individual gender identity is established in early childhood. Although
gender dysphoria exists in some simple societies, it may be amplified by
the same sociohistorical processes—radical changes in the economy, in
family structure and function, and in socialization—that have given rise to
feminism. Why should we as feminists deplore or deny the existence of
masculine women or effeminate men? Are we not against assigning
specific psychological or social traits to a particular biology? And should
we not support those among us, butches and queens, who still bear the
brunt of homophobia?

Hall's association of lesbianism and masculinity needs to be chal-
lenged not because it doesn't exist, but because it is not the only possibility.
Gender identity and sexual preference are, in fact, two related but sepa-
rate systems; witness the profusion of gender orientations (which are
deply embedded in race, class, and ethnic experience) to be found in the
lesbian community. Many lesbians are masculine; most have composite
styles; many are emphatically feminine. Stephen Gordon's success
eclipsed more esoteric, continental, and feminine images of the lesbian,
such as Renée Vivien's decadent or Colette's bisexual. The notion of a
feminine lesbian contradicted the congenital theory that many homo-
sexuals in Hall's era espoused to counter demands that they un-
dergo punishing "therapies." Though Stephen's lovers in The Well are
feminine and though Mary, in effect, seduces Stephen, Hall calls her
"normal," that is, heterosexual. Even Havelock Ellis gave the "womanly"
lesbian more dignity and definition. As a character, Mary is forgettable
and inconsistent, weakening the novel and saddling Hall with an
implausible ending in which Stephen "nobly" turns Mary over to a man. In
real life, Hall's lover Una Troubridge did not go back to heterosexuality
even when Hall, late in her life, took a second lover.

But the existence of a lesbian who did not feel somehow male was
apparently unthinkable for Hall. The "womanly" lesbian contradicted the
convictions that sexual desire must be male and that a feminine woman's
object of desire must be a man. Mary's real story has yet to be told."

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43. Harriet Whitehead, "The Bow and the Burden Strap: A New Look at Institu-
tionalized Homosexuality in Native North America," in Sexual Meanings: The Cultural Con-
struction of Gender and Sexuality, ed. Sherry B. Ortner and Harriet Whitehead (Cambridge:

44. Two impressive beginnings are Joan Nestle, "Butch-Fem Relationships," and
Amber Hollibaugh and Cherrie Moraga, "What We're Rollin' Around in Bed With," both in
Heretixs 12, no. 4 (1981): 21–24, 58–62. The latter has been reprinted in Snitow, Stansell,
and Thompson, eds. (n. 2 above), pp. 394–405.
“THINGS FEARFUL TO NAME”: SODOMY AND BUGGERY
IN SEVENTEENTH-CENTURY NEW ENGLAND

In recent years, historians have begun to study the long neglected story of human sexuality. The previous neglect of a subject that affects virtually every individual stemmed both from a reluctance to discuss such a sensitive topic and from the difficulties involved in research. Several demographic studies of 17th-century New England have recently begun to probe such questions as the incidence of adultery, divorce, and pre-marital sex, but as yet there is very little information on variant sexual activity such as homosexuality and bestiality.¹

Research into these areas is more difficult because one of the major sources for the historian of heterosexual activity — birth records — is obviously absent. The most important source for variant sexual activity in colonial New England is court records. This evidence should be used cautiously since it provides information only about people caught in specific acts. One could argue that court records for this period no more reflect the true nature of homosexuality and bestiality in Puritan society than the records of the New York Police Department do of homosexuality in late 20th-century New York City. Nevertheless, these records do show that this type of activity existed in colonial New England and also suggest that some of the few speculations that historians have made are inaccurate. It is not true, for instance, as Edmund Morgan claimed many years ago, that “Sodomy [was] usually punished with death.”² Nor do the records of Plymouth substantiate Geoffrey May’s claim that “between one-fifth and one-fourth [of all sex offenses] were for various homosexual practices.”³ On the other hand, these records do reveal Puritan attitudes toward variant sexual activity and suggest that even extreme attempts to suppress it could not eliminate it.⁴

There was some confusion over terminology in describing variant sex crimes in colonial America. The two terms used most often — buggery and sodomy — sometimes meant different things to different people. Usually, the Puritan colonies used the term sodomy to refer to homosexuality and buggery to refer to bestiality. But occasionally, buggery also meant homosexuality, sodomy referred to bestiality, and, on one occasion, Massachusetts authorities tried without much success to stretch the definition of sodomy to apply to heterosexual child molestation.⁵

