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Stephen O. Murray

BENTHAM, JEREMY (1748–1832)

English philosopher and law reformer. Bentham was the founder of the Utilitarian school of social philosophy, which held that legislation should promote the greatest happiness of the greatest number. As a law reformer, he attacked statutes based on what he perceived as ancient prejudices and asked instead that laws justify themselves by their social consequences, that is, the promotion of happiness and diminution of misery. His *Principles of Morals and Legislation* (1789) was eventually extremely influential in England, France, Spain, and Latin America where several new republics adopted constitutions and penal codes drawn up by him or inspired by his writings.

Bentham's utilitarian ethics led him to favor abolition of laws prohibiting homosexual behavior. English law in his day (and until 1861) prescribed hanging for sodomy and during the early nineteenth century was enforced with, on the average, two or three hangings a year. Bentham held that relations between men were a source of sexual pleasure that did not lead to unwanted pregnancies and hence a social good rather than a social evil. He wrote extensive notes favoring law reform about 1774 and a fifty-page manuscript essay in 1785. In 1791, the French National Assembly repealed France's sodomy law but in England the period of reaction that followed the outbreak of the French Revolution made reforms impossible. In 1814 and 1816 Bentham returned to the subject and wrote lengthy critiques of traditional homophobia which he regarded as an irrational prejudice leading to "cruelty and

intolerance." In 1817–18 he wrote over 300 pages of notes on homosexuality and the Bible. Homophobic sentiment was, however, so intense in England, both in the popular press and in learned circles, that Bentham did not dare to publish any of his writings on this subject. They remained in manuscript until 1931 when C. K. Ogden included brief excerpts in an appendix to his edition of Bentham's *Theory of Legislation*. Bentham's manuscript writings on this subject are excerpted and described in detail in Louis Crompton's 1985 monograph on Byron. Bentham's views on homosexuality are sufficiently positive that he might be described as a precursor of the modern gay liberation movement. Bentham not only treats legal, literary, and religious aspects of the subject in his notes, but also finds support for his opinions in ancient history and comparative anthropology.

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Louis Crompton

BERDACHE

Though mostly applied to the Indians of North America, this word was originally a Persian term, *bardag*, that spread to Europe by the sixteenth century (Spanish *bardaxa* or *bardaje*; French *bardache*). It meant a boy or young man who was kept by a man as his male courtesan. This term clearly referred to the passive partner in male/male anal intercourse, while the name applied to the active partner was *bougre* (French) or *bugger* (English). When French explorers came to North America, they referred to individual Native Americans as "berdaches."

While the emphasis of the Europeans was clearly on the homosexual aspects, in their references to sodomy and the more neutral word *berdache*, American Indian cultures focused on the gender role of the androgynous male. Before the

coming of the Europeans, many aboriginal societies, in almost all areas of the Americas, accepted the reality of sexual diversity and incorporated into their lifestyle more than two gender possibilities. Their acceptance came as a result of their religion's appreciation for people who are different from the average. They believed that all persons were the way they were because the spirits made them that way. In their view, there were certain individuals who were created by the spirit world as different from either men or women. Such individuals belonged to an alternative gender, and their guiding spirit—what we would call a person's basic character—was seen as more important than their biological sex in determining their social identity.

In contrast to many societies, where such people have been derided, American Indians often respected berdaches as especially gifted. Since women had high status in most of these cultures, and the spirit of women was regarded just as importantly as the spirit of men, a person who combined the spirits of both the masculine and the feminine was seen as having an extraordinary spirituality. Such sacred people were often honored with special ceremonial roles in religious ceremonies, and were often known as healers and shamans. They had the advantage of seeing things from both the masculine and the feminine perspective, and so were respected as seers and prophets.

With such a respected view, a family with a berdache in it was considered fortunate. Along with **Amazons**, females who took on a more masculine role, berdaches were known as creative people who worked hard to help their family and their community. They often served as teachers of the young, and as adoptive parents for orphaned children. In this way, their society did not have homeless children, and there was no need for orphanages because of the common acceptance of adoption by both berdaches and other adults.

The berdache often remained single, but in some tribes his marriage to a person of the same sex was accepted just as a heterosexual marriage was, and their homosexual behavior was not stigmatized. Since the emphasis of marriage was to pair up people in different genders, a berdache would not marry another berdache. The husband of the berdache, or the wife of the Amazon, was not considered different in any way from a heterosexually married person.

