York Times Review of Books*. Since crime novels – even the well-written ones – are often viewed as a formulaic sub-genre, like 'penny dreadfuls' from the Victorian Era, Sansom's work has yet to be explored within a theoretical context.

Sansom's novels focus on Matthew Shardlake, a sixteenth-century Lincoln's Inn lawyer who is consistently marginalised: he has a hunched back and is often publicly ridiculed for his disability (including one horrific time by King Henry VIII himself in *Sovereign*, the third book in the series published in 2008: 215-16). He originally works for Thomas Cromwell to rid England of Catholics, and yet he also realises that the Reformists are just as dangerous and dogmatic as the 'Papists'. Unmarried and well into middle age, Shardlake often stumbles upon other societal outsiders in the course of his work. He holds on to this eclectic group of friends over the course of the series and is an accidental conduit for the connections between all of them: Dr Guy Maldon, a homosexual Catholic ex-monk who is a Moor and an apothecary; his work colleague and confidante, Jack Barak, a Jewish man who spent his early teenage years on the streets of London; Jack's wife Tamasin, a feminist prototype who insists that she and her husband are on equal footing; and other marginalised figures like the

orphan boy, Timothy, and girl, Josephine, whom Shardlake supports by becoming fiscally responsible for them by bringing them into his household. In Matthew Shardlake, Sansom has created a complex protagonist who uses his relative privilege to aid Tudor society's 'rejects'; yet, he, too, as a hunchback, often finds himself demonised.

More so than any of his other mysteries which have not shied away from inflammatory and transgressive topics ranging from the exploration of religious freedom to an analysis of the deep seated hypocrisy within Henry VIII's reign, Sansom's fifth book, *Heartstone* (2010) takes a radical and interesting turn in its complex depiction of Hugh Curteys – someone whom, today, we would clearly label as transgender[1]. Sansom's first novel, *Dissolution* (2004), explores issues surrounding sodomy and Henry VIII's 1533 Buggery Act. In *Heartsone*, Sansom revisits the sodomy laws as well as the codification of a strict gender binary. In exploring the intersections between the rigid social constructions of masculinity, the cultural attitude toward the recently outlawed sodomite[2], and the perceived monstrosity of gender transgression, this essay focuses on the ways that Shardlake grapples with his conception of the limits of gender expression and identity within the context of Henry VIII's increasingly strict laws against any subject who did not fit within the gender binary or adhere to a heteronormative model. It is this monarch whose legacy, at least in England, became the blueprint for centuries of misogynous, homophobic, and transphobic laws and public policies[3].

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[1] The term 'transgender' often denotes people who do not identify with the sex and subsequent socialised gender 'norms' they were assigned to at birth. While many activists have attempted to move away from a Western medical model of the term, for many, it still connotes the idea of undergoing hormone therapy and some sort of sex reassignment surgery. Susan Stryker's 2008 text *Transgender History* makes the argument that 'transgender' should actually be utilised as a term to encompass all non-binary gender identities and expressions from cross-dressing to genderqueer (Stryker 2008: 19). See also the comprehensive book *Trans Bodies, Trans Selves: A Resource for the Transgender Community* (Erickson-Schroth 2014). A full discussion of the truncated term Trans, which is developing as an umbrella term that moves away from medical models of gender entirely, can be found in Haefele-Thomas (forthcoming).

[2] Prior to the parliamentary sessions of 1533 and 1534, the act of sodomy as an offence was regulated through the confessional and was part of the ecclesiastical jurisdiction. However, Henry VIII, as yet another move against Catholicism and the monasteries, made sure that parliament changed the law to a "statutory felony punishable by hanging" (Borris 2004: 86).

[3] Henry VIII's 1533 Buggery Act was the first civil anti-sodomy law. Over the course

## 2. A tutor's suicide and the problems of wardship

*Heartstone* opens in the summer of 1545 – the fateful year when Henry VIII's England is preparing for war against the French at Portsmouth. Shardlake has been called to Queen Catherine Parr's court where she asks him, as her trusted friend, to explore the death of a tutor, Michael Calfhill, the son of Bess, one of her former servants. Michael Calfhill's death has been ruled a suicide, and yet his mother will not let go of the notion that he has been murdered. She relates the story of one particular pair of students – Hugh and Emma Curteys – that had haunted him. In London, he served as tutor to the Curteys siblings and had an outstanding relationship with both of them. When tragedy befalls the Curteys family and both parents die within days of one another, Emma and Hugh are suddenly orphaned. As with all orphans from families who held land in Tudor England, the Curteys children wind up in the Court of Wards, where they literally become the property of the Crown and can be bought by another family of wealth[4]. In line with the rule surrounding wardship, Nicholas Hobbey, a seemingly wealthy landowner and neighbour, buys the wardship for the Curteys children in the hope that he will be able to marry his only child,

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of the next three centuries, this law evolved from the original anti-sodomy law that included anyone committing the act to the specifically anti male-on-male Labouchère Amendment in 1885. We can see these homophobic laws becoming conflated with what I am also referring to as transphobic laws in the ways that transvestism was often seen as evidence of sodomy. For example, Matt Cook *et al.* write in *A Gay History of Britain* that throughout the 1600s transvestite boys would often walk the streets of London looking for sexual trade with either men or women, and that some female prostitutes dressed as male pages to attract male customers (Cook *et al.* 2007: 58-59). By the time we've reached the Victorian Era and the continual arrests of Boulton and Park (aka Fanny and Stella) under the sodomy laws – pre-Labouchère – we find that, at least in the minds of the police, their cross-dressing (transvestism) signals the *intent* to commit sodomy. For two male bodied people who dress as ladies and go about London, their transvestism *as well as* their homosexuality criminalised them.