Both crimes were capital offenses in all the New England colonies. Homosexuality had been capital in England since the days of Henry VIII, but the Puritan colonies, where laws regulating moral behavior were often severe, patterned their laws not on the English statutes, but on the Old Testament. The one exception was Rhode Island, where the law drew on the New Testament.⁶ Plymouth, the first colony specifically to make sodomy and buggery punishable by death (1636), included these crimes with other capital offenses, such as murder, rape, treason, witchcraft, and arson.⁷ The law only applied to men,
however. Lesbianism usually did not come under the definition of sodomy. John Cotton wanted to include lesbianism as a capital crime in a proposed legal code he drew up for Massachusetts in 1636, but his code was not accepted. Only in New Haven after 1655, when the colony did accept Cotton’s code, was female homosexuality a capital crime, and even that exception ended when Connecticut incorporated the colony ten years later.8

Yet despite the harsh penalties for sodomy and buggery, Puritan leaders often refused to apply them, especially for homosexual activity. As with other types of crimes, the courts often employed the concept of remission of sentences for many sex crimes. Remission may have resulted from an enlightened attempt to move away from the traditional concept of punishment for retribution. It may have reflected economic realities in an area where labor was scarce, or it may have stemmed from a reluctance to apply capital punishment to crimes feared to be rather common. It is significant that Puritan authorities, despite the penalties on the books, apparently regarded homosexuality — though not bestiality — as not much worse than many “ordinary” sex crimes. Adultery, for example, was also a capital offense, but the death penalty was rarely inflicted in New England for that crime either.9 This reluctance to punish illicit sexual activity of all types grew stronger in the latter decades of the 17th century.

The first recorded incident of homosexuality in New England occurred in 1629, when the ship Talbot arrived in Massachusetts. During the voyage, “...5 beastly Sodomitical boyes ... confessed their wickedness not to be named.” Unwilling to deal with anything so distasteful, Massachusetts authorities sent the boys back to England, arguing that since the crime occurred on the high seas, the Bay Colony had no jurisdiction.10

The colony of Plymouth seemed to have more homosexuality than other areas of New England, though this may simply indicate a greater willingness to prosecute such crimes, or, perhaps, less opportunity for privacy. There may have been problems with homosexuality in Plymouth as early as the mid-1620s. The well-known story of Thomas Morton of Merrymount could have homosexual overtones. William Bradford’s description of the “great licentiousness” of Morton and his men hints that such activity may have taken place:

And after they had got some goods into their hands, and got much by trading with the Indians, they spent it as vainly in quaffing and drinking, both wine and strong waters in great excess ... . They set up a maypole, drinking and dancing about it many days together, inviting the Indian women for their consorts, dancing and frisking together like so many furies, or furies, rather; and worse practices. As if they had anew revived and celebrated the feasts of the Roman goddess Flora, or the beastly practices of the mad Bacchantes.11

Morton does not specify their “worse practices,” but it is not unreasonable to assume that some of those Englishmen voluntarily living in isolation from all women except a few Indians would have practiced homosexuality. For some, it may have been situational, stemming from limited opportunities for heterosexual activity; but for others, homosexuality may have been the preference, as it undoubtedly was for English pirates in the West Indies later in the century.12

Several years later, in 1636, Plymouth held the first trial for homosexuality in New England. John Alexander and Thomas Roberts were “found guilty of lude
behavior and uncleane carriage one [with] another, by often spendinge their seede one upon another." The evidence was conclusive, since the court had a witness and confessions from the accused. Furthermore. Alexander was "notoriously guilty that way," and had sought "to allure others thereunto." This was a clear-cut case and, it would seem, an obvious time to apply the death penalty. adopted by the colony only a few months earlier. But instead, the court issued a more lenient sentence. Alexander was whipped, burned in the shoulder with a hot iron, and banished from the colony. Roberts, a servant, was whipped, returned to his master to serve out his time, and forbidden from ever owning land in the colony. Apparently there was some dispute over this last restriction, because the phrase "except hee manfest better desert" was inserted in the records, then crossed out.13

