Lascivious Pilgrims:
Sexuality and Sexual Laws in the British Puritan
New England Colonies During the Seventeenth-Century

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Modern audiences often see the Puritan religion and early American colonial culture as rigid and traditional, the beliefs of which were satirically summed up by H. L. Mencken as “the haunting fear that someone, somewhere may be happy.”1 The study of sexuality in early Puritan America may have the effect of “humaniz[ing] the heretofore dour Puritans” by bringing to light their more personal aspects. Especially of interest would be the ways in which individuals in colonial New England broke away from their own societal regulations regarding sexuality, becoming involved in practices and relationships they deemed to be against their religious beliefs, making themselves seem all the more human in their imperfections. This curiosity concerning the personal lives of individuals in the past may be what sparked the history of sexuality as a field of study.2 The beliefs and laws that colonial culture established concerning personal life and sexuality in the seventeenth-century were greatly influential to the formation of subsequent beliefs and laws in later American culture.

The basis of the scholarly history of sexuality would be the theories of French philosopher Michel Foucault, whose work The History of Sexuality laid down the basic framework for how modern “Western historians conceptualize and write about sexuality.” One of the major points that Foucault brought up was the idea of sexuality as “a modern invention,” meaning that the sexual identities that Western society has created over the course of the nineteenth and twentieth century are different from sexual identities in the past. The very idea of having a sexual identity to personally associate with is not something that individuals before the nineteenth century would have thought of. This could be due to sexuality being considered a private matter, therefore, descriptive terms for varying sexualities were not needed for public discussion, as well as a multitude of other reasons. This idea is very important when viewing and

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discussing the sexuality of cultures in early America because, as modern viewers, we want to avoid using modern identities and modern understandings of culture in our analysis of historical sexuality and sexual relationships. Instead, viewing self-identities as individuals and society would have viewed them at the historical period, which may take a bit of research, is the better way to understand sexuality in a historical context.³

The history of sexuality, in comparison to other fields of history, is a rather new topic of research and discussion. Many of the first studies of sexuality emphasized sexual “transgressions” and “traced the legal response to sexual crimes” instead of searching for the cultural or personal meaning of sexuality “for participants” in these sexual acts.⁴ *Intimate Matters: A History of Sexuality in America*, published in 1988 and written by John D’Emilio and Estelle B. Freedman was one of the first works to push past this view of the history of sexuality and “acknowledged the ways that power infused the meanings and regulations of sexuality,” which created a view of sexual history that incorporated “politics as well as intimate personal interaction.”⁵ The works of D’Emilio and Freedman, as well as Jonathan Katz, who published *Gay American History: Lesbians and Gay Men in the U.S.A.* in 1976, Richard Godbeer, who published *Sexual Revolution in Early America* in 2002, and other modern scholars of early American sexuality added great new viewpoints and layers to the history of sexuality, such as Godbeer’s perspective on seventeenth-century colonial sexuality seen as “a component of spirituality, cultural identity, and social status.”⁶

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³ Block and Brown, 7, 8.
⁴ Block and Brown, 6; Godbeer, 11.
Establishing Language

A major barrier in understanding sexuality in a historical context is the evolution of language and the words and terms that are used to identify sexual acts over the course of time. Legal records from the Colonial era are often laden with categorizing terms and descriptions that are often arbitrary, especially in cases of sexual misconduct. This language is difficult for modern audiences to understand the full meaning of and frequently disguises same-sex relationships by placing them into large and vague groups of sexual misconducts, such as the categories sodomy, buggery, and masturbations, which had various meanings to many different individuals and whose definitions changed over the course of history.  

As well as being subjective and imprecise, language is also very powerful. The manipulation and use of language can establish, shape, and change many ideas of societal norms and expectations, especially in the case of sexuality. Richard Godbeer stated that the “value-laden vocabulary” of the early British colonial settlers “was crucial to … sexual reformation” at this time, reinforcing the idea that language often shapes public opinion. The evolution of language with which to explain sexuality may have had a great impact on the development of personal and group sexual identities itself. After all, it is extremely hard to explain or identify with something for which a descriptive term does not exist.

Godbeer also stated that many early Americans “understood sex in terms of categories that were not themselves intrinsically sexual,” marking a split between how sexuality was explained and categorized in public and legal documentation and how individuals personally

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7 D’Emilio and Freedman, xiv, xv.
8 Godbeer, Sexual Revolution, 9.
explained and categorized sexual acts that they practiced in their daily lives.® For these reasons, it is important to establish contextual definitions before launching into a full discussion.

*Sodomy* is one of the most prevalent terms throughout legal and personal records concerning same-sex sexuality in early colonial New England, but it does not always apply to same-sex interactions, making it even harder to identify homosexuality in this era. The term has its roots in Biblical language, referencing the Old Testament story of Sodom and Gomorrah, which was a city that was destroyed by God because of the citizens “wickedness” and sexual misconduct.¹⁰ The Catholic Church used the term sodomy “to encompass all nonprocreative sexual acts,” which included masturbation and bestiality.¹¹

In the time of King Henry VIII, who saw the passing of an act against sodomy in 1533, the term covered “anal intercourse between two men, a man and a woman, or between a man and an animal,” further blurring the lines of descriptive language regarding sexuality by including bestiality in this definition. “Over time, sodomy laws were used more often against same-sex coupling than opposite-sex coupling” by judicial leaders and laws and were used toward women only in a few instances.¹² Mid-seventeenth century Massachusetts still used the same definition of sodomy as was set forth in England by King Henry VIII, but court officials at this time established that penetration had to be proved, not just supposed, for an individual to be tried for acts of sodomy. There were laws in place to deter people from committing acts of sodomy and

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¹¹ Lambert, 216.
those laws stayed active in many states until the twentieth century, Illinois being “the first state to eliminate sex statutes [sodomy laws] in 1961.”

