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# A QUEER HISTORY OF THE UNITED STATES

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ReVISIONING AMERICAN HISTORY

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entity that existed centuries before the political entity of the United States was conceived and that continues today independent of the Republic. "America" is a mythical entity that has no boundaries. "America" is what people imagine it to be, as well as what people have made it.

Gertrude Stein, the mother of all queer wit, begins her novel *The Making of Americans* with the epigram, "Let me recite what history teaches. History teaches." Stein's recitation speaks to the intrinsic nature of my project. History teaches something new every time it is rewritten or interpreted. Pedagogy, like history, will never be able to contain all of America—a great country, an evil country, a place of tremendous generosity and welcome as well as pronounced disdain for foreigners and outsiders. America is not one thing or another. America is queer. A *Queer History of the United States* is one explanation of how it got that way. To become American, to benefit from the contributions of LGBT people to this fabulous, horrible, scary, and wonderful country we call America, is to be a little queer. As history teaches, America only gets queerer.

## ONE

## THE PERSECUTING SOCIETY

If you were to ask average Americans when lesbian, gay, bisexual, and transgender history started in this nation, some would cite the Stonewall "riots" that took place in New York's Greenwich Village in 1969. Others might go back to 1950, when Harry Hay founded the Mattachine Society, the first public gay group in the United States. Some may reach back even further in the previous century to Walt Whitman's *Leaves of Grass*, his homoerotic poetry of male love—what he called "male adhesiveness"—or Emily Dickinson's love poems to her sister-in-law, Sue Gilbert. The well-informed might mention Deborah Sampson, an impoverished indentured servant who, as Robert Shurtliff, fought for the colonists during the Revolutionary War.

These examples highlight some of the problems that arise in writing a queer history of the United States. What do we consider to be gay history? How is it defined? In order to grapple with these issues in all their complexity, I begin this history in the late fifteenth century. The United States as a political entity will not exist for another 270 years. The word, and social identity, "homosexual" will not come into being for 350 years. Yet we know there were women and men who engaged in sexual activity with their own sex, as well those who resisted following the accepted, enforced gender roles of their time.

Understanding these people's lives requires understanding basic social, political, intellectual, and psychological frameworks. To understand North America in the sixteenth century, we need to look

at the lives and cultures of the people who were here before the European colonists arrived and how the clash between indigenous cultures and European cultures set the stage for the next five hundred years of United States history.

Europeans came to the Americas with an extraordinarily rigorous sense of how gender and sexuality should be organized. These strict ideas were bulwarked by rigid civil and religious statutes. The Europeans attempted to eradicate many non-European gender-normative customs, traditions, and behaviors. They often did this through accepted practices of violence, such as capturing and enslaving non-Christians and forced conversion. This legal and religious repression and violence provided a template for how mainstream European culture would treat LGBT people throughout much of U.S. history.

#### STRANGERS IN A STRANGE LAND

Numerous Europeans who journeyed to the “new” continent of America did so for the political and economic advantage of newly emerging and quickly growing European nation-states. Beginning with Columbus in 1492 and continuing for over a century, Italian, Spanish, Dutch, and British soldiers, sailors, merchants, and adventurers sailed to the New World on business ventures. While this century-long project was entrepreneurial, what continues to influence our culture today is the religious and sexual attitudes of the Europeans. They saw the gender norms and behaviors of indigenous peoples as markedly different from their own, even as the cultures of individual tribes were completely different from one another. These startling gender differences took many forms. The presence of female divinities who were responsible for creation, or the fact that in many nations, women were the house builders, was antithetical to European theology and practice. Europeans found the native peoples alarmingly innocent and dangerously sexual. They were shocked that some tribes lived naked or wore few clothes, that they engaged in a wide variety of “immoral” sexual practices—not predicated on reproduction—and that marriage laws and traditional European mating conventions were unknown. Particularly disturb-

ing was that some cultures allowed women various degrees of sexual equality. For the Europeans, the most extreme examples were the women and men who dressed and behaved as, in their eyes, the other sex.<sup>1</sup>