The leniency extended to the two men is perhaps surprising. Alexander’s banishment suggests that the court was not worried about a labor shortage. Nor would a death sentence be out of line with penalties in other areas of English rule. In the mid-1620s, Virginia executed Richard Cornish for sodomy. Though there is some evidence that the charges may have been trumped up to rid the colony of a troublesome individual, the fact that sodomy was even chosen as an excuse for execution indicates that the 17th-century Englishman had few qualms about imposing death as punishment for that crime.14 And in England, in 1631, the Earl of Castlehaven was found guilty and executed for crimes "so heinous and so horrible that a Christian man ought scarce to name them." Not only did Castlehaven abet the rape of his wife by one of his servants, but he also committed sodomy with several servants. This latter act brought the death sentence. Here, too, there was some remission when the Earl appealed directly to Charles I for mercy, but not nearly to the same degree granted by Plymouth to Alexander and Roberts. The King commuted the Earl’s sentence from hanging to the more humane beheading, and then postponed the execution for a month to give Castlehaven "time for repentence."15

The Roberts and Alexander case also suggests that Plymouth officials prosecuted with some reluctance. They "often engaged in such conduct, and Alexander was "notoriously guilty that way." If Alexander was so notorious, why had he not been punished before? Perhaps the magistrates were willing to overlook homosexuality unless it became too obvious, an attitude not unlike that of 20th-century America. It is even possible that the death penalty was an attempt to discourage widespread activity. The fact that it was not applied to such an obvious case only a few months after it went on the books suggests that it was meant only as a warning, and no one seriously thought of using it.

Another Plymouth sodomy case, in 1642, resulted in even more lenient treatment. The court found Edward Michell guilty of "lude and sodomiticall practices" with Edward Preston. Michell was also playing around with Lydia Hatch, and Preston attempted sodomy with one John Keene, but was turned down. To complicate matters ever further, Lydia was caught in bed with her brother Jonathan. The sentences imposed for these various activities are particularly interesting since homosexuality in this case received approximately the same punishment as illicit heterosexuality. Lydia Hatch was publicly whipped. Michell and Preston were each whipped twice, once in Plymouth and
again in Barnstable. John Keene, because he resisted Preston’s advances and reported the incident, was allowed to watch while Michell and Preston were whipped, though the record intriguingly states that “in some thing he was faulty” too. Jonathan Hatch, regarded as a vagrant, was whipped and then banished to Salem. These penalties were not only extremely light, but were not much harsher than penalties imposed for the relatively common heterosexual crime of fornication.

Lesbian activity was scarcely punished at all. There were no prescribed penalties on the books, which may explain why there is only one recorded case in New England. In 1649, Mary Hammon and Sara Norman, both from Yarmouth, were indicted for “leude behavior each with other upon a bed.” Mrs. Norman was also accused of “divers Lusivious speeches.” Her sentence required that she make a public acknowledgement “of her unchast behavior” and included a warning that such conduct in the future would result in unspecified harsher punishment. Inexplicably, Mary Hammon was “cleared with admonition.” It is difficult to understand how one woman could be guilty and the other innocent, though it is possible that the court was more disturbed by Mrs. Norman’s “lasious speeches” than they were by her “leude behavior.”

There was undoubtedly much more homosexual activity than the court records indicate. By the early 1640s, Governor Bradford lamented the great number of sex crimes, not only heterosexual offenses. “But that which is even worse, even sodomy and buggery (things fearful to name) [which] have broke[n] forth in this land oftener than once.” Bradford tried to explain what seemed to be a virtual crime wave. He suggested that the Devil was particularly active in these regions that attempted “to preserve holiness and purity.” But he had nonreligious explanations as well. Because laws were so strict regarding sex crimes, they produced a lot of frustration “that it may be in this case as it is with waters when their streams are stopped or dammed up. When they get passage they flow with more violence.” The dams of sexual wickedness obviously had broken in New England. On the other hand, Bradford suggested, perhaps contradicting himself, there was no more evil activity in Plymouth than elsewhere, “but they are here more discovered and seen and made public by due search, inquisition and due punishment.”