*Bestiality* is a term that covers any sexual act between a human and an animal. At some times, as was the case for the laws passed in England by King Henry VIII, bestiality was included under the category of sodomy, but *buggery* was another categorizing term for human sexual relations with animals, further convoluting the categorizing terms for unacceptable sexual misconduct in this era. Although these terms were used interchangeably, “suggest[ing] the changing norms and efforts to control sexual expression at differing times and locations,” the term buggery was still most often used as a category for bestiality and the term sodomy for homosexual acts. Because of religious ideals and cultural beliefs during early colonial America, including the belief in “the possibility of human-animal reproduction,” sexual acts categorized as buggery were punished very severely in the early New England colonies.

The official legal punishment for buggery in colonial New England was death for both the human perpetrator and the animal who that individual committed an act of buggery on, but the death of the human who was accused of buggery was not enforced as a punishment for every recorded case of buggery. One reason for selective persecution of this sexual offence, as well as other sexual offences, was that the community would overlook the actions of an individual who was not a disruption to public life. If the individual who was accused of a sexual crime was know to often be publicly drunk or to be involved in other forms of disreputable behavior, they were more likely to be accused and convicted for sexual crimes.

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15 Farr, 23, 24.
Fornication, unlike sodomy or buggery, was another categorizing term mostly used for heterosexual acts, although heterosexual couples were sometimes accused of sodomy when they were said to have practiced nonprocreative sexual acts and heterosexual individuals of buggery if they were found to have practiced sexual acts with animals. Fornication usually implied the participation in “unmarried and therefore illicit sex” in which both participants were unmarried; married, but not married to each other; or both participants were planning on marrying each other in the near future. Legal proof of fornication was generally pregnancy before a marriage or out-of-wedlock. The births of illegitimate children was called bastardy, but “couples whose first child arrive before thirty-two weeks of marriage” were also sometime accused of fornication.

The punishment for fornication, according to the laws regarding sexual relations in Massachusetts Colony in the mid-1600s, was “enjoying marriage,” meaning that the two individuals accused of fornication had to become married, if they were not already. If marriage between the parties could not be arranged, then the punishment for fornication was a “fine, or corporal punishment, or all or any of these” options. Although there were societal beliefs and laws regarding premarital sex, such as fornication laws, the age of marriage rose throughout early modern Europe and into colonial America, making the period between sexual maturity and marriage increasingly longer. During this period “many brothels were closed and the rate of illegitimate births was very low,” so some scholars believe that contraception and alternative, nonprocreative sexual practices were becoming more common, whereas other theories state that unmarried individuals “internalized their sexual desires and kept themselves chaste until

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marriage.” 20 The idea that individuals would refrain from having sexual relations, even if
cultural beliefs were oppressive to the expression of sexuality, seems unlikely, so the use of
different forms of contraception and nonprocreative sexual practices is what most likely kept the
marriage age on the rise during this time.

One socially accepted premarital sexual practice during the seventeenth century was
called bundling, where a young man and woman who were planning on becoming married would
spend the night together, but were not expected to engage in any procreative sexual activity.21
This custom was based on the idea that engaged couples, while courting each other, could either
spend the night together while “refrain[ing] from sexual intercourse ... or that they would marry
if pregnancy did occur.” Bundling was a popular practice of “rural people from lower and
middling families” during the mid-1700s, but it soon targeted by “New England clergymen who
preached that bundling was ‘unchristian’” as the occurrences of “premarital pregnancy and
illegitimacy increased.” Bundling was a class issue as well as an issue of sexuality, making the
proposed control of bundling among rural communities one way to control the sexuality of the
lower classes in colonial society.22

Adultery is the engagement of sexual relations, especially sexual intercourse, of a married
individual with someone who is not the individual they are married to. Adultery was considered,
like sodomy and buggery, to be a capitol crime in the New England colonies. The definition of
adultery in New England and much of the Western world generally regarded the marital status of
the woman, meaning that men, both single and married, and single women who committed
adultery were usually tried for fornication. Fornication was not a capitol offence as adultery was

22 D’Emilio and Freedman, 46, 22.
and, therefore, had a lesser punishment.\textsuperscript{23} Although charges of adultery could mean a death sentence for women, Puritans in colonial New England held the fairly progressive view that adultery could be considered grounds for divorce and very few individuals were put to death in colonial New England.\textsuperscript{24}

Other terms come up in records of sexuality in early colonial New England, such as \textit{ravishment}, meaning rape or coerced sex. As in many other cultures, rape was considered a capitol crime in British colonial New England.\textsuperscript{25} Incest, or “a sexual relationship between closely related people,” was also treated as a capitol offence by the courts. Legal accusations or sex crimes, sometimes called “attempts and propositions,” and vaguely referred-to acts of “lascivious and suspicious conduct,” which may have involved sexual interactions of many kinds, further convolute legal and personal records from this time that could help contemporary scholars better understand sexuality in early colonial New England.\textsuperscript{26}

\textbf{Religion}

There were many religions and clashing religious attitudes in seventeenth-century New England. The Europeans, more so the French and Spanish missionaries than the British colonists, were trying to covert Native Americans from the various, distinct, and complex religions of their tribal societies to the various systems of Christian belief that Europeans had brought with them to the Americas. These Christian beliefs also clashed amongst each other. Some of the Christian sects represented in the early American colonies were the Quakers, Jesuits, Protestants, Roman