Often referred to by French explorers as *berdache*—an incorrect name, implying a catamite or young male sodomite—these women and men took on the dress and the tribal duties of the other sex. Their roles in each culture differed. Sometimes they were placed in socially elevated positions as religious figures, shamans, or artisans. Among the Crows, “men who dressed as women and specialized in women’s work were accepted and sometimes honored; a woman who led men into battle and had four wives was a respected chief.”<sup>2</sup> In some cases, these “third sex” figures were integral to traditions of tribal violence and warfare. In some cultures young boys became berdache through enforced, institutionalized concubinage. For example, the Yuma, who resided in what is now Colorado, “appointed an infant to fill the post of fourth tribal berdache. Presumably upon growing up, this boy became a sexual resource or passive . . . for the nubile boys in the tribe.”<sup>3</sup>

Contemporary LGBT writing on gender roles in indigenous cultures has often oversimplified, even sentimentalized, this history. The systems of berdache that existed before and after the European invasions were complicated and served different purposes for each tribe. More fluid than European gender arrangements, the creation of nonbinary genders was a different model and not necessarily more liberatory. Some contemporary writers, including LGBT Native Americans, interpret the berdache as equivalent to our contemporary understanding of “gay.” While superficial similarities exist between behaviors in some berdache cultures and present-day gay male, lesbian, or transgender cultures, the circumstances separating the two are radically dissimilar.

Military men, clergy, and explorers repeatedly made connections between indigenous people’s (real and imagined) sexual practices and their lower place in a European moral and economic hierarchy. In his journals of 1673–77, Jacques Marquette, the French Jesuit missionary, describes berdache practices among the native peoples he met on his first voyage down the Mississippi:

I know not through what superstition some Illinois [*sic*], as well as some Nadouessi, while still young, assume the garb of women, and retain it throughout their lives. There is some mystery in this, for they never marry and glory in demeaning themselves to do everything that the women do. They go to war, however, but can use only clubs, and not bows and arrows, which are the weapons proper to men. They are present at all the juggleries, and at the solemn dances in honor of the Calumet; at these they sing, but must not dance. They are summoned to the Councils, and nothing can be decided without their advice. Finally, through their profession of leading an Extraordinary life, they pass for Manitous,—That is to say, for Spirits,—or persons of Consequence.<sup>4</sup>

The 1702 “Memoir of Pierre Liette on the Illinois Country” notes that “the sin of sodomy prevails more among [the Miami] than in any other nation, although there are four women to one man. It is true that the women, although debauched, retain some moderation, which prevents the young men from satisfying their passions as much as they would like.”<sup>5</sup> In a diary from his 1775 trip to what is now California, Franciscan Pedro Font provides a lens to the way in which many Christian Europeans viewed indigenous cross-dressing figures, as well as his religious duty to them:

Among the women I saw some men dressed like women, with whom they go about regularly, never joining the men. . . . From this I inferred they must be hermaphrodites, but from what I learned later I understood that they were sodomites, dedicated to nefarious practices. From all the foregoing I conclude that in this matter of incontinence there will be much to do when the Holy Faith and the Christian religion are established among them.<sup>6</sup>

In *Original Journals of the Lewis and Clark Expeditions* (written between 1804 and 1810), Nicholas Biddle notes that “Among Mamitares if a boy shows any symptoms of effeminacy or girlish inclinations he is put among the girls, dressed in their way, brought up with

them, & sometimes married to men.”<sup>7</sup> Such reports, which continued to be written into the early years of the twentieth century, were mixtures of journalism and crude anthropology that emphasized the sexual and gender “foreignness” of native people.

Violence against all native peoples, not just those that violated European gender norms, was widespread. Columbus, in his second expedition in 1495 after his search for gold faltered, invaded the interior of Haiti and abducted fifteen hundred Arawak children, women, and men to be shipped to Europe as slaves. Of the five hundred slaves shipped to Spain, only three hundred arrived alive and were put up for sale by an archbishop “who reported that, although the slaves were ‘naked as the day they were born,’ they showed ‘no more embarrassment than animals.’”<sup>8</sup>

European religious and social thought held that people who did not adhere to Christian concepts of sexual behavior, gender affect, or modesty were less than human; they were like animals. This qualified them to be deprived of individuality, liberty, and life itself. Pietro Martire d’Anghiera, an Italian historian who documented the military campaigns of Spanish explorers, notes in his 1516 *De Orbe Novo* that Vasco Núñez de Balboa had vicious mastiffs rip apart forty Panamanian men dressed as women who were engaging in sodomy with other men. This account was the first mention of berdache in European literature.