[4] Please see the *Longman Companion to the Tudor Age* for a detailed description of the convoluted laws created by Henry VIII regarding orphans and wardship: "When a child from a family in England or Wales whose land was held by knight-service was orphaned as a minor, he or she became a royal ward. Until the child came of age the Crown as guardian had rights over the marriage and education of the ward and administered the estates" (O'Day 1995: 284).

David, to Emma Curteys before she turns 14: the age when she can petition the court for her part of the wardship if a suitable husband is not found for her. This marriage would, in essence, keep her properties under the control of Hobbey. By comparison, as a male, Hugh Curteys would be unable to petition for his portion of the wardship until he was twenty-one.

A few years into the wardship, Emma and Hugh Curteys fall sick with smallpox and Emma Curteys dies. The Hobbey family, including Hugh Curteys, immediately relocates from London to Hoyland Priory in the countryside near Portsmouth. The priory is an abandoned convent, surrounded by several acres of woodland area where the Hobbey's lands and the Curteys's lands border each other. After hearing of Emma's death and the sudden move to the country, Calfhill, out of past interest and love for the Curteys children, calls upon the Hobbey family to see how his former charge, Hugh, is doing. Since this is a mystery and Shardlake's eyes are the reader's eyes, what we all know at this point is that Calfhill has been to Hoyland Priory to see the Hobbeys and has run away from there most distressed; Calfhill has come back to London to see if he can appeal to the Court of Wards to take over the wardship of Hugh Curteys. Something so monstrous has taken place in the Hobbey household that it has unhinged and infuriated the former tutor. Just as he is in the process of filing at the Court of Wards, he is found hanging in his London rooms.

Shardlake and his friend and colleague, Jack Barak, begin to explore Calfhill's mysterious death, if only to give the Queen's former servant some sense of closure. At first, Barak thinks it is an open and shut case of suicide – except for the fact that Shardlake is beaten up outside Calfhill's lodgings by a group of hired boys and warned against taking the case. Of course, Shardlake and Barak take the case which involves their travelling to Hoyland Priory with the corrupt Hobbey family lawyer, Vincent Dyrick, and his pious clerk, Feveryear.

Upon arriving at Hoyland Priory, Shardlake immediately senses something is terribly wrong with the Hobbey family and their ward, Hugh Curteys, and yet the family clearly strives to make it seem as though all is well:

> On the steps four people now stood in a row, a middle-aged man and woman and two lads in their late teens: one stocky and dark, the other tall,

slim and brown haired. All four seemed to hold themselves rigid as they waited silently to receive us. (Sansom 2010: 204)

In a more detailed description of Hugh, Shardlake notices the following:

> [He] was a complete contrast to David. He was tall, with an athlete's build, broad-chested and narrow-waisted. He had a long chin and a strong nose above a full mouth. Apart from a couple of tiny brown moles, his would have been the handsomest of faces were it not for the scars and pits of smallpox marking its lower half. The scarring on his neck was even worse. His upper face was deeply tanned, making the white scars below even more obvious. His eyes, an unusual shade of blue-green, were clear and oddly expressionless. Despite his obvious good health I sensed a sadness in him. He took my hand. His grip was dry and firm. His hand was callused too. 'Master Shardlake', he said in a low, husky voice. (pp. 208-09)

At this point, neither Shardlake nor the reader has a clue that Hugh Curteys is, in fact, Emma. For the bulk of the ensuing mystery, the reader, like Shardlake, is pressed to find out what is 'different' about the Hobbey family; we must, via Shardlake, peel away the layers of family secrets. Before the conclusion to *Heartstone*, we learn not only that David Hobbey has what they referred to in the sixteenth century as 'the falling sickness' (epilepsy), but also that he has some sort of mental illness and often cannot tell right from wrong. From the moment the Curteys children entered into his household, David began sexually harassing Emma. Once David had his first seizure in front of Emma, Hugh, and Calfhill, they all realised they could prove he was not suitable for marriage. The Hobbeys attempted to exercise their legal right over the Curteys children as their wards in order to force Emma to marry David, regardless, but the Curteys children fought back and threatened to go public with David's 'sickness'. The threat of revealing David's epilepsy illuminates the gradual shift in the power dynamics between the wards and their guardians. Emma Curteys is not the only person David torments. He lets his hunting dog kill his mother's pet spaniel, and then, before the story has concluded, he also kills his mother by shooting her through the head with an arrow.