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Catholics, Anglicans, and, leaving an especially huge impact on American ideas of sex and sexuality, the puritan colonists.\textsuperscript{27}

Puritanism, like many other sects of Christianity, came out of the Protestant revolution, in which Christians tried to separate themselves from the Catholic Church, which they viewed as being corrupt. England, under the reigns of King Henry VIII, Edward VI, Mary I, and Queen Elizabeth, struggled to establish a “middle course between Roman Catholicism and Protestantism,” culminating in the Church of England, or the Anglican Church. This course of action “did not please everyone.” The group who established Jamestown in Virginia were followers of the Puritan religion, as well as those who established the Massachusetts Bay Colony, Connecticut, and New Haven colonies. This sect of Christians was “the most quarrelsome of the dissidents” of the Church of England, according to historian Bryán LeBeau. The Puritans called for reform of the Church of England and the Catholic Church and, when this reform did not come, they “withdrew into their own churched.” During the reigns of “the Stuart kings,” Puritans “came under increasing attack" and left England “in large numbers,” many coming to settle in New England.\textsuperscript{28}

The Puritans who settled in New England were called the Pilgrims and, after only a year of being fully settled in Virginia, “about one-half of the settlers had died.” The Pilgrims, at first, were having no luck in the New World, in the same way that they did not flourish in England and then Amsterdam and Leyden, where the group had traveled to before coming to settle in New England. The survival of the Pilgrims, ironically, became dependent on the Natives during the time of this devastation to their population, the Native doing “much to insure the Pilgrim’s survival.” Even after the Pilgrim’s had time to recover from the initial shock of surviving in New England.

\textsuperscript{28} LeBeau, 35.
England, their colony was still small in comparison to other neighboring colonies, such as the Massachusetts Bay colony, which, "by the middle of the seventeenth century ... was nearly twenty times as large" as the Pilgrim's Plymouth colony, which "number fewer than 1,000" at this time.²⁹

Religious ideas shaped a lot of the community beliefs and laws that were established by early colonial leaders and legal officials in New England, just as religious beliefs were so influential in European society and the creation of laws and social regulations there. Historian Roger Thompson explained that, the laws and beliefs of Europe "followed divine decree" and the colonists who immigrated into the Americas brought these beliefs with them. One instance of this was the English Sodomy Act of 1533, which established sodomy and bestiality both as capitol crimes, mostly based on ideas from the Old Testament.³⁰ This law was brought over to and established widely in New England by European colonists.³¹

Thompson also theorizes that anti-sodomy laws set in place by the Church of England and, eventually, the puritans in the American colonies may have been a direct revolt against Roman Catholics and the Roman monasteries at the time, whose "celibate clergy provided an ideal nursery for homosexual practices" in the eyes of the puritans and Anglicans. During the seventeenth century, "Roman Catholics provided ideal hate figures for puritans" as the puritans tried to reestablish themselves as separate from older sects of Christianity. These harsh views towards Roman Catholics were also directed toward Irish Catholics, who were rebelling during the mid-seventeenth century. Puritan hatred of Catholicism was so strong that it expressed itself in the number of individuals in colonial New England accused and convicted of sexual crimes

²⁹ LeBeau, 37.
³⁰ The English Sodomy Act of 1533 is sometimes referred to as the Henrician Sodomy Act.
and other crimes of deviance. Thompson explained this by pointing out that, although there were very few Catholics in British colonial New England, of the ones that were there, “one was accused of sodomy, one of bestiality, and a third of witchcraft.” This not only tells us that Catholicism was not well-liked, but that charges based on sexual misconduct were often used to regulate individuals who were not seen as socially acceptable. The need to remove themselves from Roman Catholics, may have also been a reason for the extreme fear and hatred by puritans of anything that could be construed as sexually sinful.  

Opposite-Sex Sexuality

Opposite-sex sexual customs in the New England colonies, just like much of colonial culture, were heavily influenced by British tradition. Many of these colonists, more specifically, “brought with them a set of beliefs about sexuality shaped by Protestant Reformation” when they came to the Americas. This meant that, although colonists saw pre- and extramarital sexuality, as well as any sexual practices they considered to be sinful or deviant, to be improper and worthy of punishment, they saw sexuality within marriage to be acceptable. This was due to the Puritan push away from Catholicism, which regarded celibacy as the most pious form of sexuality if an individual chose not to be married. In Puritan society marriage was seen “primarily as a way to channel lust and prevent sexual sin” and only “the need to produce children could justify sexual intercourse,” even within marriage. This Puritan emphasis on the family and family life shaped cultural and sexual beliefs and customs of the early British colonies.  

Because of the importance placed on marriage and family, premarital sexuality was strongly discouraged by leading officials and societal beliefs in British colonial society, to the extent that laws were placed to enforce it. Fornication laws were in place for this reason. In

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32 Thompson, 34, 33.
33 D’Emilio and Freedman, 4.
Plymouth colony, fornication was a criminal offence, which meant it was not punished by death, as a capitol offence would be, and it was applied for “unclean” practices while married, as well as sexual relations “before contract or marriage.” The reasons for placing and enforcing fornication laws in the New England colonies could have been “to limit the number of illegitimate children,” or limit bastardy. It could have also been because the Puritans felt that it was “breaking a specific commandment” that they had agreed to in their faith. “By far the most common sexual offense to come before the Plymouth courts … between 1633 and 1691,” were “sixty-nine cases of fornication” recorded in the legal record.\textsuperscript{34}