In addition to Bradford’s suggestion that sex crimes were rampant, the court records hint at homosexual activity in addition to the three obvious cases described above. One of the earliest historians to study homosexuality in New England claimed that the Plymouth records “show that of the prosecutions for all sex offenses, between one-fifth and one-fourth were for various homosexual practices.” This estimate is very exaggerated. While there are numerous references to “uncleanness” or “unclean practices,” the majority of them do make it clear that these were definitely heterosexual. A somewhat hasty count of sexual offenses in Plymouth records produced the following results: there were 129 definite heterosexual offenses including fornication, “licious going in company of young men”, kissing a married woman, adultery, prostitution, and rape; there were 3 definite homosexual offenses: 2 definite buggery cases: one accusation each for sodomy and buggery; and only 15 unspecified cases that might have been either homosexual or heterosexual. Out of a total of 151 sex
offenses, then, there were at the most 19 cases of homosexuality, and probably fewer than that. These figures, however, should not in any sense be interpreted as reflecting the percentage of homosexual activity in Plymouth. It was undoubtedly easier, even in such a close knit society, to escape detection for homosexual activity than for heterosexual activity. The most common crime, by far, was fornication, and it was usually detected when pregnancy resulted, a risk obviously absent for homosexuals.

Some of the possible homosexual cases in the Plymouth records do allow interesting speculation. Most suggestive is the case of Richard Berry and Teage Joanes. In 1649, Berry accused Joanes of sodomy, and both were ordered to attend the next court for trial. Berry also claimed that Joanes committed “unclean practises” with Sarah Norman, the woman involved in the lesbian case. In the intervening six months between the accusation and the trial, however, Berry changed his mind and testified that he had lied, for which he was sentenced “to be whipte at the poste.” If Berry’s original intention had been merely to smear Joanes, it is difficult to understand why he would do it in such a way as to implicate himself. It is possible that the two men were lovers. Perhaps they had quarrelled, leading to the accusation, but later reconciled. Berry then decided to suffer the penalty for lying rather than have Joanes suffer the penalty for sodomy. Further evidence for this interpretation stems from a court order three years later when Joanes and Berry “and others with them” were required to “part theire uncivell living together.” Ten years later, one Richard Beare of Marshfield, a “grossly scandalous person... formerly convicted of filthy, obscene practises,” was disenfranchised. It is possible that this “Beare” is an alternate spelling of Richard Berry. Berry did have a wife, by the way, a rather unsavory woman named Alice. She was accused of several crimes herself. Once she milked someone’s cow, another time she stole a “neckcloth,” and on another occasion some bacon and eggs.

There are several other cases of “disorderly living” or “lude carriage” that suggest the possibility of homosexual activity, but the evidence is far from conclusive. In 1637, for instance, Abraham Pottle, Walter Deuell, Webb Adey, and Thomas Roberts, accused of “disorderly living,” were required “to give an account how they live.” Adey, in particular, got into trouble on several other occasions. He “profaned the Lord’s Day” several times by working, for which he was whipped. By 1642, still practicing “his licentious and disorderly manner of living.” Adey went to jail.

In another case, one John Dunford, “for his slaunders, clamors, lude & evell carriage,” was banished from Plymouth. The records are silent as to the exact nature of his “evell carriage,” but the rather unusual and severe punishment, especially in light of John Alexander’s banishment two years earlier, may suggest homosexual activity. The same may be said of William Latham, fined 40s for entertaining John Phillips in his house, contrary to the court’s order. John Emerson was also fined for “entertaining other mens servants,” though the sex of the servants is unmentioned. Anthony Bossie was indicted for “living alone disorderly, and afterwards for takeing in an inmate [boarder] without order.” James Cole was acquitted of the charge of “entertaining towmsmen in his house.” But Edward Holman was fined for entertaining another man’s servant.
John Wade, and for taking Wade to Duxbury in his boat. 29

Other possible homosexual cases include Tristram Hull’s, indicated for unspecified “unclean practices.” The charge, however, did not keep Hull from being chosen constable of Yarmouth five years later. 30 There was also John Bumpas, whipped for “idle and lascivious behavior.” 31 A final possible homosexual case involves Hester Rickard. Convicted of “lascivious and unnatural practices” in 1661, she was ordered to sit in the stocks, wearing a paper on her hat describing her crime in capital letters. It is likely, however, that her “unnatural practice” was adultery (she was married). On the same day, Joseph Dunham was sentenced to sit in the stocks with a paper on his hat for “divers lascivious carriages.” Dunham was also fined 200 pounds. Though the records do not specifically connect the two, the timing suggests that their cases were related. 32

The one execution for homosexuality in New England occurred in the colony of New Haven in 1646, when William Plaine of Guilford was convicted of “unclean practices.” Though a married man, Plaine reportedly committed sodomy with two men in England before coming to America. Once in Guilford, “he corrupted a great part of the youth . . . by masturbations, which he had committed and provoked others to the like above a hundred times.” To make matters worse, this “monster in human shape,” as John Winthrop called him, expressed atheistic opinions. Plaine received the death penalty, though it was probably his corruption of youth and his “frustrating the ordinance of marriage” that weighed more heavily on the magistrate than the sodomy. 33