As terrible as David's actions are, his predicament is only a part of the family's secret. The real tension within the Hobbey household

is that the handsome and virile Hugh Curteys, in reality, is Emma. Hugh Curteys has succumbed to smallpox, leaving his sister bereft in a household of mercenaries. Before Hugh has been properly buried, Abigail Hobbey forces the teenage Emma to cross-dress as her dead brother so that the Hobbeys will have at least a few more years before they legally lose the Curteys's lands. It is important to note that Emma initially wants no part in the gender masquerade. Within a short amount of time, Emma Curteys witnesses the death of her parents and her brother, fights off the unwanted advances of David, and finds herself a sold piece of property in the Hobbey home. After her initial rejection of taking on the role of Hugh, through her profound grief, she succumbs to Abigail Hobbey's plan, in part because she feels if she can become her brother, she will be able to hold on to him and his memory. It also occurs to Emma that this is the perfect way to rid herself of David's unwanted advances since it certainly would not be proper for David to be sexually harassing Hugh. The Hobbey family will do anything to save themselves from bankruptcy, including illegally selling off the Curteys's woodland for lumber in order to aid Henry VIII's war against the French. Through numerous fits and starts and false ideas about which family secret the Hobbeys are holding close, Shardlake finally figures out that Emma Curteys is alive and that her brother, Hugh, is the one who rests in the London churchyard. What makes *Heartstone* unique as a mystery and as a story about gender transgression is that once the core problem is finally figured out, the narrative does not fall back on the usual trope of the cross-dresser, once discovered, returning to an original gender expression. Since the reader via Shardlake discovers Emma's transmasculine embodiment well before the novel's conclusion, we must constantly re-conceptualise our own notions about the gender binary as the mystery continues to unfold.

## 3. Constructing masculinity

With the creation of Hugh Curteys as a transgender figure, particular attention is paid to the ways that the narrative constructs Hugh's masculinity. In writing about Brandon Teena, a twentieth-century American trans man who was brutally murdered in 1993, transgender theorist Judith (Jack) Halberstam writes that "[s]ince so much of

what we recognise as masculinity and masculine relations revolve around intense sites of competition and aggression, Brandon's performance might be expected to raise the stakes considerably within the everyday contestations of manhood" (Halberstam 2005: 65)[5]. Halberstam's exploration of Brandon Teena's need to perform masculinity *especially* around other men maps well onto the narrative of Hugh Curteys's necessity to carefully maintain a sort of hyper-masculinity that the male bodied people in the story do not. Throughout the narrative, there is a constant reminder that Hugh is the most virile man in the house as exemplified in his hunting prowess and his out-shooting David at the archery butts. Hugh's perfect performance of masculinity should actually be a clue that he may not be exactly what he presents himself to be. In one moment of fear and frustration, Abigail Hobbey actually loses control of herself and screams at Shardlake, "'You fool! You do not see what is right in front of you!'" (Sansom 2010: 303). It is as though the mere fact that such hyper-masculinity could exist *should* make us all question the person who embodies it. What I mean by this is that no one can maintain a gender performance quite so stridently unless they are transgressing the gender binary. Not only does Hugh maintain a vigilance over his own masculinity, but so, too, do the Hobbeys for fear that the entire clan will be 'outed' and thus Nicholas Hobbey sent to jail for illegal actions and earnings, which would also be the downfall of his entire family. Emma's need to pass both as male and as Hugh has all of the Hobbeys held hostage. Having come from a completely disempowered position and having been forced by Abigail Hobbey to transition from Emma into Hugh, the power imbalance has been shifted as Hugh always poses a blackmail threat that is much more frightening than the earlier worry that Hugh and Emma would 'out' David as an epileptic. At the same time, Fulstowe, the family servant who is also in on the secret, utilises that knowledge as power over the family and, as a result, there is a constant threat of blackmail.

As Leslie Feinberg eloquently states in *Transgender Warriors*, "It is *passing* that is a product of oppression" (Feinberg 1996: 89, emphasis in the text). Feinberg focuses on the act of passing within

[5] See also Jean Bobby Noble (2004), in which the author explores various modes of transmasculine identities. Also of interest is Sean Brady (2009).

a gender binary; someone who is biologically female dresses and acts in a masculine way so that all who encounter the person treat him as male. In contemporary LGBT culture, there are certainly people who 'pass' as heterosexual and cisgender because they can still be discriminated against in their workplace or living situations. People in these circumstances are said to have 'passing privilege'. In more extreme contemporary instances, LGBT people can be murdered if they do not pass as heterosexual and/or cisgender; this is certainly the case in Uganda and Iran[6]. In numerous cases, not passing is dangerous, and in the case of Hugh Curteys, not passing would bring all of the inhabitants of Hoyland Priory down. Consequently, it is absolutely necessary that Hugh Curteys as well as everyone around him upholds his masculinity. A good example is one of the first exchanges between Shardlake and the two teenage boys. He has noticed the calluses on their hands and asks if they practice archery. David answers: "'It is our great sport, better even than hawking. The best of manly pastimes. Is that not so, Hugh?' He slapped Hugh on the shoulder, hard I thought. I noticed a suppressed anxiety in David's manner. His mother was watching him, her eyes sharp" (Sansom 2010: 211). David's overzealousness in defining archery as more masculine than hawking has a desperate edge to it. In this scene, it also becomes clear that Hugh Curteys, our gender transgressor, not only needs to come across as masculine himself; his mere presence also forces David to underscore his own masculinity. Claiming archery to be the most 'manly' of sports simultaneously emphasises and undermines Hugh's and David's masculinity. In other words, the stress on these characters' sporting prowess illuminates masculinity as a constructed identity. Shortly after this scene, we find out that, in reality, Hugh embraced archery first and that David had to 'catch up' in an attempt to be as good (p. 230). As we can see, it is Emma Curteys in the guise of her brother Hugh who teaches David how to be an archer and a man; it is she who schools him in the manly sport.