Adultery, unlike fornication, was a capitol offence in most New English colonies. Mary Latham, a Massachusetts woman who, at the age of eighteen, was tried and convicted of “adultery with twelve men and calling her elderly husband a cuckold,” was “executed by hanging” in 1645 for her crimes. This harsh punishment for adultery, at a time when “capitol punishment rarely … took place,” even in cases of capitol crimes, shows that British puritan society was very concerned with adultery and its impact on their society.\textsuperscript{35} In the case of Mary Latham it is easy to see that the woman was considered to be in need of punishment in cases of adultery, as the twelve men mentioned in this case were not even named and it is unclear if they were punished also, implying that they were most likely not. According to historians James Deetz and Patricia Scott Deetz, adultery in Plymouth and many other British New England colonies “was defined by the married status of the woman.” For this reason, adultery was treated as a capitol crime by the court system only when a man, either married or unmarried, had sexual relations with a married woman. A man, married or unmarried, would only be punished by “whipping” or be made to pay “a fine for fornication” if the woman involved in the sexual

\textsuperscript{34} Deetz and Deetz, 147-150.
\textsuperscript{35} D’Emilio and Freedman, 11-12.
relationship was unmarried. The laws on adultery, just as with fornication, could have been set in place to curb the birth of children out of wedlock, but it can also be seen as an expression of religious beliefs at the time.\textsuperscript{36}

**Same-Sex Sexuality**

Unlike discussions of heterosexual sexuality between European colonists as well as interracial heterosexual sexuality, birth records could not be used to track intimate same-sex relationships when reconstructing a history of sexuality in early colonial New England. Contemporary discussions on same-sex sexuality in early puritan British colonial New England are mostly based on court records, of which there were arguably few, but also on personal accounts from this time period, which can be subjective.\textsuperscript{37} Accusations and convictions of same-sex sexual interactions, such as trials for sodomy and, sometimes, buggery, are not the most accurate sources of information left concerning sexuality from this period, but the laws themselves are useful because they express public, governmental, and religious opinions on sexuality, as well as often address a direct need felt in the community to regulate the sexual desires of individuals.

These forms of information leave modern historians an incomplete and objective picture of same-sex sexuality at this period, legal records only showing a small and arbitrarily chosen number of cases and personal accounts often being from secondary sources because individuals in the seventeenth century did not often leave behind records explicitly explaining their own sexual lives.\textsuperscript{38} Despite the fact that legal records concerning same-sex sexuality were rare, many scholars who focus on the subject, such as historian Robert Oaks, believe that intimate same-sex

\textsuperscript{36} Deetz and Deetz, 142, 143.
\textsuperscript{37} Deetz and Deetz, 139.
relationships were occurring a great deal more “than the court records indicate,” a conclusion that Oaks, as well as other historians, have come to through the help of the small amount of resources they have access to.  

Being accused of same-sex sexual relations, or sodomy, was very serious and considered a capitol crime, meaning it was to be punished by death, throughout much of colonial North America and in Europe during the seventeenth century. Of the relatively few recorded cases of sodomy in the early New England colonies, individuals who were accused and convicted were very rarely put to death for their actions. This lack of severe punishment could be due to many factors. The Plymouth colony, for example, “did not hold a royal charter and so had to be very sure as to their authority to exact” the death penalty.

According to Oaks, there was approximately “151 sex offences” in seventeenth century Plymouth colony, only about nineteen of which could be considered “cases of homosexuality.” Out of these nineteen cases, a majority of them were “unspecified cases that might have been either homosexual or heterosexual,” leading back to the problem of language, especially legal language regarding sexuality, was very vague and does not provide modern historians with a very clear picture. Oaks argues that these numbers are not representative of what was actually happening, stating that “it was undoubtedly easier, even in such a close knit society, to escape detection for homosexual activity than for heterosexual activity.” This was due to many societal factors, including the absence of pregnancy as evidence for same-sex sexual relations, whereas pregnancy was often the product of heterosexual sexual activity. This could also be due to the strong gender separation, based on traditional gender roles, in seventeenth century society,

39 Oaks, 270.
40 Deetz and Deetz, 139.
41 Oaks, 271, 272.
42 Oaks, 272.
in which the lives of women and men were very separate, allowing for same-sex relationships to be formed without garnering much attention.

The case of Richard Cornish, who “was executed in the Virginia Colony for an alleged homosexual attack on one of his stewards” in the 1620s, is brought up by Godbeer, Katz, and throughout the discussions of male same-sex sexuality in early New England.43 Cornish, a “ship’s master,” had made advances upon another man while his ship, the Ambrose, was “at anchor in James River,” Virginia. During the trial against Cornish, the man on whom Cornish had made sexual advances “did not confess that the Master [Cornish] did the fact,” but the victim of Cornish’s advances believed that Cornish had intended to.44 This “testimony resulted in Richard Cornish’s execution,” even with such a small amount of evidence brought against Cornish. 45

“The Council and General Court that executed Richard Cornish was the ruling body of the Virginia Colony,” most of whom held a higher class status than Cornish did. This made the case, as Jonathan Katz speculated, “intricately involved with colonial class politics” as the upper class tried to retain their higher status over the lower classes. Cornish had also been “in drink” while making the sexual advances he was tried for. The inclusion of this small fact may have been implying that he was often known to be inebriated in public situations. 46 Oaks theorized “that the charges [against Cornish] may have been trumped up to rid the colony of a troublesome individual,” although Cornish could have, if he was “a troublesome individual,” most likely been executed for other crimes besides sodomy. The conviction of Cornish for sodomy not only