Though the Puritans nearly always meant homosexuality when they used the term sodomy, one time when it was not used in that context is the exception that proves the rule, while shedding additional light on the practical legal setting for homosexuality itself. In 1641, Massachusetts authorities were horrified to learn that for the previous two years, three men had regularly molested two young girls, beginning when the elder was only seven. 34 The revelations produced outrage and calls for the death penalty, but no one knew exactly how to define the crime. Since the girls apparently consented to the treatment, could it be considered rape? Even if it were rape, at that time there was no specific law against it in Massachusetts, and “there was no express law in the word of God” for a sentence of death. So the authorities tried to stretch the definition of the capital crime of sodomy to fit this case. But this created several legal problems inherent in all accusations for sodomy. English precedent for sodomy and buggery convictions generally required proof of actual penetration. The accused men confessed to molestation, but denied penetration. The magistrates had only the girls’ testimony to go on, leading to yet other legal restrictions that provided no man could be compelled to testify against himself, and that two witnesses were needed to any crime that resulted in a death sentence. 35

In an attempt to solve these problems, the magistrates wrote for advice to other New England colonies, soliciting written opinions from ministers, the nearest equivalent to legal experts. 36 The majority of the respondents concluded that evidence of actual penetration was necessary for the crime to be sodomy. This made the other questions all the more important: could the accused be forced to testify against himself, and, if not, were two witnesses always necessary for a capital conviction? There was disagreement on the former question, though
nearly everyone ruled out torture as a means of exacting a confession. As to the number of witnesses, the ministers generally held out for two, except where there was a confession by the accused or "concurrent and concluding circumstances." 37

Because of the confusion, when the General Court met in May, 1642, they were divided on the sentence. Several magistrates did want the death penalty, but, after much dispute, they finally agreed on a lighter sentence only because the "sin was not capital by any express law of God." The attempt to define it as sodomy had simply not worked. So instead of death, the three were sentenced to severe whippings, confinement to Boston, and in the case of one of them, mutilation of his nostrils and imprisonment. 38

This whole scandal and the difficulties involved in applying capital punishment are directly related to the whole question of homosexuality. The disagreement over the necessity for penetration, self-accusation, and the number of witnesses applied in those cases as well. A new statutory rape law did nothing to eliminate the legal difficulties in obtaining sodomy convictions. Perhaps the almost rigorous standards of evidence dissuaded authorities from trying to obtain the death penalty for ordinary sodomy cases, falling back instead on more lenient sentences which were possible when the evidence was not totally conclusive.

But if the Puritans were willing to bend over backwards to apply scrupulous legal guarantees to cases involving homosexuality and child molestation — making the imposition of the death penalty practically impossible — they were often willing to forgo these guarantees when prosecuting for buggery. Sodomy and buggery were usually linked together both in the Bible and in Puritan legal codes, but despite the connection between the two crimes, the penalties imposed in 17th-century New England were often quite different. There was little reluctance to impose the death penalty for buggery even though the legal problems were often identical with those inherent in sodomy. Before speculating as to why this discrepancy existed, it might be helpful to describe specific cases and the penalties imposed.

In the same year as the discovery of the mistreatment of the young girls, one William Hackett (or Hatchet) "was found in buggery with a cow, upon the Lord's day." A woman absent from church because of some illness, "espi'd him in the very act." When Hackett, a boy of about 18 or 20 years of age, came before the magistrates, he confessed to attempted buggery "and some entrance, but denied the completing of the fact." Many of the same problems came up in this case as in the child molestation case. There was only one witness, and the evidence of penetration was sketchy at best, since the boy denied completing the act. But eventually the court agreed "that his confession of some entrance was sufficient testimony with the woman," and the majority of the magistrates sentenced him to death. Governor Richard Bellingham, who still doubted some of the evidence, refused to pronounce the sentence, but Deputy Governor John Endecott had no such qualms and sentenced the boy to die. After the sentencing, the boy, described as "ignorant and bloklish," finally confessed "completing this foul fact, and attempting the like before, with other wickedness." On the day of the execution, the cow was first slain in front of the boy, and then after a prayer by
the Rev. Mr. John Wilson of the Boston Church. Hackett, "with a trembling body," was hanged. 39