PURITANISM: THE INDIVIDUAL AND THE COMMUNITY

France, Spain, the Netherlands, and Great Britain viewed the Americas as potential financial and political windfalls, and they embarked on myriad destructive colonization projects. The British, however, had the most influence on what was to become the United States. 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.

British colonies grew rapidly: Jamestown, founded in 1607,

quickly began to ship raw materials back to England. In 1620 just over one hundred British “Pilgrims,” members of a radical religious separatist group, landed in what is now Massachusetts and signed the Mayflower Compact, the template for self-governance in the newly forming colonies. Ten years later, nearly a thousand Puritans fled religious persecution in England and, under the leadership of John Winthrop, formed a self-ruling community and established the city of Boston. The growth of the colonies was the beginning of a distinctly new colonist culture that was intent on defining itself.

The Puritans’ view of the world and sexuality—which would have a tremendous effect on America—was shaped by their experiences in Great Britain before arriving in the New World. The Reformation and the founding of the Anglican church by Henry VIII in 1534 brought about the collapse of a cohesive Roman Catholic polity in Europe. From 1558 to 1649 Elizabeth I, James I, and Charles I ruled England and the colonies. During that time English culture accepted and promoted a wide range of diverse, sometimes conflicting, views about sexuality and gender. These ideas were intimately connected with how Elizabethan and post-Elizabethan culture thought about religion and religious practice. Cross-dressing—which had been condemned by Catholic theologians such as Augustine and Tertullian since the second century—was a mandated theatrical convention, since women were not allowed to perform on the stage. There was an enormous public fascination with female cross-dressing, as witnessed by several plays. For instance, Thomas Middleton and Thomas Dekker’s popular 1607 play *The Roaring Girl* dramatized the life and celebrated cross-dressing criminal career of Mary Frith, who was also known as Moll Cutpurse. Ben Johnson’s 1609 play *Epicoene* revolved around cross-dressing and included numerous allusions to same-sex sexual behavior.

Social and legal prohibitions against same-sex activity in Elizabethan England were applied haphazardly. Same-sex relationships were illegal, but the culture was accepting enough to allow for public representation and discussion of same-sex attraction and sexual behavior. Christopher Marlow was widely rumored to have sex with men and was accused, during a trial for heresy, of stating that “all they that love not tobacco and boys are fools.” More shocking, he

is alleged to have proclaimed that “St. John the Evangelist was bed-fellow to Christ and leaned always in his bosom, that he used him as the sinners of Sodom.” Marlow’s 1592 play *Edward II* detailed the death of an English monarch murdered, in part, because of his relationship with Piers Gaveston. Shakespeare’s sonnets are filled with gender and sexuality ambiguity that give us a sense of the wide range of what was culturally permissible during the Elizabethan era. Furthermore, James I, who reigned from 1603 to 1625, was widely understood to have had erotic relationships with court “favorites” such as George Villiers, First Duke of Buckingham—even as his treatise *Basilikon Doron* lists sodomy among crimes “ye are bound in conscience never to forgive.”

In response to this sexually permissive behavior—as well as the economic and class dissatisfaction that eventually led to the English Civil War and the beheading of Charles I in 1649—highly politicized, radical religious groups dissented from the Church of England. The theological and political range of these groups, which included the Levelers, Ranters, Muggletonians, Quakers, and Puritans, was broad, but they all sought radical reorganization of British society. Ranters and Levelers were utopian and anarchistic, seeking to eliminate class and economic privilege and rejecting norms around sexual behavior. They rejected so much traditional Christian doctrine that mainstream social and religious leaders accused them of licentiousness and were suspicious of their views about gender behavior. Quakers were considered particularly dangerous, since they rejected established government, forbade men to carry arms or fight, and encouraged women to speak at religious meetings.

The Puritans not only rejected the Church of England, but also rejected what they saw as the political and social excesses of the other dissenting groups. They critiqued the Church of England for veering toward Rome and wanted to return it to a “pure” state. All of the Protestant sects in England and throughout Europe viewed the Roman Catholic Church as emblematic of the decadent sensibility, including sexual profligacy, that they witnessed in England. They commonly referred to the Papacy as “the painted whore of Babylon” and viewed Italian culture itself as promoting sexually deviant, same-sex acts. Daniel Defoe, in his 1703 poem “A True Born

Englishman,” opined “Lust chose the Torrid Zone of Italy / Where Blood ferments Rapes and Sodomy.”