43 Godbeer, Sexual Revolution, 123, 124; Katz, 26, 27, 28.
44 According to the description of this case in the Katz text, “the fact” was “buggery” in the account of the trial, which most likely meant penetrative sex, called sodomy in other cases and references to the case of Richard Cornish.
45 Katz, 26, 27, 28.
46 Katz, 26, 27.
suggests “that the 17-century Englishman had few qualms about imposing death as a punishment for that crime,” but also implies that an individual’s most personal aspects, such as their sexuality, were brought up in court when they were being exposed as a problem in the community.\textsuperscript{47}

The trial of John Alexander and Thomas Roberts was “the first trial for homosexuality in New England,” meaning that both participants were charged for same-sex sexual activity and not just one individual for attempts of sodomy or same-sex sexual advances on another individual. Alexander and Roberts were accused, by fellow members of the community and legal officials, of “lude behavior and unclean carriage one [with] another,” this accusation being another good example of the ambiguous language used in many trials and records concerning sexuality in New England in the seventeenth century. Alexander and Roberts lived and were tried in Plymouth colony where, although the death penalty had been established for cases of sodomy and other more serious sexual crimes, neither man was killed. Both were whipped, Alexander was branded and exiled from the colony, and Roberts was “forbidden from ever owning land in the colony” and “returned to his master” after his punishment was over. Roberts, unlike Alexander, was a servant, which could have accounted for their different treatment. His lesser punishment may have been due to his affairs being the responsibility of his master, as servants were often seen more as property. This was also not the first offence of this nature for Alexander, who was “notoriously guilty that way” in the community of the colony.\textsuperscript{48}

The difference in punishment for sexual crimes is due to many factors, as seen earlier in the case of Richard Cornish, who was convicted by the courts and killed for sodomy more because of his class and role as a public nuisance than his history of sexual offences. Alexander

\textsuperscript{47} Oaks, 270.
\textsuperscript{48} Oaks, 269, 270.
may have been given a harsher punishment than Roberts because of his history of obvious sexual deviances, but the expulsion of Alexander from the colony, as speculated by Oaks, showed that the Plymouth “court was not worried about a labor shortage” or about losing a young and able member of their colony. This case also shows that individuals known for being sexually deviant, such as Alexander, were not always tried in court and legally punished for their actions. Oaks also speculated that “magistrates were willing to overlook homosexuality unless it became too obvious,” such as the Alexander and Roberts case, the trial of which had multiple witnesses to the two men’s “lude behavior and unclean carriage.”

Roger Thompson theorized that “the frontier environment” of the New English colonies “might encourage homosexual behavior.” Thompson expanded on this theory by explaining that, as the colonies were often considered a new and dangerous location by Europeans, “marriageable women” were scarce and the New England colonial populations, as well as other colonial populations in North and South America, were mostly populated by men. Men, during the seventeenth century, were also getting married later than previously in much of western society, men often putting off “marriage … until their mid- to late-twenties.” Thompson suggested that all of these factors might have had some influence in the increase in homosexual behavior that is theorized to have been occurring in the British New England colonies. The imbalance between male and female colonists that Thompson discussed evened out over the next few generations, due to the frequency of immigration into New England slowing down and the “high infant survival rate” that was starting to become more prominent.

Both Thompson and Oaks believed that there was a higher frequency of same-sex sexual relations occurring in the New England colonies at this time than is expressed in the court and

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49 Oaks, 270.
50 Thompson, 30, 31.
personal records, which both historians believed to be a reflection of homosexual acts being treated with some lenience by other members of the community. 51 This can be seen in the Alexander and Roberts case in that Alexander had a history of sexual misconduct that he had never been tried or punished for in a public setting. Historian Michael Bronski, stated that, just as they were in New England, “social and legal prohibitions against same-sex activity in Elizabethan England were applied haphazardly.” This implied that the British colonists brought this tradition with them when they came to the Americas. 52 Oaks stated that this lenience, such as not putting to death many individuals who were convicted of sodomy when it was by law a capitol crime, could have been due to a reluctance to apply capitol punishment to crimes feared to be rather common. 53

Thompson suggested that “the powerful weight of public hostility” may have more to do with the small amount of publicly perceived homosexuality. 54 Thompson also suggested, based on a theory shared by colonial poet and theologian Edward Taylor and historian E. W. Monter, that another reason for the small number of cases of sodomy and other homosexual crimes on the colonial court records could be that bestiality may have been a more prevalent form of sexual release for colonial individuals during this period because many were married peasants who had more frequent access to animals than other individuals of the same sex. 55

The laws enforced in the early New England colonies were mostly in place to control sexual relationships between men and women and prohibit sexual relationships between men, so female same-sex relationships were often left out of legal definitions of sodomy. Laws and cultural beliefs regarding witches and witchcraft during the seventeenth century worked well to

51 Oaks, 269, Thompson, 31.
52 Bronski, 6.
53 Oaks, 269.
54 Thompson, 31.
55 Thompson, 30.
control the sexuality of women, because women could be tried for being witches if they were suspected of being involved in any deviant behavior, including deviant sexuality.\textsuperscript{56} This left sodomy laws to be more useful in the cases of male same-sex relationships.