A few months later, New Haven executed George Spencer on even flimsier evidence. A sow, previously owned by a man for whom Spencer had worked as a servant, gave birth to a deformed fetus, "a prodigious monster." Unfortunately, some people saw a resemblance between the fetus and poor George Spencer. It seems that Spencer had "but one eye for use, the other hath (as itt is called) a pearle in itt, is whitish & deformed," like that of the fetus. Furthermore, Spencer was notorious for "a prophane, lying, scoffing and lewd spiritt." 40

Spencer, when examined, first said that he did not think that he had committed buggery with the sow in question. Then he denied it outright, but he was sent to prison because of the "strong possibilities." Spencer continued to deny guilt in prison until visited by one of the magistrates, who reminded him that confessing sins would bring mercy. Spencer then confessed to the crime, though later he claimed he did so merely to please the magistrate. On another occasion, when several other magistrates visited him, Spencer again confessed to that crime as well as several others, such as lying, scoffing at the colony's laws, and profaning the Lord's Day ("calling itt the ladyes day"). Though he denied other "acts of filthynes, [homosexual?] either with Indians or English." When brought to trial, Spencer denied all that he had formerly confessed, but the court was "abundantly satisfied in the evidence," even though there were no witnesses and Spencer refused to confess under oath. Despite these legal problems, Spencer, according to the law of Leviticus 20:15, was put to death. 41

Perhaps the most famous New England buggery trial was that of Thomas Granger, a 16- or 17-year-old youth in Plymouth. In 1642, Granger was indicted for buggery "with a mare, a cow, two goats, five sheep, two calves and a turkey." Somebody saw Granger committing buggery with the mare. Unfortunately, Governor Bradford, who recorded the incident in his history of Plymouth, decided to "forbear particulars." Nevertheless, upon examination, Granger "confessed the fact with that beast at that time, [and] sundry times before and at several times with all the rest of the forenamed in his indictment." The court had some difficulty determining which sheep were involved, so they staged a lineup for Granger, where "he declared which they were they and which were not." The court then sentenced Granger to death. The animals were "killed before this face, according to the law, Leviticus xx.15; and then he himself was executed." 42

With some relief, Bradford reported that both Granger and another man who "had made some sodomitical attempts upon another" — probably Edward Michell or Edward Preston — had learned these things in England. But the Governor warned that these cases showed "how one wicked person may infect many," and cautioned families to choose their servants wisely. 43

A few months later, in Massachusetts, the Court of Assistants found Teagu Ocrimi guilty of "a foule, & divilish attempt to bugger a cow of Mr. Makepeace." Fortunately for Ocrimi, his attempt did not succeed. The court ordered him "to be carried to the place of execution & there to stand with an halter about his necke, & to be severely whipped." 44

And in the same colony in 1646, Robert Miller went to jail, after being accused of buggery. The witnesses disagreed, however, and when the weather turned
cold. Miller was released on bond, and ordered to appear at the next court. There is no further mention of Miller, however, so perhaps the charges were dropped for insufficient evidence.45

Perhaps the most interesting buggery case occurred in New Haven in 1647. Again, it involved a sow who bore a deformed fetus and a man with the thoroughly improbable name of Thomas Hogg. The fetus "had a faire & white skinne & head, as Thomas Hogg's is." Hogg, a servant for the woman who owned the sow, denied guilt. But the case grew stronger when the court learned that on more than one occasion Hogg had been guilty of indecent exposure: "he said his breeches were rent, when indeed his sperit was rent." Hogg claimed that "his belly was broake . . . & he wore a steele trusse, & so it might happen his members might be seene," though Goodie Camp testified that she had given him a needle and thread "to mend his breeches." After imprisoning Hogg for the crimes of bestiality and exposure, the court decided to seek additional evidence. The governor and deputy governor accompanied Hogg to the barnyard and ordered him to fondle ("scrat") the sow in question. The official records tell us that "immediatly there appeared a working of lust in the sow, insomuch that she powred out seede before them." The magistrates then ordered him to fondle another sow, "but that was not moved at all." If that was not evidence enough, "Lucretia, the governers neagar woeman," testified that she had seen Hogg "act filthiness with his hands by the fier side." Other witnesses testified that he had at various times stolen a dumplinging and some cheese. The court decided to consider the buggery charge later on, but in the meantime, for his "filthynesse, leying & pilfering." Hogg was severely whipped and sent to prison "with a meane dyet & hard labour, that his lusts may not bee feld." For some reason, the records do not indicate any further consideration of the bestiality charge. Apparently the charge was dropped, because Hogg was alive and out of jail the following year, when the court warned him for not showing up for watch.46