Not accepted by others, and not accepting of them back, the Puritans fled England. They explicitly understood their emigration as an exodus, a direct analogy to the Jews leaving Egypt for Israel, seeking a promised land and freedom. John Winthrop, in his famous 1630 sermon “A Model of Christian Charity,” likened the new colony to old Jerusalem: a “city upon a hill.”

When the Puritans established a religious society in the colonies, they were determined to ensure that its members did not fall prey to the temptations and errors they had left behind in England. Therefore they enacted strict legal sanctions against deviance from sexual and gender norms. Many of these norms directly impacted people who sexually desired members of their own sex or who challenged traditional gender roles. Sodomy laws in Europe and America were not specifically aimed at same-sex activity; they were intended to punish all nonreproductive sexual activity. Laws passed in the colonies to instill personal and social sexual morality were most often an amalgam of preexisting British law, such as Henry VIII’s Buggery Act of 1533, and biblical injunctions, in particular Leviticus 20:13. Dozens of these laws existed in the new colonies. They varied widely in specifics—some laws targeted public masturbation rather than anal sex—but they all had two commonalities: they used phrases such as “abomination” and “the unspeakable crime against nature,” and they considered such crimes capital offenses.<sup>9</sup>

Whatever the law, Puritans were having sex. Historian Richard Godbeer notes that more than one hundred women were convicted of having children out of wedlock in Essex County (in the Bay Colony) between 1640 and 1685, and that the Suffolk County Court adjudicated over two hundred of cases of illicit sex during the 1670s.<sup>10</sup> Clearly, as indicated by the ever-increasing birthrate in the second half of the seventeenth century, husbands and wives were actively procreating.<sup>11</sup> And other forms of sexual activity were not unknown. *The Problems of Aristotle*, a late seventeenth-century sex manual read in the colonies, discussed oral sex in the question of whether “carnal copulation [can] be done by the mouth.” Although such nonreproductive sexual information may have met with some

disapproval, it was nevertheless available and part of public discourse.<sup>12</sup>

There were, without a doubt, women and men who desired and interacted sexually with members of their own sex. Over time, sodomy laws were used more often against same-sex coupling than opposite-sex coupling, and some men, and occasionally women, were punished for their sexual actions. Because most sexual behavior is private, much of the information we have about same-sex activity is from court cases or other public records, which provide a vivid but incomplete sense of the time.

Historian Jonathan Ned Katz charts numerous incidents of men being punished, sometimes by death, for sodomy. In 1624 the Virginia colony hanged Richard Cornish, a ship’s master, for sexually assaulting a younger shipmate.<sup>13</sup> In 1629 Rev. Francis Higginson noted in his diary that during his trip to the Massachusetts colony, five “beastly Sodomiticall boyes” were caught engaging in sexual activity and sent to be punished, potentially by death, in England.<sup>14</sup> In his midcentury journals, John Winthrop wrote of Plaine of Guilford “being discovered to have used some unclean practices. . . . He had committed sodomy with two persons in England. And had corrupted a great part of the youth of Guilford by masturbations, which he had committed, and provoked others to the like above a hundred times.”<sup>15</sup> We can assume that there was public concern about sex between women, or that it was occurring, since Rhode Island’s 1647 law and New Haven’s 1655 law both explicitly prohibit sexual activity between women.

It is misleading, however, to think that Puritan legal culture vigilantly sought out and punished all sexual transgressions immediately and with the same ferocity. The case of Nicholas Sension of Windsor, Connecticut, is a good example. Sension was married and childless. From the 1640s to 1677, when Sension was brought before the colony’s General Court for sodomy charges, he had a long and fairly well-known history of propositioning men for sex, offering to pay for sex, and sexually assaulting male servants. Although town elders had admonished Sension in the late 1640s and again in the late 1660s, he was not formally charged for another decade. While some of his neighbors disapproved of his behavior, there was

a general consensus not to bring formal legal charges. Historians speculate that some of Sension's activity was with willing partners and was viewed, by enough people, as moderately acceptable. Perhaps Sension's status in the community protected him, or the fact that many of his partners were men of lesser social rank may have lent his crimes a lower profile. Sension's trial in 1677 resulted in his being convicted of attempted sodomy. He was whipped, publicly shamed on a gallows with a rope around his neck, and "his entire estate was placed in bond for his good behavior."<sup>16</sup>

Windsor's laxness in prosecuting Sension may have been because his sexual activity took place in private. While his actions were certainly considered grievously illegal and immoral, as private acts they had less impact on the community than, say, an act of adultery, which might result in pregnancy or the dissolution of a marriage. Puritans in the colonies viewed marriage as a civil contract, not a sacrament, and were concerned about the impact of divorce on the community, generally permitting it only for abandonment. Non-marital sexuality was immoral because it did not contribute to the family on which society organized.