[6] See Brooke Kroeger (2004), who discusses various ways that people feel pressured to pass. Kroeger's book not only looks at sexual and gender passing, but racial passing as well. See also Nella Larsen's Harlem Renaissance novella, *Passing* (1928), which examines racial and sexual passing in the United States in the 1920s.

Later in the story when Shardlake has one of his many one-to-one conversations with Hugh, masculinity and nationality become imbricated as the discussion turns to the upcoming Battle of the Solent. Hugh's desire to become a soldier is clear when he states, "'What Englishman would not wish to serve in this hour? I am young, but I am as good an archer as any. But for my wardship I would serve'" (p. 244). Not only is Hugh's gender identity highlighted yet again; he also connects masculinity with notions of what it means to be a true Englishman. There is, Hugh suggests, nothing more manly than a soldier fighting in the King's war against the French.

Time after time at Hoyland Priory, Shardlake and Barak are treated to the spectacle of the manly archery competition between David and Hugh. Feveryear, the frail and pious clerk to Vincent Dyrick, who is the Hobbeys's lawyer, finds himself mesmerised by the boys' archery practice. Shardlake describes the following scene in which Hugh takes it upon himself to teach Feveryear the sport:

> 'Swing your body a little to the left, Master Samuel', he said quietly. 'Now bend your left leg back, and push forward, as though you were making a throw'. Feveryear hesitated. 'See, I will show you'. Hugh took the bow. He stood, thrusting his weight backward as he pulled on the string. Through his shirt I saw the outline of tight, corded muscles. (p. 259)

As Hugh Curteys practices with the desire to join Henry VIII's forces at Portsmouth, this scene marries together nationalism and masculinity. Moreover, Shardlake's observation is intertwined with hints of same-sex desire. The gentle almost loving way that Hugh tutors Feveryear is made even more complex by Shardlake's own admiration/eroticisation of Hugh's 'corded muscles' that he notes underneath the shirt. Matthew Shardlake and Samuel Feveryear both appreciate the beauty of Hugh's masculine form. Perhaps Shardlake and Feveryear, neither of whom have ever been in Hugh's physical condition, look on with a longing for what their own male bodies will not do. But one must also wonder if they, simultaneously, gaze at Hugh with homoerotic longing.

## 4. The spectre of sodomy

Sansom carefully crafts constructions of masculinity, cross-dressing, and same-sex desire to underscore the similarities between complex

stereotypes about gender identity and sexual orientation in the sixteenth century *and* the twenty-first. For both Michael Calfhill, the dead tutor, and for Samuel Feveryear, something they have discovered at Hoyland Priory leads them to rush back to London. The question, though, is what is more monstrous to each one of them? Is it that they have discovered Emma Curteys cross-dressed as Hugh? Or is it the possibility that they each had homoerotic feelings toward the beautifully muscled archer? As the story unfolds, we find out that Feveryear had "'formed a passion for Hugh, that sent him wailing and praying to God for forgiveness'" (p. 515). Feveryear is plagued by the idea that he has become sexually attracted to an eighteen-year-old boy. Upon his discovery of Hugh's female body and subsequent hasty departure from Hoyland, however, we are left to wonder if he has left with a sense of disappointment or relief. In other words, is he more horrified at his own same-sex desires or at the fact of the cross-dressing? While he may have formed a passion for Hugh Curteys that causes him to pray constantly, it is important to note that these feelings have not been the catalyst for Feveryear's sudden departure. Rather, it is the discovery that Hugh Curteys is Emma that has actually sent the clerk running. The homoerotic appears to be less frightening than the transgender positionality.

Calfhill, it appears, was more concerned about the Hobbeys misusing his former pupil, Emma, for their own financial salvation. But for the concerned tutor, whose intentions seem to be purely to care for the one Curteys sibling still living, the spectre of sodomy still looms large. As he was proceeding with the Court of Wards, Dyrick, the Hobbey's conniving lawyer, stated: "'Sodomy is a hanging offense. I told Calfhill I would tell the world what he was if he lodged a complaint at Wards. How was I to know he would kill himself?'" (p. 519). In a sad and ironic twist, it turns out that Calfhill had sexual relations with other men and that Dyrick has used that to blackmail him[7]. It is the suicide of the 'sodomite'

[7] There are several examples of the ways that the criminalisation of male homosexuals led to their becoming easy targets for blackmail from the earliest civil sodomy laws in the 1500s up through the twentieth century (female homosexuality was never officially criminalised under English law because it was believed that two women could not truly have sex with one another). As Matt Cook *et al.* note in their book

that leads to both the mystery and the solution of the gender transgressor.