In 1662, another case in New Haven, by then incorporated into Connecticut, suggests the difficulties involved in detecting buggery. In that year, a 60-year-old man named Potter was executed for bestiality, even though "this Wretch, had been for now Twenty years, a member of the Church in that Place, and kept up among the Holy People of God there, a Reputation for Serious Christianity." This pillar of the community (or as Cotton Mather preferred, this "Pillar of Salt"), engaged in such practices on and off for 50 years, since age 10, with a wide variety of animals. The fact that he could do this without detection for half a century suggests that even in a close knit society some discreet individuals could indulge whatever sexual passions they had. Ten years before his execution, Potter's wife discovered him "Confounding himself with a Bitch," but he managed to convince her to keep silent. But when his son "saw him hideously conversing with a Sow," the story came to light. Apparently the shocked son reported his father. Before his execution, "A Cow, Two Heifers, Three Sheep, and Two Soees, with all of which he had committed his Brutalness," were killed while Potter watched.47

These cases indicate that the Puritans were less hesitant to punish buggery with death than they were sodomy. Again, since they usually linked the two crimes, the differences in the severity of punishment is puzzling. It is possible
that the Puritans suspected that homosexuality was so widespread that a strict application of the law would lead to very unpleasant consequences. Edmund Morgan suggests that this is the reason why the full penalties were generally not applied for heterosexual sex crimes.48 Bastiality, on the other hand, may have been less common in the 17th century (as in the 20th century), and thus easier to control. Then again, one might speculate that the opposite was the case. In the mid-20th century, Kinsey researchers found that the incidence of bastiality was highest in farming communities — similar to 17th-century New England. Kinsey reported that 40 to 50% of all farm boys had some sort of animal contact. Perhaps, then, Puritan leaders suspected that bastiality was a much more widespread phenomenon than homosexuality and imposed harsher sentences in order to suppress the far more serious of the two crimes.49

There is another possibility. The harsh punishments for buggery may reflect a general 17th century revulsion with animal contacts. The cases mentioned above provide some clues for such an interpretation. The two pig fetus cases indicate that the Puritans believed it was possible for a man to impregnate an animal. an obvious impossibility in sodomy. This possibility may have made buggery even more heinous. The Puritans were not far removed from the middle ages, when reports of man-like creatures were common. Even more relevant were contemporary accounts written by Englishmen visiting Africa, where, they believed, there was a close connection, including sexual intercourse, between Africans and apes.50 Even more than homosexuality, bastiality dehumanized man. The horror with which the 17th-century Englishman regarded buggery helped them to rationalize racism toward blacks. In New England, it explains why a son would report his own father to the authorities, and why even the man's wife apparently had considered it a few years earlier. The horror may also explain why New Englanders were willing to dispense with some of the rules of evidence to obtain the death penalty for buggery.

But attitudes toward buggery apparently began to soften as the century wore on. The subject still cropped up occasionally in the court records, but convictions declined. In 1666, William Honywell, jailed in Plymouth on suspicion of buggery, was released for insufficient evidence.51 The same was true in Massachusetts in 1676 and 1677, when juries found insufficient evidence to convict Jack, a black servant, of buggery with a cow and John Lawrence of buggery with a mare.52

The last execution for buggery by the Massachusetts Court of Assistants was that of Benjamin Goad in 1673. This youth, accused of buggery with a mare "in the highway or field" in broad daylight, apparently confessed at first, but then denied it at his trial. The jury, confused by the legal technicalities, decided that if Goad's confession when first arrested plus the testimony of one witness were sufficient for conviction, then he was guilty. But if his denial under oath during the trial took precedence, then Goad was guilty only of attempted buggery. The magistrates then declared that Goad was indeed "Capitally Guilty." The mare was "knockt on ye head," and then Goad was hanged.53

This case provides evidence of changing attitudes, since the execution created some controversy. An increasing tolerance for illicit sexual activity of all kinds in the latter decades of the 17th century apparently produced a corresponding
decline in the willingness of many citizens to accept strict enforcement of the moral code. The Rev. Samuel Danforth felt compelled to preach and publish a sermon defending Goad's execution. Danforth admitted that some people objected to, "making such a Youth, a childe of Religious Parents, and that in his tender years, such a Dreadful Example of Divine Vengeance." But while others pitied Goad's youth. Danforth pitied "the holy Law of God." Remember, Danforth told his flock, "Goad gave himself to Self-pollution, and other Sodomitical wickedness. He often attempted Buggery with several Beasts, before God left him to commit it . . . and he continued in the frequent practice thereof for several months."