The Puritans had fled Great Britain to secure religious freedom for themselves, not others; they never intended to found a democracy. John Winthrop was clear: "If we should change from a mixed aristocracy to mere democracy, first we should have no warrant in scripture for it: for there was no such government in Israel. . . . A democracy is, amongst civil nations, accounted the meanest and worst of all forms of government. [To allow it would be] a manifest breach of the 5th Commandment" (honor your father and mother).<sup>17</sup> For the Puritans, the family was central to religious and civil society; immoral and illegal acts that, by taking place in private, did not directly threaten it may have been viewed with some leniency.

We have a few clues about how men like Sension related (likely in private) to others who engaged in similar behavior, or what kind of nonfamilial community they formed. The Boston Gay History Project examined court records between 1636 and 1641 of men accused of sodomy, "lude behaviour and unclean carriage" and charted what appears to be a series of relationships among a number of men, including Thomas Roberts, John Alexander, Abraham Pottle, and

George Morrey. In 1640, when the court ordered Thomas Roberts to no longer live with George Morrey, it is possible to infer that what was worrisome to the judiciary was not a personal and possibly sexual relationship, but the publicness of men with such reputations living together.<sup>18</sup> Did these men, who may all have been involved in sexual relationships with one another, see themselves as part of a minority community? Did their sexual activity give them a specific personal or social identity, or sense of a sexual self, even if the concept of "gay" did not exist?

Personal diaries and letters must be interpreted in historical context. When a letter writer uses elaborately passionate language, as Susanna Anthony did when writing to Sarah Osborn in the early eighteenth century—"my bosom friend, I feel my love to you to be without dissimulation, therefore wish you the same strength and consolation, with my own soul"—can we presume an erotic intent?<sup>19</sup> Conversely, there is a long history of interpreters of historical material who refuse to see *any* same-sex desire in letters and diaries. If we acknowledge that some personal writings attest to the presence of same-sex desire, we then must discern what these erotic feelings meant to the writer.

The diaries of Michael Wigglesworth exemplify this point. As a tutor at Harvard College in 1653, the distraught, twenty-three-year-old Wigglesworth wrote in his diary, "Such filthy lust flowing from my fond affection to my pupils whiles in their presence on the third day after noon that I confess myself an object of God's loathing as my sin is my own; and pray God make it no more to me." Is this passage proof that Wigglesworth experienced same-sex desires, and given Puritan culture, he felt guilt? Historian Alan Bray notes that a close reading of the diary also indicates that while Wigglesworth may have understood his sexual thoughts as incongruent with his morality, they were, because they were involuntary, less of a problem than the intense emotion that accompanied them. These intense feelings were a sin, because they were dangerously discordant with the Puritan concept of individualism that demanded, especially for men, emotional control. According to Bray, Wigglesworth's "sin" was feeling emotions too strongly, not necessarily the content of the feelings.<sup>20</sup>

After considering the place of privacy, family, and community in understanding same-sex activity in early colonial culture, it is also important to examine this culture's relationship to the body. The Puritans in the colonies were on a distinct social and religious mission. While they were reacting against what they perceived as the sexual excesses of Elizabethan culture—they would have disapproved of Shakespeare's overt sexual puns as being immodest—this was not because they thought pleasure inherently bad. Rather, Puritan theology promoted the intrinsic worth and holiness of the body. This is one of the central reasons the Puritans called for the individual to have a personal, direct relationship with God. As authority in England was being deeply questioned, Puritans were attempting to "find a new master in themselves, a rigid self-control shaping a new personality. Conversion, sainthood, repression, collective discipline, were the answer to the unsettled conditions of society, the way to creating a new order through creating new men."<sup>21</sup> The Puritans readily acknowledged sexual desire and pleasure but insisted that it needed to be expressed within the sanctity of marriage, for the sake of the family, community, and individual.