Although sodomy was not often used in cases involving women, there are a few recorded cases involving female same-sex sexuality. One occurred in New England in 1649, involving Mary Hammon and Sara Norman, both married, who were accused by the court and the colony community of “leude behavior each with other upon a bed,” which Norman was made to publicly apologize for, along with “lascivious speeches” that she had made in the past. Hammon, the younger of the two, was cleared of the charges.\textsuperscript{57} Another recorded case of female same-sex sexuality occurred in the Massachusetts Bay Colony in 1642, involving a woman named Elizabeth Johnson, who was a servant. Johnson was “guilty of ‘unseemly practices betwixt her and another maid’” whose name is not given. Just as in the cases of male same-sex relationships, female same-sex relationships were not tried unless the participants of the relationship made them too public.\textsuperscript{58}

Female same-sex activity “was scarcely punished” in the seventeenth century colonies, owing to the fact that “there were no prescribed penalties on the books” for lesbian activity.\textsuperscript{59} A 1642 “theological debate … includes Plymouth colony’s Rev. Charles Chauncy mentioning in passing the punishment by death of ‘unnatural lusts of men with men, women with women,’” including female same-sex sexuality as on the same level of deviant behavior as male same-sex sexuality.\textsuperscript{60} Influential colonial leader John Cotton also “wanted to include lesbianism as a

\textsuperscript{56} Deetz and Scott Deetz, 106, 107.
\textsuperscript{57} Oaks, 269, 271; Thompson, 28.
\textsuperscript{58} Leila J. Rupp, \textit{A Desired Past: A Short History of Same-Sex Love in America} (Chicago: University of Chicago, 1999): 27.
\textsuperscript{59} Oaks, 269.
\textsuperscript{60} Katz, 20.
capitol crime in a proposed legal code he drew up for Massachusetts in 1636, but his code was not accepted. Cotton’s code against female same-sex sexuality was mentioned briefly in the New Haven colony about twenty years after he had proposed it. The idea that women should be put to death for engaging in sodomy, as Cotton believed was necessary, was not widespread because “the Old Testament prescribed the death penalty for male homosexuality but made no reference to lesbianism.” Laws and cultural beliefs in colonial society were so based in Christian religious teachings that, because the religious texts did not make explicit mention of punishment for same-sex relationships between women, laws were not often put in place to regulate female same-sex relationships.

A major barrier to accusing and convicting women of engaging in sexual activity with each other is that sodomy charges are based on “sufficient evidence, especially of penetration.” Because sexual activity is generally practiced in the private sphere, obtaining proof of sexual penetration is not easy in any case of sexual misconduct and would be especially hard in the case of female same-sex sexuality, as sex between women does not traditionally involve penetration.

**Crossing Gender Boundaries**

The investigation into the sex of Thomas Hall, a newly migrated resident of Warrosquyoake, Virginia, began in 1626 after Hall had been caught having sexual relations with a married woman. Inquiry into this case of fornication eventually led to the community questioning the sex of Hall himself, who some believed to actually be a woman. Hall’s “ambiguous sexual identity” and trial for sex crimes caused so much confusion in the small town that he was from that it was moved across the river to the larger city of Jamestown. One of the things that made the sex of Thomas (sometimes referred to as Thomasine) Hall all the more

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61 Oaks, 269, 271; Rupp, 27; Thompson, 28.
62 Katz, 31, 32.
63 Thompson, 30.
confusing to the community was that he, when he was still living in England, dressed and lived as a woman, but after Hall came to New England, he dressed and lived as a man for the most part. There were a few instances of Hall "donned female garb" while in New England, not hiding this change in gender expression, but making it somewhat public, which "confused neighbors, masters, and plantation captains." Hall was eventually asked his sex by Warrosquyoake resident Captain Nathaniel Bass, to whom Hall answered "that he was both."  

An interesting development in the legal case of Hall was that members of the community were called upon to give their opinions as to whether they thought Hall was male or female. Kathleen Brown discusses this fact, stating that "in contrast to most of the known European cases of gender transgression in the early modern period, ... the Hall case contains a vivid description of the efforts of ordinary people to determine a sexually ambiguous person's identity." Brown's "ordinary people" do not include individuals who would have a greater knowledge of legal, medical, or scientific "theorizing about sexual difference," which were generally the ones called upon in Europe for cases such as the Hall case. The residents of Warrosquyoake had been gathering information about Hall's identity, if not for legal reasons, for the simple purpose of explaining such a divergent identity to themselves. When members of the community were called by legal officials to testify in Hall's trial this created an environment in which "people who normally did not articulate their views on sexual difference [had] to define the essence of maleness and femaleness," creating an interesting record of popular beliefs on gender from seventeenth century New England.

The General Court that tried Hall concluded that Hall was male, "sentencing Hall to don men's breeches." After this sentence, they added that "Hall should mark his lap and his head

65 Brown, 172, 173.
with female accessories,” as if to affirm Hall’s earlier assertion of being both male and female. After Hall’s trial had come to a close, the court published around the community of “Warrosquyoake that Hall was ‘a man and a woeman [sic].’” but the court did not return to the initial charges of fornication brought up against Hall. This was an interesting conclusion for the court to come to because it implied that an identity that was neither male nor female was a concept that the legal officials and community could understand. Although the court had come to a conclusion for legal purposes, the community of Warrosquyoake continued to question Hall’s sexual identity “on more than one occasion,” which “led to public refutations” of the outcome of the Hall case.66

In 1696, “Massachusetts passed a law that explicitly forbade cross-dressing,” which added to a collection of laws regarding clothing in puritan New England, where clothing perpetuated “class distinctions” and represented purity and faith in God. This law, historian Michael Bronski speculates, may have been put in place to hinder “same-sex encounters,” which would be less obvious to witnesses if one of the participants were dressed as the opposite gender.67 Cross-dressing was often used as a way in which individuals involved in same-sex relationships could be publicly intimate and get married. The crossing of gender boundaries, such as cross-dressing, “typically took the form of women dressing as men during the sixteenth and seventeenth centuries,” which is the opposite of Native American culture, where “male-to-female gender crossing was more common than female to male.”68