But the tide was running against those who held Danforth's views. In Plymouth in 1681, Thomas Saddeler was arraigned for buggery with a mare. Though he denied it, the jury found him guilty, but of the lesser charge "of vile, abominable, and presumptuous attempts to buggery with a mare." His punishment was rather severe, but it was not capital as it probably would have been earlier in the century. Saddeler was whipped, forced to sit on the gallows with a rope around his neck, branded in the forehead with the letter "P" (for pollution), and banished from the colony.

Saddeler's is the last buggery case in any of the published records of New England. Just as prosecutions for sodomy ended 30 years earlier, buggery too disappeared from the records. There may be additional cases in the records of countless local courts and these sources must be searched before we will have a more accurate picture of variant sexual activity in colonial America, but for now it seems reasonable to conclude that sexual behavior, of whatever kind, gradually became more a matter of personal conscience and less a concern for the courts. It may be true, as Edmund Morgan suggested, that the "Puritans became inured to sexual offenses, because there were so many." The decline of religious fervor toward the end of the century, the inability of earlier repression — actual or threatened — to stop illicit sex, and the increasing secularization of the state — resulting in less concern for enforcing moral law — combined to make prosecutions for variant sexual activity a thing of the past. Not even the Puritans could prevent men and women from practicing many forms of sexual activity officially regarded as sinful. Perhaps nothing is more symbolic of the failure of the "city upon a hill" than the history of variant sexual activity in 17th-century New England.

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FOOTNOTES


15. Caroline Bingham, "Seventeenth-Century Attitudes Toward Deviant Sex," *Journal of Interdisciplinary History*, 1 (1970), 447-472. Dutch New Netherland also executed two individuals for sodomy in 1646 and 1657. In 1646, the guilty party (a black man) was sentenced to be choked to death and then burned. In the second case, the man was tied in a sack and thrown into a river to drown; Katz, *Gay American History*, 22-23, 570n.
THINGS FEARFUL TO NAME

22. Ibid., III. 28, 36, 75, 82.
23. Ibid., I. 68 to 92; II. 36, 42.
24. Ibid., I. 120.
25. Ibid., I. 87.
26. Ibid., I. 118.
27. Ibid.
28. Ibid., III. 17.
29. Ibid., III. 126.
30. Ibid., II. 36, 115.
31. Ibid., II. 170.
32. Ibid., III. 210.
34. Records of Massachusetts Bay. II. 12-13; Winthrop, History of New England. II. 51-58.
38. Ibid.; Records of Massachusetts Bay. II. 12-13. On the same day the court handed down these sentences, they adopted several laws to eliminate some, though not all, of the confusion. Developing the concept of statutory rape, the court decreed that any man having “carnall copulation” with any “woman child under ten years old” would be put to death, regardless of whether or not the girl consented. Rape of a married or engaged woman also carried the death penalty. Rape of an unmarried woman over ten years old could be punished by death, but the judges were given the discretion of applying a lesser penalty. And finally, a man who committed “fornication with any single woman,” with her consent, could be punished by forcing them to marry, a fine, corporal punishment or any or all of these at the discretion of the judge. Records of Massachusetts Bay. II. 21-22.
42. Bradford. Of Plymouth Plantation. 320-321; Records of Plymouth. II. 44.
44. Records of the Court of Assistants of the Colony of Massachusetts Bay, 1630-1692 (Boston, 1901-1929). II. 121.
45. Records of Massachusetts, I, 79.


47. [Cotton Mather]. Pillars of Salt: An History of Some Criminals Executed in this Land, for Capital Crimes, With Some of their Dying Speeches . . . (Boston, 1699), 63-66. Evans No. 877.


52. Records of the Court of Assistants, I, 74, 87.

53. Ibid., I, 10-11.


56. Records of Plymouth, VI, 74-75.


58. Flaherty. "Law and Morals in Early America." 228-233, 244.