"Society," claims Alan Bray, "is a process," and nowhere is this more evident than in Puritan life in the American colonies.<sup>22</sup> The "process" of Puritan society was found in the need to constantly refocus on theological "purity"—the essence of holiness and social order. However, the exigencies of surviving in this new land presented situations that led even the strictest Puritans to compromise some principles. Also, as exemplified by Wigglesworth, strictly articulated sexual mores were often not followed in the letter or even the spirit of the law.

Puritanism was an experiment of a particular form of social and religious organization, not an arbitrarily repressive system. Puritanism was not, as twentieth-century social critic and wit H.L. Mencken famously defined it, "the haunting fear that someone, somewhere may be happy." Puritan children were permitted simple toys and games when they were not doing chores or studying the Bible. Puritans allowed moderate drinking. While not sartorially extravagant, they did not adopt the plain dress of Quakers, but allowed color and some ornamentation. (All the colonies had laws regulating

dress, usually with the intent of maintaining class distinctions, but in 1696 Massachusetts passed a law that explicitly forbade cross-dressing. Some historians argue that this law was intended to curb the possibility of same-sex sexual encounters.)<sup>23</sup> While procreative sex between a husband and wife was the only officially acceptable mode of sexual activity, some statistics show that at least 10 percent of Puritan marriage occurred after a pregnancy, and premarital sex generally went unpunished if it resulted in a stable marriage.

The individual soul was the life of the Puritan community and, conversely, the community was an embodiment of the soul. The concept of the individual was inseparable from the concept of community. It was vital, then, that the structures of this community be stable.

As a theologically based society, Puritans acted harshly toward religious diversity. In 1634, when Salem, Massachusetts, pastor Roger Williams was accused of spreading "diverse, new, and dangerous opinions"—advocating more religious freedom and toleration of native peoples—he was exiled. (The commonwealth law under which Williams was exiled was not repealed until 1936.) Upon leaving the Bay Colony, he founded Providence Plantations, now Rhode Island. Three years later Anne Hutchinson was imprisoned, then exiled from Massachusetts Bay Colony, for dissenting from Puritan doctrine, freely interpreting the Bible, preaching as a woman, and running Bible study groups for women. She and her followers settled in Providence Plantations. Massachusetts Bay Colony ministers labeled Hutchinson a "Jezebel"—the implication being that she, like the figure from the Book of Judges, was a sexually dangerous woman. Hutchinson's theological boldness caused others to view her behavior as gender deviance. "You have stepped out of your place," noted one minister. "You have rather been a husband than a wife, a preacher than a hearer, and a magistrate than a subject." Over the decades, Providence Plantations became, for its time, a progressive colony. Capital punishment was rare, and debtors' prisons and trials for witchcraft were abolished. In 1652 it was the first colony to ban all slavery, regardless of color.

In 1624 Thomas Morton and others, including thirty male indentured servants, founded a decidedly non-Puritan colony in Wollas-



ton, now the township of Quincy outside of Boston. They named the colony Merrymount, punning on Mare-Mount and Mary-Mount, direct references to bestial sodomy and Roman Catholicism. Morton befriended the local Algonquian tribe, whose culture he admired, and urged intermarriage between native women and male colonists. He also released the indentured servants and made them equal "associates." In 1627 he erected an eighty-foot-tall maypole with buck's horns attached to the top (indicative of the sexualized god Pan or, from a Puritan view, Satan) and held, as was customary in medieval England, revels. Morton declared himself a Lord of Misrule.

Morton understood the sexual implications of his permissive agenda. In one of his writings about Merrymount, he noted that "there was likewise a merry song made, which [to make their revels more fashionable] was sung with a corus, every man bearing his part; which they performed in a dance, hand in hand about the May-pole, whilst one of the company sung, and filled out the good liquor like Gammedes and Jupiter."<sup>24</sup> His invoking Gammedes (Ganymede) and Jupiter (the Roman name for Zeus) in Elizabethan culture was a clear reference to the archetypical male lovers in Greek mythology.