Both the Spanish in Latin America, and the English in North America, heavily suppressed berdaches, and the tradition had to go underground. In many tribes it has disappeared, but in others it has continued to be a recognized social and sexual role among traditionalist American Indians today.

While "berdache" is usually applied strictly to American Indians, considering the history of the term, it is also proper to apply it to other areas of the world. Similar traditions of an alternative gender role, with a homosexual component as part of its acceptance, exist in many culture areas: Siberian Arctic, Polynesia, India, Southeast Asia, and some areas of East Asia, Africa, and the Middle East. Some interpretations suggest close parallels with the "drag queen" concept in Europe and North America, although that role is not institutionalized as a distinct gender as much as it is in these other cultures.

The berdache role seems to be one of the most common forms in which homosexual relationships are socially recognized. In contrast, there are other cultures that are not accepting of androgynous males, for example the super-masculine warrior societies of Melanesia, medieval Japan, and ancient Greece. In this type of society, homosexual relationships are more likely to be institutionalized in the form of intergenerational pairings between men and boys.

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Walter L. Williams

BERGLER, EDMUND (1899–1962)

American psychoanalyst. Peripherally associated for a time with Freud in Vienna, he emigrated in 1938 and thereafter practiced in New York City. Perhaps the most vocal of the homophobic "experts" who courted the attention of the American public in the years after World War II, Bergler promoted the notion of "injustice collecting" as a key feature of the allegedly inevitable unhappiness of homosexuals. In his book *Homosexuality: Disease or Way of Life?* (1956) he asserted that all homosexuals harbor an unconscious wish to suffer (psychic masochism) but can be cured if willing to change, tormented by "conscious guilt" over their homosexual activity. But at the same he accused homosexuals of "trying to spread their perversion" and of seducing adolescent boys who would then be "trapped in a homosexual orientation." Bergler also maintained that women's fashions are a masculine invention secondarily foisted upon the female sex to alleviate man's unconscious "masochistic fear of the female body," and that women's fashions are designed by male homosexuals, "their bitterest enemies." Although Bergler had entrée into leading magazines and journals of opinion, he was dismayed by the success of the Kinsey Reports and their implicit tolerance of same-sex relations which he sought to combat. His major theoretical positions rejected by his colleagues even in his lifetime, his influence waned precipitously after his death, so that his writings are now of interest solely as a classic document of psychoanalytic rationalization of moralizing prejudice.

Warren Johansson

BERLIN

Berlin rose to prominence first as the capital of Brandenburg and then of

Prussia. It became capital of Germany in 1871, retaining this status through the Weimar republic and the Third Reich until its occupation by the victorious Allies in May of 1945. Currently its three million inhabitants are divided between East Berlin, capital of the Communist German Democratic Republic, and West Berlin, an enclave of Western life surrounded by the Berlin Wall.

No trace of homosexual life has been found in the chronicles of the first three hundred years of the city (founded in the thirteenth century), since the legal prosecution of homosexuality that was usual elsewhere did not exist in Berlin before the introduction of the *Constitutio Criminalis Carolina* in 1532. The Saxon penal code, which Eike von Regow had codified in 1225 in the *Sachsenspiegel* and which was in force in Berlin with some modifications, knew no penalty for "lewd and lascivious acts against nature." In the seventeenth and eighteenth centuries the Berlin Municipal Court pronounced numerous death sentences for sodomy.

Only with the rise of Prussia to the status of one of the great powers of Europe under King Frederick II (the Great; 1712–1786) can any information other than legal sanctions be discovered on homosexuality in Berlin. In 1753 there appeared the first of many anonymous pamphlets accusing Frederick II and his brother, Prince Henry, of homosexuality. These allegations are probably justified, and under the regime of Frederick II an extensive homosexual subculture developed in the Prussian capital. In 1782, in his *Letters on the Gallantries of Berlin*, Johann Friedel describes homosexual street prostitution, a brothel-like inn (*Knabentabagie*), secret signs by which the homosexuals recognized one another, and the name given the Berlin pederasts, *warme Brüder* ("warm brothers"). By this account persecution by the police seems not to have been especially intensive at that time, and in 1794 a new penal code which retained the inspiration of Frederick II came into force that