67 Bronski, 12, 13.
68 Rupp, 81.
Bestiality

In his account of the history of Plymouth colony, the colony’s governor William Bradford wrote a detailed entry on an instance of bestiality that occurred in the colony, which Bradford considered “horrible … to mention.” Thomas Granger, sometimes spelled “Grazer,” who was a servant of “sixteen or seventeen years of age,” was tried for bestiality, called “buggery” in this account, based on his sexual relations “with a mare, a cow, two goats, five sheep, two calves, and a turkey.” Granger was first discovered while committing bestiality on the mare and soon confessed to all the other cases mentioned, causing the young man to be tried and, eventually, convicted of buggery and put to death alongside the animals he had relations with.69

The Massachusetts colony laws regarding sexual offences that were in place throughout the mid- to late-1600s were similar to the ones that were in place in the Plymouth colony when Granger was convicted of his crimes. With regards to bestiality, Massachusetts law stated that “if any man or woeman shall lye with any beaste of bruite creature … they shall surely be put to death.” This was a law that was not enforced as often as it suggests it should be, just as sodomy and adultery were capitol offences that were not always punished by death. With regards to the animals that were involved in the act of bestiality, according to Massachusetts law they were to “be slaine and buried and not eaten.”70 The Massachusetts colony put to death “several teenage boys” for buggery in the course of its existence.71 With regards to the punishment placed on Granger for his actions, he was made to watch as all the animals he had committed bestiality on

70 Peiss, 71.
71 D’Emilio and Freedman, 17.
were killed before him and thrown into a mass grave, and then Granger himself was put to
death.\footnote{Bradford, 154, 155.}

William Hacketts was another early colonist who was convicted of buggery with a cow
"on the Lord’s day." Hacketts, just as most laws stated, was put to death, but only after having to
witness the cow be killed, just in the Granger case. Historian Robert Oaks suggests that these
rather harsh punishments for bestiality, in comparison with other sex crimes that called for
capitol punishment as well, suggests that bestiality, "even more than homosexuality ... 
dehumanized man" because it put an individual in intimate contact with animals, putting humans
and animals on a similar level.\footnote{Oaks, 277.} Oaks, as well as D’Emilio and Freedman, believe that bestiality,
above sodomy, adultery, and other acts of sexual deviance, was feared because reproduction
between humans and animals was believed to be possible. Unions of humans and animals, many
colonists believed, could have the consequences of producing "monstrous offspring."\footnote{D’Emilio and Freedman, 17.}

\textbf{Interracial Sexuality}

Racial tensions were so strong in the days of the early New England colonies, with the
Europeans inflicting their presence on the Native Americans in terms of culture, trade, and other
aspects of Western society, that sexual relations between Natives and Europeans are often not
equal relationships. Kathy Peiss discusses the unequal power relationship that was formed by the
interaction of European and Native American societies, explaining that "some historians argue
that sexual violence was a key instrument of European conquest."\footnote{Peiss, 26.}

Sexual relations between Natives and Europeans, whether they were equal, unequal, or
violent, were more prevalent between Spanish, Portuguese, and French colonists than they were
between British Puritans, who were so concerned with purity. This may have been due to the fact that the British, unlike the other European nations mentioned, did not have a strong missionary presence, therefore, not interacting with the Natives on such an integrated and personal level.

The Spanish, Portuguese, and French, in comparison, believed that establishing missions for the conversion of Native Americans to the Christian religion was an important aspect of colonization. This could be due to the fact that sects of Christianity practiced more widely in Spanish, French, and Portuguese culture put more of an emphasis on the conversion of others to their beliefs, whereas Puritans did not. The Church of England, unlike other religious institutions, waited a long time before establishing themselves in America, finally “establish[ing] the Church of England in the New World … over 100 years after Columbus arrived in the Caribbean.”

The use of sexual violence in colonization was discussed by Stephanie Wood in her article “Sexual Violation in the Conquest of the Americas.” In this article, Wood focused on Spanish colonization of Latin America. Wood explains another aspect of sexual relations between Native Americans and Europeans, which is that the records of these relations are “dominated, almost exclusively, by the perspective of the European male,” giving the records as much of an unequal power dynamic as the sexual relations themselves. Although much of the history of sexuality between Native Americans and Europeans during the early years of colonization was violent, there are some instances where European men had more equal relationships with Native women. This was due, in part, to the importance of Native cooperation and trade in fur-trading culture, the importance of Native interactions making Native women

77 Wood, 13, 14; LeBeau, 35.
78 Wood, 10.
more important, and therefore more equal, to European traders. Peiss explains that the unions between Native women and European settlers were, “in some circumstances,” accepted as traditional marriages. These cases were most often seen “in fur-trading societies,” where “economic advantages could be gained through such relationships,” but the acceptance of these unions could also be due to the small number of European women in these fur-trading towns.79

Africans were brought over from Africa by Europeans as slaves from the beginning of American colonization, some of them migrating to the New England colonies, but African populations before the eighteenth century in that area were not so small as to be almost nonexistent. Daniel R. Mandell discussed this, stating that, by 1700, there were “only about a thousand Africans and their descendents – some enslaved but a few free – liv[ing] in New England.” This did not allow for many recorded sexual relationships between New England British colonists and Africans in the seventeenth century, but there are a few accounts of relationships between Native Americans and Africans from the late seventeenth and early eighteenth century. The Native population of New England during the mid-1700s “suffered from a precipitous decline in the number of their men,” which could have been one of the factors that went into Native women leaving their communities and marrying African men.80

One such record of an African and Native American relationship was the marriage of Sarah Muckamugg. Muckamugg lived in Providence, where she, because she was Native American, occupied “the lowest social class in New England” along with other Natives and Africans, both free and slaves. Muckamugg ended up marrying and having a child with an African servant man named Aaron. Sarah and Aaron’s marriage was “common law,” which was

79 Peiss, 27.
common for marriages between Native Americans, Africans, and poorer white colonists. This makes marriages between these groups impossible to keep account of by historians. This also means that separation was easier, since couples did not have to go through the church and could, therefore, "break by 'mutual consent,'" just as they had married by it. Sarah Muckamugg and Aaron, after having a child, separated and Sarah went on to marry another man, who she had another child with. Marriages between individuals who were pushed to the lowest classes of colonial society, like Sarah and Aaron's marriage, often did not last due to "circumstances [that] were hardly conducive ... to a long and happy marriage," such as the fact that Aaron, a servant, and Sarah, a domestic helper, could not live together.  