Long after it has been revealed that Emma is Hugh in drag, the novel continues to maintain a more complicated view of sexual orientation and gender identity. As *Heartstone* moves towards a conclusion, the reader is told that Emma as Hugh has been in London pursuing the life of a scholar. When Hugh starts to have feelings for another male student, he seeks out Shardlake to help him move to Flanders and thus away from his budding feelings for the young man. Due to the many popular cross-dressing narratives, from Shakespeare's *As You Like It* and *Twelfth Night* to contemporary films such as *Tootsie* and *Big Mama's House*, the reader could assume that Emma as Hugh is worried that her proverbial cover will be blown through a possible romance. However, there is a deeper question that emerges here: is Hugh Curteys afraid of being found to be 'female bodied' and thus a cross-dressed woman who inhabits a strictly male homosocial space? Or is the worry that he would be perceived as illegal in an entirely different way – that he would be seen as a sodomite? Emma Curteys is now truly Hugh Curteys, so perhaps the bigger worry is that he, as a man, is attracted to his fellow scholar. The questions are never truly answered. We are left with the layering of the homosexual and transgender yet again. Part of what makes Sansom's novel transgressive is precisely this hesitancy to make the narrative either heteronormative or gender normative; there is no move to solidify the gender transgressor's 'true' gender identity on one side of the binary or the other, and with this ambiguity, the narrative resists a normative and heterosexual conclusion.

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*A Gay History of Britain*, in the year 1759, London was plagued by a blackmailing gang of soldiers in St. James Park who would await unsuspecting homosexual men looking to 'hook up' with other men only to attack and rob them (2007: 102-03). In the nineteenth century, the Cleveland Street Scandal, which started as a raid on a homosexual brothel in Cavendish Square, became fertile ground for blackmailers as many of the clients were well-respected Victorian gentlemen. Most often, these cases of blackmail were also rife with socio-economic tensions as the perpetrators were often working-class and the victims often gentlemen. The fear of blackmail for homosexual men continued until the sodomy laws were finally struck down in 1967. For further reading on the Cleveland Street Scandal, please see Colin Simpson *et al.* (1976) and Morris Kaplan (2005).

## 5. Beyond the gender binary

The continual resistance in Sansom's novel to adhering to any sort of normative conclusion is most strikingly evidenced in his treatment of the character of Emma Curteys. Emma evolves from the bereaved sister forced by her guardian family for their financial ends to cross-dress and embody her dead brother's identity into the capable, virile and empowered Hugh Curteys. By the very nature of her transition, though, Emma's Hugh becomes his own person who is neither Emma nor the original Hugh. This evolution of a new Hugh Curteys completely disrupts any rigid definitions of identity so that the Hugh Curteys that Shardlake, and thus the reader, encounters well before the conclusion to *Heartstone* is someone living beyond the gender binary.

Marjorie Garber's classic 1992 *Vested Interests* still proves relevant as an exploration of cross-dressing and the subsequent problems of constructed gender dichotomies. Garber writes that:

> one of the most important aspects of cross-dressing is the way in which it offers a challenge to easy notions of binarity, putting into question the categories of 'female' and 'male', whether they are considered essential or constructed, biological or cultural. (Garber 1992: 10)

Garber argues that the cross-dresser can offer a third position that radically problematises and interrogates binary thinking, one that

> introduces a crisis – a crisis which is symptomatised by *both* the overestimation *and* the underestimation of cross-dressing [...] The 'third term' is *not a term*. Much less is it a *sex*, certainly not an instantiated 'blurred' sex as signified by a term like 'androgyne' or 'hermaphrodite' [...] The 'third' is a mode of articulation, a way of describing a space of possibility. Three puts in question the idea of one: of identity, self-sufficiency, self-knowledge. (Garber 1992: 11, emphasis in the text)

Throughout *Heartstone*, our (as well as Shardlake's and Barak's) failure to 'read' the cross-dresser has everything to do with Hugh Curteys occupying *precisely* this third space. He is male and perfectly occupies male space – better than most of the male bodied characters do – and yet there is something about him that is, to Shardlake, unsettling on a subconscious level. Most of the tension at

Hoyland Priory is the collective keeping of the secret of this 'third' position. Hugh Curteys's very being consistently creates a crisis – not only for himself (if anything, he is the most comfortable with it) but also to those who know the family secret and to those who are trying to find it out.

Shardlake's (as well as most readers') inability to 'read' this 'third' position illuminates the ways that a gender binary blinds him to the solution. To begin with, he wonders if the secrecy surrounding the Hobbeys involves Calfhill's intentions toward Hugh Curteys. At one point, Shardlake says to Hugh: "'Master Hobbey says he [Michael Calfhill] told you he loved you as no other'" (Samson 2010: 244). Hugh angrily denies this claim, and Shardlake still misreads the denial as a young man merely wanting to protect his former tutor from accusations of buggery. So, the hidden secret initially seems to be sodomy; it is, however, not that. Then, at a turning point in the book when David Hobbey falls down in full public view and has an epileptic seizure, Shardlake and Barak begin to wonder if the family secret is David's affliction (this is one of the family secrets, but not the one that causes so much anxiety and fear in the household). For Shardlake, various codes of marginalisation keep failing; he knows there is a family secret and it is tied to family safety and the fear of the law.