The reaction of the Puritans was immediate. William Bradford wrote in *Of Plimoth Plantation*, "They . . . set up a May-pole, drinking and dancing about it many days together, inviting the Indian women, for their consorts, dancing and frisking together, (like so many fairies, or furies rather,) and worse practices. As if they had anew revived & celebrated the feasts of ye Roman Goddess Flora, or ye beastly practices of ye mad Bacchanalians." While Morton and his rapidly growing small colony posed no direct threat to Plymouth Colony, Bradford felt challenged enough to attack Merrymount and arrest its leader. In 1629 Morton was sent back to England. Merrymount was dismantled and its community dispersed. In London, Morton wrote political tracts that accused the Puritans of many crimes, including a fear of the native peoples that manifested itself in near-genocidal behaviors.

Expulsion from the Bay Colony was a mild punishment compared to death. The Puritans did execute women and men who they believed posed a danger to the community's spiritual and political

life. In 1658 the Massachusetts legislature passed a bill banning all Quakers from the colony under pain of death. Under this law, Mary Dyer and four other Quakers, known as the Boston Martyrs, were hanged on the Boston Common.

Unrepentant Quakers were jailed, as were others who contested Puritan doctrine. Ann Glover, for example, was an elderly Irish woman sold into slavery by Oliver Cromwell in 1650. She was a practicing Catholic who also spoke Gaelic. She was accused of being a witch—historically, in Europe, an accusation primarily aimed at women—and hanged on the Boston Common in 1688. Cotton Mather noted that she was "a scandalous old Irishwoman, very poor, a Roman Catholic and obstinate in idolatry." Within the gendered, parental hierarchy of the family in Puritan society, husbands and fathers were heads of households, and wives and children were beholden to them. This is why Puritans disapproved of Anne Hutchinson's preaching and were quick to accuse nontraditional women of witchcraft.

The strict laws of the Puritans regarding sexual and gender behavior described a "gold standard" of human behavior, the goal to which all women and men should aspire. Puritan theology understood that since humans were imperfect, no one could live up to this ideal. It was also unrealistic to punish everyone for every infraction. Common sense dictated that laws were enforced for the good of the community as it was understood at the moment. But the importance of striving for an ideal way of life applied equally to the communities formed by Puritan dissenters, such as Roger Williams, Anne Hutchinson, and Thomas Morton. Although Morton returned to the colonies and died there in 1647, he could never realize his vision of a more open, even utopian, society, because the constant tension between control and liberation, the state and personal liberty, could not fully accommodate "extremes."

In understanding the historical ramifications of laws that control sexual behavior, it is useful to remember that no universal baseline of appropriate sexual or gender behavior exists. "Sexual deviance" is often the cultural and political wild card used to demonize people who do not conform to certain sexual norms. Its accusation can be used by mainstream culture against marginalized groups or between

marginalized groups themselves. We see throughout American history that restrictions against LGBT people are enforced “as needed” to maintain the contemporary status quo—a clear example of Alan Bray’s concept of society as a process. Regardless of the status quo, process denotes adjustment, change, experiment, all in the name of an ideal way of life that is different for everyone. The Puritans, like most English dissenter groups, had been accused of envisioning “the world upside down.” Puritanism was, in this sense, a revolutionary movement.

#### PURITY AND DANGER

Bradford’s intense antagonism to Merrymount cannot be explained simply by his disapproval of the maypole and Morton’s sexual behaviors. It was Morton’s social egalitarianism, his openness to treating the Algonquians as relative equals, and his theological liberality that set him decisively apart from the Puritans. Bradford’s actions are understandable placed in a broader, historically complex tapestry of European and British history and the emergence of what British historian R.I. Moore calls the “persecuting society.” Moore argues that during the eleventh and twelfth centuries, European society underwent a profound and powerful transformation in which certain minorities, such as lepers, Jews, heretics, witches, “sodomites,” and prostitutes, were stigmatized and persecuted *as groups* and often physically separated from society. This physical isolation, which took the form of ghettos for Jews and social banishment of lepers, was often the precondition for a wide range of harsh punishments, including death.<sup>25</sup>

Moore argues that a series of fundamental social changes—including the rapid growth of towns and cities, broad changes in agricultural distribution networks, and a radical shift in how hierarchical power was distributed—created this new set of social classifications. Its purpose was to create clear social and cultural boundaries that would stabilize society by safely containing groups designated as dangerous pollutants. This fear of pollution was less about sex or death than about power and social standing. As Moore

notes, “Pollution fear . . . is the fear that the privileged feel of those at whose expense their privilege is enjoyed.”<sup>26</sup> The colonists’ seizing of native peoples’ lands was not in self-defense, but for economic gain, resulting in the fairly rapid development of colonial capitalism.