Sexuality in Native American Culture

Just as the landscape and resources of the Americas were new to the Europeans, so was the culture and customs of the Native Americans, including the varied ways in which they expressed and experienced their sexuality. The "differences between Native American and European sexual cultures" were "profound," but may have been made even more so by the recorded accounts, which could have been exaggerated with the purpose of making Native Americans seem even more animalistic in order to reconcile European colonization of their land and "provided one basis for the European' sense of cultural superiority over Indians." This can be seen in the accounts of Columbus' voyage to America, the letters from which he sent back to Spain were very different from personal accounts from this voyage.  This exaggeration and inequality of accounts could be due to that fact that "written descriptions of early cross-cultural

81 Mandell, 75, 76.
encounters came, almost without exception, from the pens of European men” who saw sexuality and culture through “the standards of the Christian tradition.”

This writing of Native sexualities by Europeans, often with a disbelieving and superior attitude on the part of the European, can be seen throughout recorded early colonial history, including an account included in the Original Journals of the Lewis and Clark Expedition, in which a man named Nicholas Biddle writes of a Native tribe condoning a man who dressed and acted as a female. Spanish explorer Vasco Núñez de Balboa also leaves accounts of “forty Panamanian men dressed as women who were engaging in sodomy with other men,” who he had killed by “vicious mastiffs.” Accounts such as these “emphasized the sexual and gender ‘foreignness’ of native people” in ways that “served to justify efforts to convert the native population the Christianity” and may have rationalized much European violence against them.

The cross- or ambiguously gendered individuals who were represented in many different Native cultures, as well as many accounts of Native life from Europeans, were given the name berdache by the French, which meant something alone the lines of “catamite or young male sodomite,” which was a misleading name because it was not what these individuals were considered in their societies. Berdaches were sometimes called two-spirits, but had different names, duties, and identities throughout Native America. To the Navajos they were nadle, “the Lakotas winkte … koskalaka, and the Omahas mexoga.” These individuals were both men and women who had started, at some point in their life, to identify either as the opposite gender or as a gender that existed outside of the male-female dichotomy that is so embedded in Western culture, or a “third” gender. Native berdaches held different jobs and represented different gender roles in the different Native societies they were members of. They were sometimes

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83 Peiss, 26; D’Emilio and Freedman, 6.
84 Bronski, 2, 3; D’Emilio and Freedman, 6.
85 Bronski, 3.
“religious figures, shamans, or artisans,” as well as warriors and other important members of Native American society. This inclusion of more than two distinct genders in Native society was so different from cultural beliefs in European society, that colonists were no doubt shocked by this custom.

Heterosexual relationships between Native Americans, as Europeans observed them, were more open than the traditional standard put in place in Western society, although they varied throughout Native American cultures. The Powhatan, for example, tribe recognized a type of polygamy, but only if the man was financial well off. This tribe also allowed couples to separate “with relative ease.” The Hurons were matrilineal, where “descent followed the female line,” and they considered premarital sexual relationships to be “a normal expression of sexual desire” until the female became pregnant, at which point, “she could choose one of her lovers to marry.” This freedom to exert “much personal choice in sexual matters” is considered by historians John D’Emilio and Estelle B. Freedman to be what “disturbed Europeans greatly.”

Because of the way Europeans viewed Native American sexuality, many early colonists and missionaries tried “to enforce Western sexual standards” on many of the natives, “particularly the imposition of monogamous marriage on those tribes that practiced polygamy.” The natives often “resisted the efforts of Europeans” and some European colonists, including British colonists who lived at Merry Mount in Massachusetts, whose leader was Thomas Morton, even “rejected their own heritage and adopted Indian customs” in terms of sexuality, but also other aspects of culture.

86 Rupp, 13, 17; Bronski, 3.
87 Rupp, 15, 16.
The Legacy of Puritan Views

Views on same-sex sexuality, including premarital, marital, and extramarital sexuality, and homosexuality that were established in colonial New English in the seventeenth century had a great impact on modern views of sexuality in the United State culture. This was due to many things, including the expansion on colonial culture into the beginnings of the independent United States and the laws that colonists put in place to control, limit, and prevent certain sexual acts. Many of the laws regarding sexuality that were established in the colonies were not abolished until much later. A good example of this being the anti-sodomy laws set in place in early colonial America that did not get taken off the books in some places until the mid-twentieth century.\(^89\) Michael Bronski stated that “French and Spanish cultural legacies – especially a tradition of Roman Catholicism – are integral to American identity, but English common law and British Protestantism overwhelmingly shaped American thinking and culture, particularly in relationship to sexual behavior and gender.”\(^90\) Although there are many other factors that come into the creation of sexual culture in the United States, having an understanding of the colonial puritan viewpoint could help to better understand how the history of sexuality in America effected modern popular beliefs.

\(^{89}\) Stewart, 273.
\(^{90}\) Bronski, 5.
Bibliography