In his interrogation of Hugh Curteys about David's seizure, we get some of the first glimpses of the ways in which Hugh Curteys embodies this third gender position. Shardlake asks Hugh about the fact that Calfhill, Emma, and himself knew about David's condition, which would immediately render David unmarriageable for Emma. Shardlake asks, "'Emma disliked David?'" (p. 371), and Hugh replies: "'She *loathed* him. Already when she was thirteen he was pawing at her skirts'. Hugh's face darkened. 'I hit him for it'" (p. 371, emphasis in the text). At this moment, Hugh, who is technically really Emma, is speaking for Emma and for Hugh – not just speaking for each of them, but underneath it, speaking *as* each of them, and yet, not truly either one of them anymore. The Hugh who hit David is dead from smallpox. And the Emma who loathed David is no longer the same girl she was. It is in these layered moments that the space of this third gender position opens up and troubles the narrative. Emma is neither herself nor is she Hugh: "'What am I, I wonder? Perhaps something new in the world'" (p. 624). This new Hugh Curteys

continually creates a crisis of definition for himself, for Shardlake, and for the reader. This crisis is rooted in our inability to truly move out of imagining a gender binary – perhaps most especially the binary that many current transgender narratives of moving from one end of a dichotomy to another present to us. Emma as Hugh Curteys does not embody a polemic, but instead exists within this genderqueer terrain[8].

Within this same scene, Hugh reveals to Shardlake that he and Emma had planned, once she turned fourteen, to take the Hobbeys to the Court of Wards in order to reveal David's sickness, sue for her wardship, and run away together. As Hugh bitterly and sadly remembers Emma's death in this private conversation with Shardlake, he unthinkingly reaches up to scratch at the bindings that conceal his breasts. Shardlake worries that he has brought fleas back from the military tents at Portsmouth. The following is their odd exchange:

> 'No, I have more scars there, they itch'. He scratched again, but carefully.
> 'Do you wear Emma's cross there?' I asked gently.
> He looked up. 'No, Master Shardlake, I keep it in my drawer. I find it hard to look at'.
> 'That is sad'.
> 'Perhaps you should not have brought it. No, I still wear my heartstone'. (p. 372)

Under the bindings for her breasts, Emma refuses to wear the small cross necklace that she wore as a girl because that part of her is as dead as her brother. Instead, Emma as Hugh wears the heartstone. This token signifies intense virility since, as has already been explained earlier, the stag's heartstone is the quintessential symbol of the masculine – the winner of the hunt. This heartstone nestles between the bound breasts of the person who has won the hunt: Emma as Hugh.

During the evening following the brutal murder of Abigail Hobbey, Shardlake, Dyrick, David, Nicholas Hobbey, and Hugh sit in silence around the dinner table. Shardlake muses on the

[8] Genderqueer is one of many terms used to move away from the gender binary. For further reading please see Joan Nestle *et al.* (2002) and Lonny Shavelson's documentary film (2015).

homosocial atmosphere: "I looked round the table: those sitting there were all men. I wondered if a woman would ever sit here again, in this place which a decade before had housed only women" (p. 442). The irony here, of course, is that Shardlake reads the group as solely male; however, it is not. Not only does Emma's cross-dressed presence defy the 'male only' space that Shardlake envisions at the moment, but it also must call into question the gender specificity of people in the past – how are we to know that all of the nuns were female-bodied? It could be just as likely that in the convent there, too, was a gender transgressor. Again, this points to the ways that 'the third' – the cross-dresser – calls all of our most inherently held beliefs about sex and gender binaries into question. The gender transgressor's presence at the dinner table creates a crisis for those who know the truth because they must treat Hugh as masculine knowing that he is female bodied; they are constantly in peril of utilising the 'wrong' pronoun. For those who are yet to discover the truth, the atmosphere proves to be tinged with anxiety, although they do not yet understand the source of the underlying tension.

Through Shardlake's final and sudden epiphany about the secret of this 'third' person, the reader becomes aware of the layering of gender identities, assumptions about sex, gender, gender expression and the ways that the cross-dresser continues to move against the status quo. The core unidentified problem at the centre of *Heartstone* is that Hugh Curteys's body lies in the London cemetery and that his sister, Emma, has fully embraced his identity. Yet Emma Curteys as Hugh Curteys is not fully him nor is she fully Emma, but rather someone new, someone beyond the bounds of familial and societal understandings of who 'Hugh' or 'Emma' within the polemics of gender should be.