In the European mind, the non-gender-normative and non-sexually-normative body—however defined in each period and circumstance—was the dangerous body, the less-than-human body, even the disposable body. This wedding of draconian moral judgment to the need to separate and punish led to violence, particularly sexual violence, that was to shape attitudes in future centuries. Throughout history, sexual and gender deviance have always been used as reasons for almost all cultures, no matter how progressive, to deny certain people full rights as citizens.

In this view, the founding of modern society was predicated on the creation of minority groups whose only purpose was to be vilified as unclean and persecuted for the illusion of a comprehensive sense of societal safety. This idea, based on anthropologist Mary Douglas’s widely accepted theory of purity and danger, is helpful in explaining broad trends in European and American culture.<sup>27</sup> The idea of purifying religious and secular thought and society was at the heart of Puritan identity. These ideas were continuous with the long European tradition of a persecuting society and emerged at a time of grave political and religious disruption that neatly dovetailed with the impulse to stabilize society through persecution. Throughout American history there is a pattern of persecuted groups, like the Puritans, treating other outsider groups in a similar manner.

Sodomy laws play a key element in structuring ideas about acceptable and unacceptable behavior in U.S. culture, and in structuring society itself, because gender and sexuality are often the prime axis by which society distinguishes between “purity” and “danger.” These statutes are a legal device regulating all sexuality, not just same-sex activity. Their norms include not just sexual behavior but gender expectations as well. It is not acceptable, therefore, for a biological male to be penetrated by another male, nor is it acceptable for women to engage in anything other than reproductive sexual activity. This is why the legal act of “sodomy” has no articulated, stable meaning—why in some laws it is labeled “unmentionable.”

Early colonial life in the northern continent was a mass of contradictions. It was extraordinarily intolerant, yet often surprisingly lax. The European settlers' relations to the native peoples ranged from murderous genocide to a complex series of eroticized relationships. While Europeans brought with them a persecuting society, the manifestations of that society took many forms. One of the lasting legacies of colonial social and legal culture was the application of laws prohibiting and punishing sexual activity between people of the same sex. Treating some sexual behaviors differently because potentially they had less impact on the community had a twin effect on future American culture. It gave rise to the social (and eventual legal) concept of "consenting adults" and to a domestic-based idea of privacy that offered protections to some people at certain points in history.

This concept of privacy, however, had another, damaging, impact on future social convention and law. By assigning sexuality to a private sphere, it prevented any public acknowledgment or discussion of almost all sexual activity. Thus it laid the groundwork for same-sex sexual behaviors and identities to be hidden and even considered shameful. While the Puritans rejected what they saw as sexual license or overt licentiousness in British culture, they fully accepted the role of sexuality and sexual desire in everyday life. This sharp divide—not exactly a contradiction, although it may have appeared so later, as sexual mores in American culture became more lenient—has remained a basic tenet of America's cultural life. The tension between the needs and demands of society and the decisions of an individual to live her or his life as part of, yet separate from, the community informed the four centuries that followed Europeans arriving in this foreign land.

## TWO

## SEXUALLY AMBIGUOUS REVOLUTIONS

The transition from the colonial period to the Revolutionary era, during which a daring political experiment took root, led to the emergence of a new nation. Fundamental to this new nation was the reshaping of ideas about gender and sexual behavior as they related to the political concept of the citizen.

The period from the Pilgrims' landing to the early eighteenth century was a time of enormous population growth. In 1700 the Anglo-European population in the Northeast was 250,000. By 1720 that number had almost doubled to 475,000. This surge in population was accompanied by the rapid growth of cities—by 1725 the population of Boston was over 12,000, nearly doubled from 6,700 in 1700; Philadelphia was home to 10,000 people. New York, although growing rapidly, had just 7,000 residents (by 1800 it would have 60,000). In 1760, colonists numbered 1.5 million—six times the population at the turn of the century.

This expansion of colonies and people meant that the influence of Puritanism was waning. Many of the newer colonies were founded on non-Puritan beliefs.

In 1682 Charles II granted wealthy English Quaker William Penn a large tract of land west of what is now New Jersey. Penn named it Sylvania for its densely wooded terrain, and then renamed it Pennsylvania after his father. (Like many of the colonies, Pennsylvania was a commercial venture that was intended to turn a profit for its investors, in this case through the trading of furs and lumber.)