Interestingly, what prompts Shardlake to figure out the Hoyland Priory mystery are two successive scenes played out at court in which Queen Catherine Parr and her personal lawyer, Robert Warner, each make seemingly unimportant comments that underscore the ways that the bipolar gender frame is, in and of itself, *always* a construction. First, the Queen laments over Lady Elizabeth (who in less than fifteen years will become England's first woman monarch) and her bold request to correspond with Master Ascham, an expert in the art of archery (Lady Elizabeth and Hugh

Curteys have both had extensive conversations with Shardlake about Ascham's writing). Queen Catherine tells Shardlake: "'I wish Elizabeth would not swear like a boy. I tell her it is not ladylike'" (p. 502). Moments later, Robert Warner compliments the Queen on her acting like a 'true' woman: "'our [...] Queen has a strong sense of realism. Stronger than some men, for all that she is a weak woman'" (p. 504). In both instances, there is a notion that each person – Lady Elizabeth and Queen Catherine respectively – actually holds both masculine and feminine traits. In each comment, the gender binary slips: Lady Elizabeth swears like a boy, and Queen Catherine has a sense of realism 'stronger than some men'. The comment hits Shardlake: "And with his last words it came to me, like a click in the brain" (p. 504). The click in Shardlake's brain is much like the breaking of a code for a safe; once it is unlocked, then the contents – for both Shardlake and the reader – of the entire mystery must be re-examined in this new light with this knowledge in mind. The groan that escapes Shardlake's mouth points to the ways that his own assumptions about gender stereotypes have left him blind. Once he grasps this slippage, Shardlake immediately understands that the dichotomy itself is an illusion and that Emma Curteys has embraced becoming Hugh. This moment calls into question *any* and *all* rigid gender definitions. It points to the possibility that, perhaps, anyone can truly occupy the middle ground.

## 6. The 'third' space maintained

Upon his realisation, Shardlake enlists Barak and they both set off, once again, on the road to Hoyland Priory. Once they arrive in secret, they steal a look around the back of the house at Hugh and David practicing archery. Barak stares in disbelief: "'That is no girl. It can't be'" (p. 510). But as Shardlake and Barak argue the point, discussing all of the various ways girls can or cannot act like boys, Hugh realises he has been discovered, nearly shoots them both with arrows, thinks better of it, and then turns and flees from the priory. Shardlake screams his last pleas to Hugh's retreating form: "'I'm your friend! Haven't you realised that? I will help you!'" (p. 512) At this point, the narrative has switched from calling the character 'Hugh' and using the pronoun 'he' to referring to the Surviving Curteys child as 'Emma' and 'she'. For Shardlake, the friend that

he envisions himself to be is someone who can help Emma re-claim womanhood – someone who can comfortably help Emma Curteys shift back into a 'normal' and accepted gender identity. However, this is not the type of friend that the Curteys teen wants or needs.

Before Shardlake rushes off to try and 'save' Emma before she enlists and possibly gets killed in the King's war, he confronts Nicholas Hobbey who explains that it was initially Abigail's idea to turn Emma into Hugh and thus save the Hobbeys from financial ruin for at least a few more years:

> 'we thought we would go bankrupt. After Hugh died we begged and pleaded with Emma to marry David, but she refused utterly [...] then my wife had the idea of substituting Emma for Hugh [...] She agreed readily, perhaps too readily [...] She impersonated her brother so well – sometimes I found myself thinking of her as Hugh for days at a time, somehow it eased my mind'. (p. 518)

Abigail, however, never truly thought of Emma as Hugh, although she was the person who schooled Emma on how to bind her breasts and hide her menstrual cycle as well as to walk and talk like a young man. While the entire Hobbey family knows that Emma has gone into drag as Hugh, it is, interestingly, the mother figure who needs to teach Emma about being a man and the ways to occupy male space, an idea that calls into question, once again, any fixed notions of a gender dichotomy. Might Nicholas Hobbey not have been more fit to teach Emma how to come across as masculine in the world?

Shardlake knows that Hugh desires to join the soldiers at Portsmouth, and that the French invasion is only a few hours' journey. In a last effort to keep Shardlake out of harm's way, Jack Barak pleads with him to let the eighteen-year-old go to his own fate. Barak argues that saving this person is not worth the possible loss of Shardlake's life: "'Him – her – God's nails!'" Barak shouted. "'Are you going to take her home? Will you dress her in tunics or frocks?'" (p. 524). Of course Barak is terrified of losing his friend, but perhaps an underlying concern here is how to deal with the gender transgressor if, in fact, Shardlake is able to retrieve Emma from the clutches of war and bring her back to London. Barak knows that Shardlake prides himself on creating chosen family out

of Tudor England's outcasts – Barak as a Jew included – but even for Jack Barak, husband of Tamasin the feminist prototype, Emma/Hugh Curteys is a bit too 'queer'.

Shardlake ignores his friend and rides to Portsmouth with the express intention of boarding the large battleship, the *Mary Rose*, and outing Hugh Curteys as Emma in front of the soldiers and the company commander in an attempt to get her off of the ship and back to safety. As Shardlake stands on the deck of the massive ship in front of all of the soldiers, he witnesses the commander practically tear off Hugh Curteys's uniform in order to reveal her breasts. The soldiers gasp in part because they already know what an expert marksman Hugh Curteys is, and, in their minds, a girl could not be so good a shot. When Hugh Curteys's breasts fly out from the bindings, though, the onlookers also become incredibly superstitious because women were seen as bad luck on war vessels. For that matter, the combination of a woman and a hunchback, according to naval lore, was a bad omen. Shardlake grabs Emma so that they can flee the ship and ride away in a small boat that waits to take them back to shore; however, they never make it to the boat. At this precise moment, when it looks as though we are going to get yet another cross-dressing tale that will be 'righted' when the person is outed and that a more strict gender binary will be restored, the ship takes fire from the French, lists, and then begins to sink[9]. Shardlake goes overboard into the Solent – where he flounders and goes underwater three times – and just when he thinks he will drown, Emma's strong hand grasps him and saves his life.

As Shardlake lies in the medical tent in Portsmouth where he goes in and out of consciousness, he keeps questioning everyone if they saw the girl who brought him in, only to get odd looks along with the answer that there were no girls – just the boy who saved his life. One of the soldiers asks Shardlake if the boy with the scarred face is his son, to which the lawyer replies: "'No. But sh – he – saved me. Where is he?'" (p. 580). Just at this point when

[9] See Sansom's historic note at the end of *Heartstone* (2010: 627-31) regarding the actual horrific sinking of King Henry VIII's favourite vessel, the *Mary Rose*. See also the newly opened Mary Rose Museum in Portsmouth, England which is dedicated to the archaeology and remains of the great warship that sank on 19 July 1545: http://www.maryrose.org/ (last accessed July 7, 2015).

Shardlake stumbles over pronouns, the reader is prepared for the revelation of the cross-dresser and the corresponding restoration to gender 'norms', but *Heartstone* resists and sends us all back into the genderqueer realm that has occupied most of the story. Hugh Curteys has run away – but only after he has saved the life of the person who had originally outed him.

## Conclusion

The Epilogue to *Heartstone* takes place in a London churchyard on a cold November afternoon where Shardlake meets with his new legal ward, Hugh Curteys. In one last attempt to persuade Hugh to embrace and become Emma, Shardlake enquires about why Emma let the Hobbeys dress her as Hugh: "'At first to save myself from marriage to David. But – when I became a boy, I realised how much more power a male child has in the world. And [...] in a strange way it was as though wearing his clothes and pretending to be him kept my brother alive'" (p. 623). Shardlake presses on to say that Hugh could still change back to Emma and offers to get him set up with Tamasin, a strong woman who could help; he makes a hopeful yet futile attempt to reinforce the gender binary. Again, Hugh refuses: "'What am I, I wonder? Perhaps something new in the world [...]. But I do not want to be a woman [...]'" (p. 624). Hugh's observations underscore Kate Bornstein's point about our world (as well as the Tudor world in the novel) insisting that we choose between male *or* female without any clear directions on what it truly means to be either one. There certainly are no directions for someone like the new Hugh Curteys who is neither and/or both.

Hugh continues to embrace the 'third' gender position and his character is very aware of the ways that Emma has had to construct not only Hugh's identity but Hugh's gender. Emma states: "'I cannot bear the thought of learning how to become a different person. Not again [...] And wearing skirts would make me feel hopeless, helpless, as I did when my brother died'" (p. 625). Clearly for Emma, who has fully embraced being Hugh, gender is a learned construct. Hugh rejects becoming re-imprisoned within a misogynous culture. Meanwhile, he has clearly become comfortable within a gender identity that had also originally felt like a prison. For Hugh Curteys, re-learning to embody femininity and to embrace womanhood

would force him to transition into another person rather than the young man he has already worked so hard to become. By the conclusion to *Heartstone*, Matthew Shardlake resigns himself to Hugh's refusal to make others more comfortable by re-learning to be a woman. Shardlake speaks of his new ward as Emma and utilises the pronoun 'she'; however, in the final paragraph, the reader is left with a melancholic description of a young gentleman, whose tall form walks away as autumn leaves "swirled around her feet" (p. 626). Hugh Curteys's gender identity, at least in the eyes of our narrator, still remains in flux.

With *Heartstone*, C.J. Sansom deftly explores both Tudor and contemporary cultural and social constructions of femininity and masculinity only to problematise the dichotomy. With the figure of Hugh Curteys, the author utilises a popular genre to give voice to transmasculinity. Interestingly, in *Lamentation* (2014), Sansom's next mystery in the series, he includes numerous letters from Hugh Curteys, Shardlake's new ward who resides in Flanders. In *Lamentation*, there is no reference to Hugh's gender transgression. Of course, Sansom is writing within the mystery genre, so there is a stake in his not 'giving away' any secret from a previous novel in case readers come across them out of order. At the same time, we are left to wonder if the non-binary gender possibilities were too transgressive; perhaps the author felt a need to locate Shardlake's ward on one end of the gender spectrum. That being said, Sansom could just as easily have left Hugh Curteys out of the most recent mystery. Are we meant to conclude that Shardlake has, yet again, 'collected' another Tudor outcast? What are the ramifications of such a popular mainstream author's including a recurring transgender character?

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